

CRACKING THE WHIP

Will the Malaysian Parliament risk letting go of the whip?

By Habhajan Singh

TWO opposing forces are at work at the Malaysian Parliament. No, we are not talking about the usual fruitless exchanges between the Members of Parliament (MPs) on the Government and the Opposition benches.

These new forces are about the new-found freedom in Parliament versus the ever-niggling need to contain and control the country's highest chamber of law. Can the Malaysian Parliament regain its lost glory and ground to hold the Government accountable for its actions?

The wind of change came from Prime Minister Datuk Seri Abdullah Ahmad Badawi himself, who has been talking aloud about the need for a more vibrant Parliament. 'What I want is a new tradition of democracy in Parliament and in state assemblies,' he said when meeting Barisan Nasional (BN) MPs in Kuching, Sarawak, on Feb 18. This is his most recent comment on the Parliament.

Sharing his thoughts on his style of running the country, the Prime Minister used the analogy of flying a *wau*, a traditional Malay kite. To paraphrase him: Pull too tightly the strings of a *wau* in full flight and you risk sending it into a tailspin.

Parliament has, indeed, seen some changes for the better, including the setting up of cross-party Parliamentary select committees. In July 2004, the Abdullah administration agreed to the formation of a select committee on the proposed amendments to the Penal Code

and the Criminal Procedure Code (CPC). As those regulations affect all and sundry, the committee was indeed a welcome move to enable citizens and interested parties to provide their views and comments.

The setting up of the select committee itself made news as the last time such a committee was formed was back in 1985 in relation to the formulation of the dangerous drugs law. Subsequently, in December 2004, Parliament established a select committee on unity and national service which held its maiden meet-the-people session on Feb 13.

One also cannot mistake the sting that is coming from the Public Accounts Committee (PAC) headed by Backbenchers Club (BBC) Chairman Datuk Shahrir Abdul Samad. His committee, an influential outfit in full-blown democracy, has made the right noise and attracted much attention to its work.

Despite all the talk about wanting freer debates in Parliament, the fear of events coming to a crash still lurks. Even today, you can still get all strung up in Parliament as some Government-appointed senators found out not too long ago.

In December 2005, 19 women senators from the BN began raising objections to the Islamic Family Law (Federal Territories) (Amendment) Bill 2005 only to witness the raw force of the Whip. On that day, they found out that the Whip at the Parliament was cracking just as hard as ever. Raise all the objections you like,

but vote for the Bill, the Whip instructed.

That was in the *Dewan Negara*, not the more influential lower house of the *Dewan Rakyat*. Even though the upper house is not really the bastion of rebellion in Malaysian politics, the arm-twisting of an unhappy group of women senators provides an interesting twist to the new-found freedom. Lying in the balance is the question of how far should the Government invoke the Whip in Parliament. Using Abdullah's analogy, how high, how far and how elegantly are you going to allow this 'kite' to fly?

Before moving on, let us explore the meaning of the whip. In the United Kingdom-style of Parliament that we have, the whips are basically MPs or peers appointed by each party to maintain party discipline. In a sense, they are personnel managers who convey information between party leaders and backbenchers.

Outlining the functions and duties of the whips, a document from the UK Parliament's Whip office says the main task is to secure the Government's majority. 'The primary role of the Chief Whip is to get the Government's business through Parliament, and in particular, to secure the Government's majority in votes on its legislative and policy programmes,' it says.

It goes on to say that the Government Chief Whip is the Cabinet Minister responsible for timetabling and securing the passage of Bills through the House of Commons and successfully completing the Government's legislative programme. 'The Government Whip's main tools in achieving this are the management of MPs' attendance in votes and the persuasion of recalcitrant MPs to vote with the Government,' it says.

THE LOCAL SCENE

In other words, the Whip has to forge a united front from a potentially fractious and boisterous group of MPs. Now, that is certainly an awesome job. On the local front, that task has been entrusted to Deputy Prime Minister Datuk Seri Najib Tun Razak.

As the Chief Whip for the Barisan Nasional (BN), his job scope is to ensure that the Government's business in Parliament flows smoothly. Among his chief lieutenants in cracking the Whip is



Nazri: *The Whip is to ensure that MPs belonging to Government parties toe the line*

Minister in the Prime Minister's Department Datuk Seri Nazri Abdul Aziz.

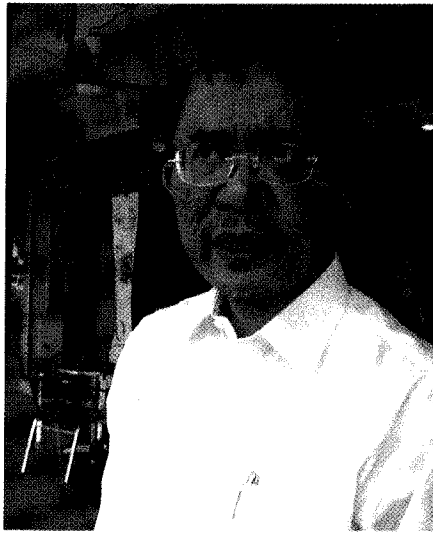
'In the Malaysian context, the Whip is to ensure that MPs belonging to Government parties toe the line. It means, eventually, they must ensure that all Government bills are approved,' says Nazri, now into his seventh year as a minister, who deems himself as a go-between for the MPs and the Executive.

'If MPs are unhappy with certain things, they should see me. I'll get the minister in charge to talk to them. If they are about to reject a Bill, I'll get the minister in charge to brief them. If they are still not happy, I'll get the Chief Whip's instruction,' he tells **Malaysian Business**.

With the growing space for more open and vigorous debate in Parliament, Najib and his team may have a tougher time than before. Signs of potential rough waters ahead were seen during the debates on the water management-related Bill and also the Islamic Bill.

But they have their job cut out for them on three counts. Firstly, the Government commands an almost brute 90% majority in the *Dewan Rakyat*, the lower chamber which matters most. Secondly, the Government has never really encountered a rebellion in its ranks that has been serious enough to cause its house to crumble.

'With the culture of sycophancy and patronage, you cannot have a credible opposition group within the Government,'



Kamarudin: *The prevalent culture of toeing the line has always been in Malaysian politics*

says Dr Tan Seng Giaw, the Chief Whip for the Democratic Action Party (DAP), the largest opposition party in Parliament.

Tan, DAP's national deputy chairman and MP for Kepong, points out that there is always the allure of office for Government MPs. He argues that few MPs are willing to forgo their ambition of attaining higher office at the expense of speaking out their mind.

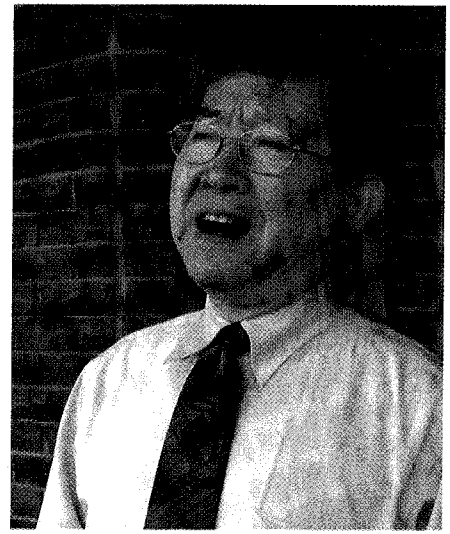
'It's either the allure of office or the fear of retribution. Mind you, it's not just in the Government, but it affects the Malaysian society as a whole. It's the easy way to get somewhere without merit,' says Tan.

Datuk Kamarudin Jaffar, Pas' secretary-general and also the opposition party's Chief Whip in Parliament, agrees. Furthermore, he adds that the prevalent culture of toeing the line has always been there.

'There has not been any serious cases of rebellion. It's not so much of party discipline but the existence of the bigger Whip, the knowledge that you can be removed or penalised,' he says, referring to how BN parties maintain discipline.

'It is also why senators are more vocal than MPs because they have a maximum of two terms. The MPs not only want to be nominated again, but aspire for higher positions in the Cabinet and the Government,' he says.

The third factor making the job less taxing for Nazri and fellow whip wielders is executive dominance. In other words,



Tan: *Few MPs are willing to forgo their ambition of attaining higher office at the expense of speaking out their mind*

the prevalent culture to table talk issues at the very top rather than allowing for a wider participation, especially when it involves contentious and important issues.

Academician Lim Hong Hai argues that 'the main problem facing democratic public administration in Malaysia is not so much the ministerial inability to control civil servants but the weak control of ministers. The main problem, in other words, is not bureaucratic dominance but executive dominance.'

CHANGING SCENE

With the much-vaunted freedom in the air talk, will BN loosen the Whip? Perhaps just a little bit like neighbouring Singapore?

Yes, Singapore's People's Action Party (PAP), infamous for its ruthless treatment of the Opposition, has actually lifted the whip on a couple of occasions. Recent cases of PAP lifting the whip came when MPs debated the issues of setting up a casino in Singapore and questions relating to the teaching of the mother tongue.

So, is it going to happen in the Malaysian Parliament? 'No. Not at all,' replies Nazri.

Well, we have seen some changes lately. Who knows, the Prime Minister may just decide to let this made-in-Malaysia *wau* reach heights it had never been able to reach before. **mb**