

Reconvene the Parliament and Fight Covid-19 as Team Malaysia - a joint statement in support of Datuk Seri Azalina Othman Said's call 28 May 2021

We the undersigned civil society groups welcome Datuk Seri Azalina Othman Said's bold and eloquent appeal for the Parliament of Malaysia to reconvene and for MPs to work collaboratively in the battle against the COVID-19 crisis, which is consistent with the voices of many across the political divide and civil society. The exigencies of responding to a global health pandemic were never reason enough to cripple the structures of accountable governance that are the bedrock of our constitutional democracy. As Datuk Seri Azalina succinctly lays out, measures can be put in place to address or mitigate risks, and there are international examples from which to learn. Legislatures across the globe have adapted to new ways of working to continue oversight of their government's COVID-19 response. Although these new measures remain works in progress, they tell us that even in these times of crisis, parliaments can and do balance the need to keep democracy functioning with the need to keep people safe.

The Malaysian Parliament can draw from the UK Parliament's implementation of virtual and adapted physical sittings, and its new voting methods. If new measures require changes to the current standing orders of Parliament, this can be easily managed if all parties are in agreement. For example, the quorum of the Dewan Rakyat is 26 members, excluding the Chair (Standing Order 13). With cross-party consensus, only the quorum minimum of MPs needs be present to pass any necessary amendments to its Standing Orders.

In any event, the Dewan Rakyat may convene and conduct business outside of the strict letter of its Standing Orders (as in Australia, Indonesia and France), because proceedings and decisions of the House may remain legal even where the House has not fully complied with its own rules (see Standing Order 99A). Further, the Speaker retains significant interpretive discretion in the application of the rules of the House (see Standing Orders 99 and 100). Ultimately, so long as the members of the House are in agreement, there is no reason that proceedings cannot be conducted through virtual or adapted physical sittings.

As the burden of COVID-19 wears down this nation, it is heartening to see Datuk Seri Azalina rise above and reach across our system of binary, winner-takes-all politics, and propose interim measures to ensure that our elected representatives are partners in this fight. We wholeheartedly endorse her call for additional financial support, cross-party collaboration and data sharing for/with all MPs.

With regard to the fear that reconvening Parliament could lead to motions of no confidence against the incumbent Prime Minister and Government, we applaud Dato' Seri Azalina's willingness to step into the breach with suggestions to overcome the stalemate. Several options have been suggested to facilitate cross-party collaboration and each carries their particular risks and challenges. Apart from the suggestion of a unity government or emergency cabinet, there is the proposal of a Confidence and Supply Agreement. We do not wish to debate the relative merits of these different options here. Suffice to say that it is time for the leaders of all parties to

come together to agree on terms that free up Parliament to carry out its constitutionally mandated legislative, representational and oversight functions.

In her opening paragraph, Dato' Seri Azalina spoke of the failure of those in government to respond to her letter to the Attorney General in February 2021. Dato' Seri Azalina is a sitting Member of Parliament, a Deputy Speaker of the Dewan Rakyat, a senior leader in her party and has served in government in multiple administrations. If not her, then to whom will the government respond when it is freed from the shackles of parliamentary scrutiny?

It is time to unlock Parliament and reinstate its oversight role. It is time for all parties to leave their partisan baggage at the door, engage collaboratively and in good faith in order to overcome the most serious public health crisis this country has ever faced.

This statement is initiated by the Seed Community for a Professional Parliament, a network of individuals active in civil society organisations, think tanks and academia working towards a professional Parliament that facilitates healthy policy competition between parties.

Endorsed by:

1. ENGAGE
2. Bait Al-Amanah
3. IDEAS
4. REFORM
5. Bersih 2.0
6. Pusat KOMAS