

## Statement of the Seed Community for a Professional Parliament

14 September 2021

### **The PN-PH MoU: A Springboard for Parliamentary and Political Reform That Needs a Protective Harness**

We, the undersigned civil society groups, respond to the news of the Memorandum of Understanding on Transformation and Political Stability (MoU) signed between the government and Pakatan Harapan yesterday.

Effectively a Confidence and Supply Agreement (CSA) without the name, the MoU is a positive development following 18 months of political upheaval bookended by two changes of government, both were neither sanctioned by the electorate nor confirmed through a confidence vote in Parliament.

We welcome the prospect of political and parliamentary reforms that will move the country beyond its current dysfunction and preserve representative democracy. However, our expectations are that such reforms should be treated not as transactional tools for political survival, but what they are in truth - essential prerequisites for a healthy, sustainable democracy that is the responsibility of every political representative to deliver irrespective of whether they bring personal political gain.

While the MoU contains promises of transformation with loose timelines for each category of reform, it does not rigorously detail or lock in the structures and procedures in Parliament that need to be developed to ensure the attainment of most promises. This is a critical weakness. Empowering Parliament would ensure that the mechanisms of fulfilling the promises will exist irrespective of any changes to the contracting parties' own personal political objectives, and that they will remain permanent features for future Parliaments.

Here are some of the critical commitments that are missing from the MoU which the bi-partisan MoU Steering Committee should now work out as necessary top-ups:

**1. No promise to codify procedures for votes of confidence and no confidence.** It is trite that the confidence of the majority of the Dewan Rakyat is the basis of the Prime Minister's

legitimacy to form Cabinet and govern. Yet, nowhere in the written laws and rules of Parliament is this aspect of the sovereignty of Parliament expressly protected. The political upheaval that plagued the country and magnified the impact of the COVID-19 pandemic may have been avoided or resolved through democratic means if there were clear rules, procedures and practices in place to enable issues of confidence to be determined in the Dewan Rakyat.

**2. No promise to empower Parliament's and MPs' role in law-making.** The current legislative process does not give Opposition and Backbench MPs a genuine chance to introduce laws and influence policy. For example, they are not guaranteed an adequate minimum time period between the First and Second Reading of a Bill to ensure that they have enough time to prepare for policy debates on Bills. There is no practice or convention of sending Bills to a select committee for review either before or after its Second Reading, which would allow for deeper, bipartisan review and an opportunity to take evidence and stakeholder feedback. The existing rules and procedures for amending Government Bills are opaque, and next to no technical support is provided to MPs by the parliamentary staff. Equally important, no real opportunity is given to Opposition and Backbencher MPs to propose their own Bills through, for example setting aside of Private Members' Time where their Bills and Motions may be debated.

**3. No promise to set up a parliamentary caucus to lead and oversee the reforms.** The MoU Steering Committee, while bipartisan, is not a parliamentary and transparent body to play such a role. It is essential that a parliamentary caucus must take the lead, as it will achieve three necessary aims of any process of reform: (a) inclusivity, as it can include MPs from both sides of the House including Independent MPs as well as members of civil society and external experts; (b) transparency, because the proceedings of the caucus can be made public; and (c) accountability, because the caucus will be accountable directly to the Dewan Rakyat as a whole and ultimately to the electorate.

**4. No promise to empower the public to petition the Parliament on issues of public importance** . Although parliamentary petitions are a traditional, common and easily accessible procedure for the public to directly raise their issues in Parliament in other democracies, the Dewan Rakyat has yet to empower the process here. The existing standing orders are obsolete and riddled with gaps, with little to no assistance provided by parliamentary staff to assist petitioners or the MPs representing them.

**5. No promise to enact a Constituency Development Fund (CDF) Act that ensures equal and consistent allocation to all MPs, without depending on the generosity or mercy of**

**the Prime Minister** . The failure to guarantee equal CDF allocations to all MPs irrespective of party affiliation is a glaring mistake in the MoU. PH has described itself as His Majesty's loyal opposition - a responsible Government-in-Waiting however, ought to have used its bargaining position under the MoU to secure a commitment for equal CDF allocations to all MPs.

Our institutions have long lacked the parliamentary tools and mechanisms to push through political and parliamentary reforms that are found in other parliamentary democracies. This lack has allowed dominant governments in the past to suppress democratic strengthening even when the Rakyat have been the driving force for change. The inability of our disempowered institutions to represent and reflect the will of the Rakyat is a fundamental breakdown of our democracy, and those who have sought and held on to power for decades – on all sides of the political divide - bear primary responsibility. We need stronger structures and procedures to future-proof institutions like Parliament from executive dominance and to enable the independent exercise of its legislative and oversight functions.

This inflection point of political and parliamentary transformation is larger than the individual interests of PN, UMNO or PH. We must all seize the moment to ensure that legal and constitutional reforms are achieved alongside structural and procedural reforms, so that the shape and fate of our democracy is not left to the vagaries of individual parties.

We call upon the MoU Steering Committee to meet with civil society groups on suggestions to strengthen the MoU and increase its chance of survival and success, as it inevitably comes under attacks from all directions by many who do not believe in collaborative politics and multipartisan governance.

*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.*

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**Signed by:**

1. Coalition for Clean and Fair Elections (BERSIH 2.0)
2. ENGAGE
3. Institute for Political Reform and Democracy (REFORM)
4. Persatuan Pengundi Muda (UNDI18)
5. Institute for Democracy and Economic Affairs (IDEAS)
6. Bait Al-Amanah

