

The Existence and Responsibilities of the Malaysian Armed Forces Council: A Civil-Military Relations Perspective

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Abstract: This research paper investigates the existence and responsibilities of the Malaysian Armed Forces Council (AFC) from the perspective of the Civil-Military Relations (CMR). According to Article 137 of the Federal Constitution, the administration of the Malaysian Armed Forces (MAF) should be managed appropriately by the AFC. Using qualitative research method, this study seeks to determine how a true practise of CMR as stipulated in Article 137 of the Federal Constitution from five distinct approaches: conceptual, historical, cultural, doctrinal, and leadership. According to the study, the AFC in the CMR practises has significant unique military service. The existence of the AFC as the Bridge of Trilogy conceptually unites the King, the Armed Forces, and the Conference of Rulers as three realms. As a respected regulatory body, the AFC demonstrated that its members continue to uphold its ethos and values. According to doctrinal perspective, the AFC respects and upholds the doctrine of separation of power among its members and other stakeholders. The AFC's leadership also plays a crucial role in ensuring that the AFC's operationalisation is always in its best interests according to the nature of military service. In conclusion, the existence and responsibilities of the AFC are crucial to preserving the uniqueness of military service, especially in terms of command, discipline, and administration.

Keywords: Armed Forces Council, Civil Military Relations, Federal Constitution, Bridge of Trilogy, the King, *Sui Generis*

1. Introduction

According to Article 137 of the Federal Constitution, the administration of the Malaysian Armed Forces (MAF) should be managed appropriately by the Armed Forces Council (AFC). This research study seeks to determine how a true practice of Civil-Military Relations (CMR) domain as outlined in the Article looking from five distinct approaches: conceptual, historical, cultural, doctrinal, and leadership. The analysis will be done mainly through a narrative method supported by a series of elite interviews.

Article 137 of the Federal Constitution has clarified the roles, memberships and the procedures of the AFC as follows:

a. The Roles of the AFC:

- (1) There shall be an Armed Forces Council, which shall be responsible under the general authority of the Yang Dipertuan Agong for the command, discipline and administration of, and all other matters relating to the Armed Forces, other than matters relating to their operational use.

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(2) Clause (1) has effect subject to the provision of any federal law, and any such may provide for the vesting in the Armed Forces Council of any functions with respect to the Armed Forces.

b. The Armed Forces Council shall consist of the following members, that is to say:

(1) The Minister for the time being charged with responsibility for defence, who shall be the Chairman;

(2) One member representing Their Royal Highnesses, who shall be appointed by the Conference of Rulers;

(3) The Chief of Defence Force who shall be appointed by the Yang Dipertuan Agong;

(4) A civilian member, being a person performing the duties of the office of Secretary General for Defence, who shall act as Secretary of the Council;

(5) Two senior staff officers of the Federation Armed Forces, appointed by the Yang Dipertuan Agong;

(6) A senior officer of the Federation Navy, appointed by the Yang Dipertuan Agong;

(7) A senior officer of the Federation Air Force, appointed by the Yang Dipertuan Agong.

(8) Two, if any, additional members, whether military or civilian, appointed by the Yang Dipertuan Agong;

c. The Armed Forces Council may act notwithstanding a vacancy in its membership and may, subject to this Constitution and to federal law, provide for all or any of the following matters:

(1) The organisation of its work and the manner in which its functions are to be performed, and the keeping of records and minutes;

(2) The duties and responsibilities of the several members of the council, including the delegation to any members of the council of any of its powers or duties;

(3) The consultation by the council with persons other than its members;

(4) The procedure to be followed by the council in conducting its business (including the fixing of a quorum), the appointment, at its option, of a Vice-Chairman from among its members, and the functions of the Vice-Chairman;

(5) Any other matters for which the council considers its necessary or expedient to provide for the better performance of its functions.

2. Civil Military Relations Practices

The AFC is the primary link between the Armed Forces and other stakeholders, particularly the government and the Malay Rulers. The government is represented by the Minister of Defence who also serves as the Council's chairman. Meanwhile, the Keeper of the Royal Seal is appointed by the Conference of Rulers to represent Their Royal Highnesses. The King appoints the Chief of Defence Force and the other three Service Chiefs to represent the Armed Forces. The Secretary General of Defence Ministry is performing his duty as the Secretary of the Council as stated by the Article. All of these four permanent members of the AFC are accountable and answerable to the King, Conference of Rulers, and the Government (Syed Danial, 2021). Nonetheless, the Chief of Defence Force is the immediate subordinate commander to the King, who is the Supreme Commander of the Armed Forces. This position is stated in Article 41 of the Federal Constitution. Meanwhile other non-permanent constitutional members, such as the Chief of Army, Chief of Navy, Chief of Air Force, Judge Advocate General and Assistant Chief of Staff for Serving Personnel also indicated the CMR practices within the AFC.

2.1 Conceptual Approach: Bridge of Trilogly

The existence of the AFC is an indication of how significant the military is to the state's overall objectives. Such a situation indicates the need to have a governing body to look after military-related issues. This is due to the fact that the military is an institution that requires proper management in order to safeguard and uphold its efficacy, ethos, and ideals (Zahidi, 2021). The AFC was created to prevent any unexpected consequences for the military, particularly in order to preserve the *sui generis* of military service. In this sense, the military should not be run by or subject to any governing body that are inappropriate, unaccustomed to, or incapable of handling matters pertaining to the military. This calls for all parties involved to properly comprehend and respect the AFC's existence.

The unique nature of military service necessitates a specialised governing body. A lack of knowledge, experience, understanding, and exposure to military affairs could make it difficult for a non-military organisation to administer the military (Danial, 2021). Members of the AFC

must be well-versed in this concept, as well as its soul and character. This will allow them to safeguard and preserve the AFC's efficacy. They should be receptive to potential attempts by non-military entities to interfere in military affairs and refute them. Notably, the King appoints every member of the AFC, with the exception of the Chairman and Secretary. They are the Chairman and Secretary of the Council by virtue of their appointment as Minister of Defence and Secretary General of the Ministry of Defence (Zahidi, 2021). Both may have less knowledge and experience in military command, discipline, and administration. Their primary responsibility is to monitor military affairs for the public and the government.

Undoubtedly, a number of actors, including politicians, the Public Service Department (PSD), non-governmental organisations, and the general public, intervene in military affairs. This should not be allowed to occur. This situation has arisen primarily as a result of uncertainty regarding how to interact with the military. The majority of it is performed without a clear comprehension of military affairs and sensitivity. Sadly, in some instances the military simply accepts such interference. According to Syahrizal (2021), the AFC simply complied with directives or circulars from the PSD without asking further questions. The military should evaluate the suitability of these instructions in light of military requirements and interests. This situation demonstrates the military's naivety and naiveté in identifying, comprehending, and defending the AFC's prestige, uniqueness, and capacity. In the event that the AFC is being undermined, members of the AFC, notably military members, should stand firm and assert their rights.

Under the general authority of the King, the AFC is primarily responsible for the management of the Armed Forces in terms of command, discipline, administration, and all other matters besides operational use. From CMR practices, this notion should be seen beyond the ambit of the constitution, particularly in terms of maintaining the effectiveness of command, discipline and administration, ethos and values of the military. The existence of an organisation like the AFC to manage the military serves a distinct purpose. In other words, if the military is becoming less effective, the AFC is to be blamed. On the other hand, operationalisation of the Armed Forces falls under the jurisdiction of the King as the Supreme Commander, via the Joint Service Chiefs Committee (*Jawatankuasa Panglima-Panglima or JPP*) and if necessary, the National Security Council (NSC) or other relevant authorities. These operational concepts, methods, and procedures should be incorporated into a standard military chain of command, as depicted in the military organisational structure. If not, the efficacy and efficiency of military operations will be compromised.

In this context, the NSC consists of the following members: The Prime Minister serves as the council's Chairman, the

Minister of Defence is a member and the Chief of Defence Force is an invited member. Operationally and administratively, the NSC bridges and merges the political and military domains to discuss and handle state security situations. Sharom (2022) emphasised that the Minister and the NSC cannot simply deploy the military without the King's approval, as the King is the Supreme Commander of the Armed Forces. Therefore, the consent from the King is still required prior to the deployment of the Armed Forces personnel and assets. In this instance, the Chief of Defence Forces, as Chairman of the Joint Service Chiefs Committee and in his capacity as an immediate Subordinate Commander to the King, is responsible to periodically informing and updating the King on significant military related matters, particularly operational matters. AFC has no constitutional authority over the operational use of the military. The military's operational matters are governed by its organisational structure and chain of command. The military and AFC must adhere to this principle.

Ironically, the AFC can also be viewed as the King's representative in command, discipline and administration of the Armed Forces. The presence of Their Royal Highnesses Representative as one of four permanent members in the AFC indicates that there is a direct connection between the King as Supreme Commander, the Conference of Rulers and the Armed Forces through the AFC. Constitutionally, the Conference of Rulers, of which the King is a member alongside other Malay Rulers, appointed this Representative. The bridge of trilogity can be depicted diagrammatically as follows:

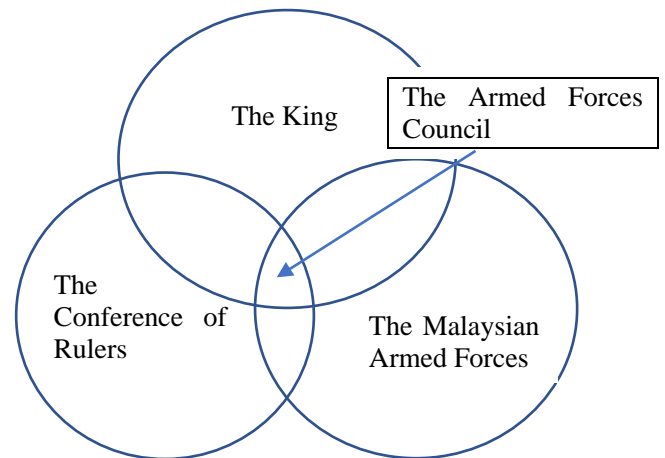


Diagram 1: The Bridge of Trilogity

2.2 Historical Approach: Legacy of British Military Forces

Following the acceptance of the Constitutional Conference on 26 July 1956, held in London, England, the AFC was established to administer the Federated Malay States Armed Forces that was shared by the British Government through the British Military Administration in Kuala Lumpur (Syed

Danial, 2021). Upon the independence of Malaya and handing over of the Armed Forces to the new Federation of Malaya, the Armed Forces of the Federation were to be governed by this Council. This Council was responsible to command, discipline and administer the Armed Forces to assure the smooth running of all military affairs.

Historically, the relationship between the Conference of Rulers and the Armed Forces has existed since the establishment of the AFC. This type of relationship is one of the most distinctive aspects of military service. The Conference of Rulers and the AFC are regarded as the most important entities in Malaysia's state democratic political system. The Conference of Rulers is the highest governing body for Malay Rulers to debate issues within its sphere of influence. The AFC is the foremost organisation focusing on military-related matters. The presence of a Representative of Their Royal Highnesses appointed by the Conference of Rulers in the AFC demonstrates the close and direct relationship between these two entities. This representative functions as a conduit between these two entities in order to establish a mutual understanding on matters of mutual interest (Syed Danial, 2021).

Therefore, this representative plays an important role in "bridging" the two entities and conducting "checks and balances" of military roles when necessary. When the Conference of Rulers is convened, it is customary for the Chief of Defence Force to be present to update the Malay Rulers on matters pertaining to national security. This honour and privilege is exclusive to the Chief of Defence Force and Inspector General of Police (Zahidi, 202). This historical practice has been in place since the establishment of the AFC and the Conference of Rulers.

2.3 Cultural Approach: Civilian Authority Control

In most countries, the civil authority control the military, regardless of their political systems. This is due to the belief that the state, civil authority and the King or the Head of State are the entities that established and owned the military. The traditional purpose of having the military is to protect and defend the state and its citizens. This has the connotation that "Having a military is a state requirement, a must and it must not be denied. It is not only a logical requirement, it is a duty, a call and *fardu kifayah* (Zulkifli, 2018). This requires the civilian authority to maintain and control the military in certain ways and means. On the other hand, culturally, the civil authority believes that the military may misuse their position to threaten civilian authority if no effective control over the military is in place. For this purpose, the military should be left independent, manage themselves professionally, but they should not have full freedom as this may encourage them to launch a military *coup* (Mahathir, 2021). Such opinion and expression were based on a series of military *coups* that occurred in Africa and in the Asia. This belief is still in the minds of civil

authorities toward the military's tendency to mount a *coup d'état*, if the military is too powerful and possess full freedom. Culturally, the civil authority and citizens prefer the military not governing the country as they are not willing to be placed under the Martial Law.

Traditionally, Malays is always upholding the supremacy of civilian authority. This is mainly due to the belief that the state that is governed by the military cannot prosper. On the other hand, the international community will distance themselves from a state ruled by the military. They are also likely to impose certain sanctions and other measures to limit the power of the military regime (Jan Servaes, 2020). Ironically, for the MAF, the civilian authority control is also part of military ethos and values that needs to be respected. There have been no indications to date that the MAF intends to stage a revolt against the civilian government. In fact, the MAF demonstrates its professionalism and neutrality by staying out of non-military matters. There have been times throughout history when the military had the opportunity to govern this country. After restoring peace and stability following the racial disturbances of May 1969, the military returned power to civil authorities despite the fact that it would have been simpler to maintain military control (Nordin, 2021).

If the military needs to take over the country, it should be done constitutionally. It includes the consent of the King as the Supreme Commander. It also should be based on a clear and present danger to the state, be supported by the people, and be acknowledged by the international community. This was the reason the late General Tun Ibrahim, the former Chief of Defence Force, stated that democracy should be maintained and civilian supremacy must be upheld in Malaysia. The multiracial demographic must be acknowledged, and the rule of law must be implemented. It should be permitted for any transition in government to occur peacefully, and human rights should be respected (Zulkifli, 2018). This ethos and value should be maintained by the military and all state citizens. To date, Malaysia has experienced a series of general elections and escalation of internal security threats. It was successfully controlled and restored by the government. The military has never intervened and remains neutral. Nevertheless, the military is prepared to intervene constitutionally if the situation cannot be controlled by civil authorities.

2.4 Doctrinal Approach: Dichotomy of Function

The primary objective of the AFC is to guide, control and shape the MAF into what it should be. This objective is significant because the military is responsible for national defence and security. This is consistent with its role as part of the government's apparatus. In this sense, irresponsible management of the military will have unintended effects on the efficacy of the government and other machines. This circumstance is unfavourable for the state, as the military is

the backbone of national security, and its efficacy should not be compromised. The AFC's existence should be respected and should not be affected by extraneous parties. The effect is disastrous and unhealthy. Alternatively, the AFC should adhere to this doctrinal notion when dealing with non-military matters within the civilian community. No other council, commission, or agency understands the military and its situation as well as the AFC.

Meanwhile, the jurisdiction of the AFC can also be determined through the capacity of its members who are directly appointed by the King, with the exception of AFC's Chairman and the Secretary. The Minister is from the political background and the Secretary of the AFC is from a General Public Service category. They become members of this council by virtue of their ministerial and secretarial appointments. Each and every member must protect and preserve the confidence reposed in them for the operation of the AFC. From a procedural point of view, the AFC will not be able to convene if one of the permanent members is absent. These essential permanent members are the Minister, Representative of Their Royal Highnesses, the Chief of Defence Force and the Secretary General of Defence Ministry. In the event of their absence, other members may be represented by their deputy or a person appointed by the King. Nonetheless, their presence lacks voting rights (Syed Danial, 2021). Such rules are not available in other councils or Service Commissions. In other words, the members of the AFC should make all possible effort to attend once the AFC is scheduled to be conveyed.

This type of *sui generis* doctrine, criteria and background of membership is not available in other Service Commissions of other public services. In most cases, the members of other Service Commissions consist of selected individuals appointed by the King only after considering the advice of the Prime Minister. This is not the case for members of the AFC. In comparison to other Service Commissions, the AFC meets once per month, or at least eleven times per year. This practise demonstrates the significance and important of the AFC with regards to security and military related matters (Abdul Hamid, 2021).

2.5 Leadership Approach: Members of the Council

The leadership of the AFC mainly consists of military leaders who represent their respective services and related domains. For instance, from a political domain, the Minister of Defence is constitutionally the Chairman of the AFC. His positioned as the Chairman of the AFC cannot be represented by the Deputy Defence Minister, although he can do so in other occasions. This is because the Deputy Defence Minister is not appointed by the King as a member of the AFC. He has no constitutional authority in the AFC. He may attend the meeting as an observer (Syed Danial, 2021). Although the Minister of Defence can delegate

certain duties to Deputy Minister of Defence, but not the chairmanship of the AFC. The same circumstances go to the Their Royal Highnesses Representative, the Chief of Defence Forces and the Secretary General of Ministry of Defence.

These four members are categorised as permanent members of the AFC. The resolutions and decisions of the meeting will be rendered invalid due to their absence (Zahidi, 2021). However, other members, including the Service Chief, can be represented by any senior officer of their respective service. In this regard, the constitution specifies that the King will appoint all senior officers to the council. Not always the Chief of Service (Syed Danial, 2021). This stringent procedure demonstrates how esteemed and unique the AFC is as a military governing body. As the sole governing body of the military, the leadership of the AFC should demonstrate a high level of efficacy, professionalism, and resolve when deliberating and making decisions in the military's best interests. Any decision made by the AFC with the King's approval should not be easily contested by other authorities or parties.

Those leaders should be fully aware that they are commanding, disciplining and administering the military of the state on behalf of the King. Their leadership capability roles are needed to ensure the AFC will maintain and preserve the *sui generis* of military service. Therefore, not anyone can be invited to become a member of the AFC as it might jeopardise its reputation, honour and prestige. It has happened before when the AFC invited the representative from the Public Service Department (Syed Danial, 2021). Furthermore, the invited members are not militarily oriented. They might cause difficulties and complicate the decision-making process as they have no military background.

The military must be commanded, disciplined and administered in accordance with "standard military" command and control structures, practices, protocols, norms, ethics, culture, values, capacity, limitations, constraints and adhere to legal related provision. In this regard, the AFC itself should adhere to these fundamental standards. It will ensure that the AFC become a professional and effective military governance body. Therefore, the AFC should concentrate on sustaining a high level of military effectiveness at all levels of military leadership, from basic training centres up to senior military learning institutions. As a member of the AFC and in their capacity as a military representative, they should perform a professional and significant role.

3. Conclusion

Based on five specified elements, it is evident that the AFC in the CMR practises has significant unique military service. The AFC's conceptual existence as the Bridge of Trilogy is

unquestionably a concept that connects the three domains, namely the King, the Armed Forces, and the Conference of Rulers. There is no other council or service commission with a nature like this. In addition to fulfilling its role as a respected regulatory body, the AFC demonstrated culturally that its members continue to uphold its ethos and values. According to doctrinal perspective, the AFC respects and upholds the doctrine of separation of power among its members and other stakeholders. The AFC's leadership also plays a crucial role in ensuring that the AFC's operationalisation is always in its best interests according to the nature of military service. In conclusion, the existence and responsibilities of the AFC are essential to ensuring that the uniqueness of military service, particularly in terms of command, discipline, and administration, is always protected.

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