

## Electoral Reform Debate, 1995 - 1996

*After the report of the Gonzi Commission on Electoral Reform in late 1994, the debate moved to the parliamentary arena in 1995. The Government proposed legislation that included some administrative reforms and, more importantly, measures to promote proportionality and "governability". The administrative reforms were ultimately enacted, as was a constitutional amendment to assure one-party control of Parliament even if one party had only secured a relative majority of the vote.*

*On the crucial issue of proportionality, however, no agreement was reached. The press clippings that are reproduced below contain specifics on the proposed changes and chronicle the ensuing debate. These clippings come only from the two English-language Sunday papers, but they should be sufficient to convey the substance and the tenor of the arguments by the contending parties.*

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### **The Independent - 16 July 1995**

#### ***Alternattiva' attacks PN-MLP 'conspiracy'***

Alternattiva Demokratika (AD) yesterday pledged to be a thorn in the side of the Nationalist Party-Malta Labour Party "conspiracy" that it says is plotting to make major constitutional changes behind closed doors.

Government and opposition have agreed to hold a series of "informal" meetings on the changes before their passage through Parliament. The government is hoping to make them law before the summer recess although none of the proposed amendments have been made public.

But now AD is preparing a series of undisclosed actions to combat what it claims is a plot by the big parties to remove it from the political scene. Informal really means secret, warned AD chairman Wenzu Mintoff yesterday. The constitutional changes, he alleged, are part of an attempt to institutionalise the Nationalist/Labour duopoly by doing away with the transferability of the vote from one party to another.

The Labour Party had indicated it wanted this change-while retaining the district quotas for election to Parliament-during discussions in the commission on electoral changes. An amendment like this would weaken democracy and pluralism, Dr Mintoff insisted.

He also attacked the NP suggestion of opposition representation on government boards. This would mean a reversal of roles for the Opposition, involving them in administration instead

of control. The division of power along political lines would undermine democracy. Nominations to government boards should be on the basis of competence and merit, not according to political loyalties, said Dr Mintoff.

History is repeating itself, he warned. He recalled the "informal" negotiations that took place between the MLP and NP in 1974 which resulted in the removal of the right to a referendum on constitutional amendments.

On the eve of the 1987 and 1991 elections, changes were made to the supreme law of the land behind the people's backs, and if it were not for AD protestations, the single transferable vote would already have been removed, said Dr Mintoff.

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## **Malta Times - 6 Sept. 1995**

### ***Bill on proposed changes to the electoral law published***

*Christopher Scicluna*

The government is proposing substantial changes to the electoral law, aiming to achieve a greater proportionality of representation in Parliament while retaining the single transferable vote system.

The proposals, published in a bill to amend the Electoral Law, are largely based on recommendations made by a national commission headed by Dr Lawrence Gonzi Speaker of the House of Representatives, which presented its report late last year.

They include a mathematical formula worked out by Professor Anton Buhagiar to ensure proportionality between the votes cast nationally for the political parties and their representation in Parliament, eliminating the risk of disproportionality caused by gerrymandering and vote wastage.

The formula was based on the current droop system for the calculation of quotas in electoral divisions, and the D'Hondt system for the assignment of seats to parties in proportion to their strength nationally.

The bill introduces a threshold which political parties have to achieve for representation in Parliament. Vote transferability between the parties and from the parties which do not achieve the threshold is to be allowed.

The Nationalist Party and Alternattiva Demokratika had been in favour of some form of threshold in the meetings of the commission but the MLP did not take a position.

According to the bill, a political party will be represented in parliament if it reaches five per cent of the first count votes nationally or if the first count votes polled by all its candidates in

an electoral division is equal to the quota in that division. Such parties shall be known as continuing parties.

The system, political observers said yesterday, appeared to be most favourable to smaller parties which might not be able to win enough votes to elect anyone from any particular division but could win a certain number of votes nationally.

More importantly, the bill would ensure proportionality in case no political party wins more than 50 per cent of first count votes.

The commission itself had pointed out last year that while the constitution provided that a party winning more than 50 per cent of first count votes shall have a parliamentary majority of at least one, there were no constitutional provisions on proportionality when none of the parties won more than 50 per cent of the first count votes.

The introduction of a threshold was aimed at ensuring governability to avoid a proliferation of very small parties which would make formation of a government difficult.

Votes won by parties which do not achieve the threshold shall be inherited by the continuing parties according to voter preference.

There will be no change in the way voting is made. But the D'Hondt Divisor Method will be used to establish, at a national level, proportional representation in the House of Representatives.

The seats won by the continuing parties on a national scale would be distributed by district so that every party would have a number of seats equivalent to what it won nationally

After determining the number of seats to be assigned to each continuing political party and how such seats will be subdivided in the electoral divisions, the Electoral Commission shall elect the individual MPs by sorting the ballot papers according to the first preferences given to each candidate.

Apart from the measures for closer proportionality, the bill includes some 60 amendments aimed at making the voting system more efficient and transparent.

Local councils are to be given much of the work now done by the police in the distribution of documents.

The Electoral Commission is to have a distinct legal personality and it shall include a department to verify information on the electoral register.

The public registry is to send the commission a list of people who reach 18 or get married and the court registrar is to inform the commission of people imprisoned for more than a year. The prison authorities will update the commission on released prisoners and the Citizenship Office will supply a list of people who obtain or lose their citizenship.

Where the commission decides to expunge the name of a voter from the electoral register, it shall inform the voter accordingly and shall copy the letter to party delegates.

The electoral register shall be published in two formats. The first will be divided into as many parts as there are localities and the second shall be divided by the number of electoral divisions.

The bill provides for political parties to nominate district coordinators who shall represent them with the commission.

Provisions on polling booths and voting compartments provide, among other things, that ballot boxes shall be of translucent material. The commission shall provide voters with envelopes in which to insert their ballot papers before casting their ballot into the ballot box.

In an effort to speed up vote counting, the bill also provides that any number of ballot boxes may be opened simultaneously in each electoral division, provided that adequate precautions are taken to ensure that the ballot papers from different boxes are kept separate. At present one ballot box at a time is opened in each electoral division. Opposition leader Alfred Sant last week gave notice of a private member's bill to amend the electoral law.

Many of the MLPs proposals are also based on the national commission's report and are similar to the bill published yesterday.

But the opposition's bill makes no mention of a new system to calculate proportionality or to a threshold.

MLP leader Alfred Sant said yesterday he could not comment on the bill before it had been studied but the MLP would be against a system which did not use the first count for the calculation of proportionality.

Following the publication of the commission's report last year Opposition leader Alfred Sant said the proposal for a threshold had to be seen in the light of the public's reaction while keeping in mind the need to ensure governability.

He was also cautious on what he described as something that looked "mathematically interesting" but which created complications in people's perspectives of the electoral system.

PN general secretary Austin Gatt had welcomed and praised Prof Buhagiar's formula. Dr Wenzu Mintoff, chairman of Alternattiva Demokratika, had described it as substantially good.

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**Sunday Times - 10 Sept. 1995**

*Excerpt from Lino Spiteri's Wide Angle column*

*Unanimous first*

THE GOVERNMENT'S bill proposing amendments to the General Elections Act, the PM was reported to have said on Wednesday, is aimed at strengthening democracy.

Now take the gentleman's own recommendation - do not judge him by what he says: use your mind.

One does that by recalling what Dr Fenech Adami used to say and by looking at the bill in question.

Not so long ago the Premier used to share the almost unanimously held belief that any mechanism devised to determine party shares, or an overall majority, or to improve proportionality, must be based solely on first preferences acquired on the first count of valid votes cast.

The fundamental sense behind that is that the voter, by registering his first preference, determines his choice of party. Subsequent preferences through the single transferable voting system enable the voter to show individual candidate preference in descending order.

The absence of total unanimity was made apparent by a powerful element within the Nationalist Party. Which has now succeeded in making the PN leader eat his own words.

Partying on

THE BILL postulates two mutually excluding eventualities. One where a party's total of first preferences satisfy a set threshold.

The other where it does not.

By passing the threshold, it becomes a continuing party and is assured of an allocation of seats as proportionate to its total of first preferences as possible.

This is a good thing for new or small parties. It is always a consideration for the need of more democratic representation to be tempered by governability, unless we want to become a nation of uneasy coalitions based on the highest bid offered by the larger parties to one or ones which hold the balance.

It is the second eventuality which demonstrates the desperate ploy the Nationalists are making to stay in office.

This envisages a party which does not achieve the set threshold. The government - for which read the hawks within the PN who have turned their leader on his head - calls that an excluded party.

And proceeds to allocate its second preferences. And only then commences to determine the allocation of seats between or among continuing parties.

Basic intent

THE INTENTION behind this proposal can be interpreted without difficulty.

The PN wish to appear benevolent towards third parties, letting them exist to attract discontent. They gamble, however, that none will overcome the threshold and that the bulk of the second preferences of such third elements will go to Nationalist candidates.

This neatly covers the only eventuality which would remove the Nationalists from office. That where they gain neither an absolute nor a relative majority.

The scheme is unravelled not by judging the Prime Minister by his righteous words but by what he now proposes.

It shows that he has capitulated to those who want to amend democracy so that it works better for the Nationalist Party.

That he chooses to accept that is his business. It does seem, though that he has gone over the limit in dragging the Lawrence Gonzi commission into it.

The commission was based on the premise of first preferences. To twist that too is to devalue the efforts of a man who has developed into the closest thing to a common pole of reference in an island which splits daily with the first crow of the earliest cock.

The attractions of office do seem to establish a high price to pay. Even if it is Democracy that has to dig into its pocket.

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## **Sunday Times - Sept. 10, 1995**

### ***The voters' wishes***

REACTING strongly to proposed changes in the electoral law, the Malta Labour Party on Friday hinted that it would try to have such changes declared unconstitutional unless they were passed by a two-thirds majority in Parliament as an amendment to the Constitution, rather than as a bill requiring only a simple majority.

The reason for the MLP's declared opposition to the bill is because it provides for the preferences expressed by voters (who will still be able to give them to candidates belonging to parties other than those of their first choice, or to independents) to be given due weight in cases where a party either fails to reach the national threshold of five per cent to ensure representation in Parliament, or a quota in a single constituency.

This, it argues, goes against the constantly reiterated principle that proportionality of representation should apply only to the first-count votes received by each party. At the same time, however, the MLP recalls another principle it had upheld: that the right of citizens to express their preferences for candidates of different parties without their votes being 'wasted', should be safeguarded. So the MLP's opposition to giving weight to such preferences by having them determine the final outcome in certain circumstances can only be described as contradictory.

When a party obtains an absolute majority of first-count votes, there is no doubt that it should be entitled to an absolute majority of seats in Parliament. This right has been entrenched in the 1987 amendment to the Constitution. However, problems arise when no party obtains such a majority.

According to the bill, in the example brought by the MLP in its statement on Friday, if party A were to obtain 49 per cent of the vote, and party B gets 46 per cent, and other parties and independents between them get five per cent, it may happen that party B, rather than party A, obtains a majority of seats in parliament. Having inherited the preferences of the unrepresented parties and independents. According to the MLP, the majority of seats, in such a scenario, should go to the party with 49 per cent, rather than to the one with 46 per cent, which, on the final count, would go up to 51 per cent.

The MLP stance - which is perfectly understandable in the light of its past experience - is, however, not a reasonable one on two counts. First, because 49 per cent is not equivalent to an absolute majority, and second, because allowing voters to express their preferences to candidates belonging to other parties and then not giving such preferences due weight, or indeed no weight at all, would be going against the express wishes of those voters, depriving them of (albeit second- or third-choice) representation if their number falls below five per cent.

The bill makes it possible for small parties to be represented in Parliament either, as hitherto, if they manage to obtain enough votes in a single constituency to reach a quota, or - and this is the novelty as far as the local electoral scene is concerned - if they reach at least five per cent of the first-count votes cast nation-wide. The bill thus acknowledges the stronger weighting which should be given to first-count votes and at the same time provides for much fairer representation than hitherto (according to the present system, in force since 1921, it is possible for a party to obtain, say, 12 per cent of the total vote - with more or less the same number of votes in each of the 13 constituencies, but always falling short of a quota - without winning a single seat).

As was to be expected, the bill has been welcomed by Alternattiva Demokratika, which hopes, if not to elect an MP from a single constituency, at least to win five per cent of the national vote. The MLP's opposition can be explained by the fact that since 1947, it has benefited from the votes of other parties in only a few cases. In most elections, spectacularly those of 1962 and 1966, the chief beneficiary of preferences expressed by voters who had given their first preference to other parties, has been the Nationalist Party.

The MLP's opposition to the bill would thus exclude any pre-electoral alliances between parties (which is a perfectly legitimate tactic in parliamentary democracies) and strengthen the impression, voiced by Alternattiva Demokratika on Friday, that it is motivated solely by partisan interests - a charge which the MLP ironically has levelled at the Nationalist government.

*[by Lino Spiteri]*

The Bill published last week proposing amendments to the General Elections Act of 1991 is the opposite of a serious attempt to strengthen the electoral system consensually. Also, while opening space for small parties it trades that off against a blocking of existing space, effectively shortchanging them considerably

It used to be an established division of the political discussion that we make a distinction between the electoral system and the electoral process.

The General Elections Act is about the electoral process. The constitution stipulates the system. The Bill proposed by the Prime Minister mishmashes both. Purposely to avoid having to secure a bi-partisan two-thirds parliamentary majority to modify the system.

Legalities apart, the wisdom of a pluralistic endorsement lies in the need to ensure that the system is not periodically shaken into a different cocktail depending on the taste of the party with a simple majority of MPs.

The government wants that wisdom to be ignored. The Labour opposition disagrees. Public opinion has yet to speak up. What has been said so far on these aspects of the Bill suggests that the intricate document should be read more carefully.

Perverse possibility

Our proportional representation system, based on candidates and not parties, "wastes" a sixth of the valid votes. As such it was susceptible to perverse results. The 1987 amendment to the Constitution removed that possibility

The amendment recognised parties. The first preference of a candidate is reckoned as a vote for the party he stands for. The amendment stipulated that a party which gets at least 50 per cent plus one of the valid first preferences, is assured of a parliamentary majority.

Approximate proportionality, however, is not at all assured.

Moreover, parties only gain specific representation if one or more of their candidates is elected on a district by district basis. Such election can be direct, through the first preferences gained by the party candidates and passed on among them through the mechanism of the STV (single transferable vote). Or through inheritance votes from candidates of other parties, since the STV can be used to transfer preferences across party lines.

Conversely, because of the latter property, the votes of unsuccessful candidates can interfere in the preferences shown by the voters for a particular large party for members of that party's own list.

They can also tip the balance between competing candidates of the larger parties. The 1992 results provided two classical (Labour) examples of this latter potential.

The essence of all this is that a voter initially chooses the party of his choice the first preference for the candidate within that party. He then lists, even irrespective of party, the contestants in the constituency by personal preference.



For beyond the first preference the STV allows the voter to show his assessment in descending order, of the other candidates. Even if he sticks to his party list first, having exhausted it, he can also, if he so likes, intervene in the opposing party to influence the election of the last candidate to be elected for it within the district.

How do the proposed amendments to the system read against this factual background?

First the threshold. The proposal will ensure that a party which gains either the equivalent of a district quota, or of at least five per cent of the overall valid first preferences, will be allocated seats, in close proportion to its national total of first preferences.

Here there is an early contradiction.

The threshold district quota is to be reckoned on the basis of the present process - one-sixth plus one of the valid district votes. Whereas the national value of each seat to be allocated to parties through the d'Hondt method will be much closer to one-fifth of the district count.

Leaving that aside, and also considerations of governability, the proposal is kinder to individual small parties, who thereby become "continuing" - rather than "excluded" - parties. But then, read on...

The Bill proposes that an excluded party is cast out of the counting process. Which is evidently disadvantageous to both excluded parties as such, and to their individual candidates.

Thus, two small parties (could also be more) who individually do not muster a district quota or five per cent of national first preferences - but could do so if their votes are combined - are denied the opportunity - at present enjoyed by them - to make an electoral pact to pass preferences to each other.

Moreover their individual candidates are also denied the chance to inherit preferences from candidates of the larger parties. An opportunity which, in the Sixties, was gratefully accepted.

This clear disadvantaging for small parties even appears when a party passes the threshold and becomes a "continuing" party.

For the Bill also badly specifies that if a continuing party is not assigned seats in any electoral district, "all its candidates shall immediately be excluded from the poll at the first count and their papers transferred to the continuing candidates of other continuing political parties".

So much for the objective of "retaining the single transferable vote system".

Chic chicanery

Moving to the proposals in the Bill regarding the allocation of seats on a national basis by the d'Hondt method, this goes beyond confirming that the party gaining an overall majority of first preferences gets the majority of parliamentary seats. It will also remove (most of) the disproportionality resulting from the present district quotas.

As such, it would be a definite improvement. Controversy is triggered off when the chic chicanery factor emerges.

Parties which do not pass the threshold are now to be used more coldly and clinically than hired time.

The Bill proposes that the first preference principle where the party of one's choice is indicated be ignored when it becomes expedient to do so.

The votes for an "excluded" party will be reviewed so that when the counting agents see the name of a candidate of a "continuing" party after the discarded first preference, they shove that ballot paper into the total of that continuing party as if it were a first preference for it.

This means that the principle that votes should be given equal weighting is broken. While most votes count for one party only the votes for excluded parties count for two. The fact that the first party preference is being played about with intent is confirmed by recalling that this facility of making the second party preference of "excluded parties" count is not being extended to other similarly excluded parties which, with such an inheritance, might have passed the threshold.

Part-time fooling

This is not an extension of democracy towards smaller parties by maintaining the single transferable vote. It is a transparent attempt at pulling wool over unfocussed eyes.

The Nationalist partisans who fathered the Bill are being too clever by half thinking that their game will go on not being discovered.

Even if they have managed to fool some people some of the time.

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## **Malta Times - 15 September 1995**

### ***Political parties in keen debate over proposed changes to electoral law***

The Labour Party is denying what it described "unfounded allegations" by PN general secretary Austin Gatt regarding the MLP's position on the proposed electoral system amendments.

But in a counter statement the PN supported Dr Gatt's statement, which was made during a dialogue meeting on Wednesday.

Dr Gatt had claimed that the MLP's position on the proposed amendments had been taken to avoid losing another election.

The general secretary said the PN wanted a system where all votes could be used.

In its statement, the MLP said the government's proposal could lead to new perverse results.

It claimed that if party A obtains 49 per cent of the votes at the first count, party B 47 per cent of that vote, and other parties and candidates obtain between them four per cent of the votes in the first count, party B could end up with a majority of seats in Parliament.

This could occur because the bill proposed by the government said that party B could inherit the votes of other parties and candidates.

This weakened the principle already agreed upon whereby proportionality would be based on just first count votes.

The MLP said it did not agree that votes would be wasted as in the single transferable vote system all votes were used to elect MPs.

The Nationalist government the MLP said, wanted a system which would only be of benefit to the PN.

In a counter statement, the PN said that although all parties agreed that the first count vote should be used when parties obtained a threshold, the MLP was not quoting the Gonzi report signed by all parties, on what should be done when a threshold was not obtained.

The PN said the Gonzi report stated that for the best possible proportionality to be obtained, every vote had to be used for a Parliamentary representation.

The MLP position, the PN statement said, was contradictory because the MLP had refused amendments presented in 1991 saying votes should remain transferable.

In their report to the Gonzi Commission, the MLP had also stated that the system of transferability should remain.

In the commission the MLP had insisted there should not be a national threshold of five per cent.

And if there was no transferability of votes from a party not obtaining a threshold to those obtaining it, 44,000 votes could be lost.

The MLP is also failing to say that if regulations were drawn up according to its will, a party could have the majority of seats in Parliament even if it obtained just 42 per cent of the first count votes, the PN said.

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**Malta Times - 15 September 1995**

***PM on proposed changes to electoral law***

### ***Says MLP afraid history would repeat itself***

Government now wanted the people to have a more active role in the planning of Malta's future Prime Minister Eddie Fenech Adami said yesterday.

He was speaking at a news conference opening the Independence anniversary festivities on the Granaries in Floriana.

Speaking about the proposed amendments to the electoral law he said these were aimed at giving possible third political forces a voice.

But Labour Leader Alfred Sant believed in gimmicks, he said.

One such gimmick was the bill the MLP had presented to amend electoral law. He described the amendments as just technicalities on which there had already been agreement.

He argued that the MLP was afraid history would repeat itself with people leaving the party such as Dr Joe Brincat, setting up their own party, as Dr Wenzu Mintoff had done.

The government, Dr Fenech Adami said, wanted a system where districts as such would become irrelevant. ....

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## **THE TIMES, SATURDAY, SEPTEMBER 16, 1995**

### ***Labour Party accused of inconsistency***

The Labour Party is not being consistent in its position on changes in the electoral system Alternattiva Demokratika has claimed.

The MLP was insisting that proportionality between votes and seats should be taken into account for only the first count but it had not stated whether it agreed with a five per cent threshold, AD said.

It was not true the MLP wanted proportionality based on just first count votes, it wanted relative proportionality among the big parties, ignoring the votes obtained by the small ones, an AD statement said.

If proportionality was to be worked out on the first count votes as the MLP was calling for, this would mean that in a Parliament of 65 MPs, all candidates obtaining 1.53 per cent of the votes cast would be entitled to Parliamentary representation.

But facts showed that the MLP did not even agree to a five per cent threshold, let alone one of 1.53 per cent.

What the Labour Party was saying, AD argued, deliberately lacked logic and was deceitful.

Another inconsistency was that while the MLP said it was in favour of transferability, in practice it wanted to remove this.

The Labour Party wanted to render useless the votes of people giving first preference to small parties.

AD said one had to have a poor idea of public opinion to think that people would not see such a lack of consistency.

It said the Nationalist Party on the other hand, should not be boasting about the subject as it was the Nationalist government which in 1991 had nearly concluded an agreement with the MLP to eliminate transferability from one party to another

And although both the PN and the MLP boasted they had majority support, they were worried they would not get 50 per cent of the total votes cast AD

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### **Malta Times - 16 September 1995**

*By Austin Gatt LL.D., Secretary General, Nationalist Party*

With all due respect to his perfect writing style, Mr Lino Spiteri's piece of the amendments to the General Elections Act is garbage and perfectly in line with what the MLP wants to do with the small parties' vote - throw them in the trash can.

I could answer Mr Spiteri paragraph by paragraph but I suspect that would merely bore the reader.

I need only draw the logical conclusion to what he states. Mr Spiteri seems to be advocating a progressive elimination process where not all small parties below the threshold are eliminated at one go, but one by one and the threshold test applied each time.

Obviously, this is much, much better for smaller parties but have the so-called tacticians and strategists at the MLP national centre cottoned to this?

Do they know what games Mr Spiteri is playing or is Dr Alfred Sant too engrossed in his favorite hobby to notice?

Let us, however, ignore insider games and go to the crux.

Let us leave out the usual arguments of who did what. Let us leave out as well value judgments on right and wrong since arguments on vote transferability and the placing of thresholds are neither morally right nor morally wrong, merely choices. So let us go for the juggler

We have reached a point thank, God, where we all agree that:

1. if a party gets more than 50 per cent first count votes that party should have a majority of seats in parliament
2. if no party gets 50 per cent of first count votes, but all parties achieve the threshold then their seats in parliament will be in strict proportion to their first count votes.
3. that the Buhagiar System for assigning seats is an ideal vehicle to achieve the ultimate aim of proportionality.

All the above is no mean achievement considering the 1981 start-off position.

Mr Spiteri knows as well as I do that the rider is in the second point, namely, what should the threshold be and what do you do with the votes of a party which does not achieve that threshold?

He knows it because it was stated in the White Paper published in November 1993 and restated in the Gonzi Report of November 1994.

We also know that both are political questions requiring political answers and have nothing to do with mathematics, merely a straight choice.

The MLP's choice was made clear by Dr Sant's representative in the Gonzi Commission.

For the MLP the threshold should remain where it is at district level, or 16.6 per cent of the first count votes, and on the question of transferability, the votes of a party not achieving the threshold should not be transferred to parties achieving it in order to determine who gets most votes.

In effect this means that, potentially, AD can get up to some 44,000 votes and not qualify for a seat in Parliament and sopra coma bastenante you do not transfer those 44,000 to PN or MLP to determine who gets most votes but throw them in the trash can.

Percentage wise you are looking at a potential situation of, say, PN 42 per cent MLP 41.5 per cent and AD 16.5 per cent with 16.5 per cent of the electorate being told "hard luck, once you voted for AD you cannot have a say in who governs". Even Mr Spiteri admits that today they have a say, so why deny it now?

We will agree as well that the Buhagiar System works perfectly well if these votes are transferred. So why not use them?

What is even more interesting is that the MLP's position today is the complete opposite of their initial position in the Gonzi Commission, (initial because it subsequently changed within the Commission itself).

In the document submitted by the MLP in July 1994, the MLP stated that one of the cardinal principles of any system should be "tithialla s-sistema ta' trasferibila tal-vot minn partit ghall-iehor". I need hardly remind Mr Spiteri that this was also their position in 1991.

So why the change?

Where's the beef, Mr Spiteri, where's the catch?

I am sure you and me will not go into childish arguments of who will get most transfers from AD once both of us are absolutely sure that our respective parties will get 50 per cent.

In fact, once we are so sure and you are so sure we will get more than 50 per cent what is all the argument about! It is not going to affect us!

Or does Dr Sant think it will? Might Dr Sant be so canny as to think that he might get an absolute majority of seats with just 42 per cent first count votes?

Both you and him were perfectly happy governing with 49 per cent so why not with 42 per cent.

Might Dr Sant be supposing that some ex-big-wigs, your companions in your ministerial days, might be thinking of going it alone and siphon off Labour first count votes?

Why isn't Dr Sant so sure of his 50 per cent.

Mr Spiteri knows more than me that playing futures on the stock exchange is a risky business, really hair-raising if you are actually bankrupt.

It is not much different in politics if this country's future were to revolve around Dr Sant.

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## **The Independent - 17 September 1995**

### ***Power Crazy***

*[by Austin Gatt]*

The Labour Party will be sorely tested on its credibility come October and the way it finally decides to go on two crucial laws will provide definitive proof of whether or not Alfred Sant's high flown language on transparency, democracy and participation are in fact only words.

In October, Parliament is expected to discuss both the amendments to the Electoral Act as well as the constitutional amendments regarding the election of the President and the composition of the commissions envisaged in the Constitution.

The second reading of the constitutional amendments had already started in July and the position of the Labour Party (MLP) then was a no to the participation of mayors in the election of the President and a qualified yes to the composition of the commissions. Alfred Sant has made it a point to meet local councils and has gone on record to say he thinks that they are useful management tools, with the emphasis being on management. In fact, when meeting the Valletta local council an argument broke out because some Valletta councillors resented being defined as managers insisting that they were elected and if Dr Sant was going

to look at local councils from a management point of view he might as well scrap elections and appoint the best managers possible since elections and good management are not necessarily synonymous.

Sant's attitude points clearly to his fundamental Socialist belief that big government is the best and that centralised control of a country's democratic structures are the best way to govern. Given this principle, his party's opposition to widening the electoral base for the election of the President makes sense. He does not want to risk losing control of the nomination process if in government, which the present proposals, contemplating a possible opposition nomination coupled with the possibility that a joint vote of opposition and mayors will beat the government nomination, make a distinct possibility.

What is of relevance in Dr Sant's position is not tied to the constitutional provisions but to the attitude a Labour government would have as the role which government should play in a modern democratic country. Once Dr Sant believes in big government, he will no doubt apply his belief to other areas, be they economic or social.

Dr Sant has been accused by Dr Joe Brincat of wanting power at all costs and that his one real, long standing belief has been that the achievement of power is an end justifiable in itself. Dr Sant himself wrote that to win power he would be prepared to work with the devil. This does not mean that Dr Sant is a satanist, merely that he is power crazy.

His attitude to the proposed amendments on the electoral system will, I believe, confirm once and for all that Dr Sant seeks power at all costs.

The real test will come when the question of vote transferability will be discussed. The placing of the threshold is no doubt contentious but ultimately it is simply a matter of choice with different countries, all with impeccable democratic credentials, choosing different threshold levels mostly as a natural consequence to their own historical political development.

The question of transferability, on the other hand, involves much more than choice, it involves a commitment to openness and a belief that voters should have a full and complete say over their choice of government.

What exactly are we talking about? The problem obviously does not arise where a party gets 50 per cent of the valid votes cast since this situation has already been catered for in the 1987 constitutional amendments. The problem would however arise where no party gains 50 per cent.

Taking a situation where A got 49 per cent, B 47 per cent and C 4 per cent and supposing C's 4 per cent is below the set legal threshold the question arises of what do you do with C's votes? You could ignore them, throw them in the trash can or burn them in which case A would have more seats than B. This is the Labour Party position. You could, however, also transfer C's votes to A and B in which case such transfer would determine who wins the election. This is the PN's position since this would be using all votes cast to the full to determine which party gets into government.



In effect, the MLP position disenfranchises all possible third party voters and if the threshold is set at a district quota level, as the MLP suggested in the Gonzi Commission, this could theoretically throw in the dustbin 16 per cent of the electorate.

The reason why the MLP is adamantly opposed to transferability is that its strategists (actually Alfred Sant on his own) is calculating that no party will win 50 per cent of the vote in the next general elections but that the MLP will get more than the PN with Alternattiva Demokratika increasing its share but not managing to elect anyone. However, Dr Sant's theory is that if AD votes are transferred then PN will get more votes than the MLP and will be returned to government. What he therefore wants to do is to eliminate those AD voters.

This is purely and simply power play, an attempt to disenfranchise completely a possible 40,000 voters in the interest of Big Brother Alfred Sant. Once again we have the typical Dr Sant trait, the attachment of power justifies the means and to hell with all the rest; I know best and when I am Prime Minister I will show you how I know best-a trait which to say the truth is typical of all Maltese Socialist leaders.

The point I am stressing is not which proposed system is best both because any right thinking person knows the answer as well as because either system will make no difference to us in the next elections which we are going to win with a majority of at least 15,000 votes. What I want to stress is Dr Sant's attitude to the exercise of power.

Dr Sant could not give a hoot about how he comes to power and as long as he achieves it, he is prepared to run with one and all, exploiting any protest that may come his way but ensuring that he fights tooth and nail any developments that will diminish the exercise of centralised government.

When the chips are down-as they will again be in October and later on-Dr Sant reverts to his real self, no less and no more than a deep red Socialist.

Little wonder he thought that Ceaucescu was a great democratic leader! And if you get that wrong just imagine if he were Prime Minister!

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## **Sunday Times - 17 September 1995**

*Excerpted from Joe Brincat's column "Thank God It's Sunday"*

### **.....*The electoral process***

AUSTIN GATT is back with his colourful box of jigsaw puzzles of electoral systems. What I do not like is that the process has been fictitiously channelled through the "Gonzi Commission". Mr Speaker Lawrence Gonzi is an honourable gentleman. and should not have his name used for a commission which in reality is only a screen, behind which one can conveniently manoeuvre.

It must be understood once and for all that our entrenched electoral system does not only stress the single transferable vote. It also stresses, on an equal footing, the division of Malta into constituencies, a heritage of the English system, which is conceived to relay and relate the elected members to a particular geographical portion. The question of a national vote or global vote is only mentioned in the 50% +1 provision. To change the constituency basis of elections then one has to respect the provisions of the Constitution regarding its amendment.

If you ask me my personal view about the best possible system, certainly I would opt for one which respects in the best possible manner the principle of proportionality. Whoever obtains one over 65 of the total votes should be entitled to one seat in a chamber of 65. From then onwards, constituencies become irrelevant, except perhaps for the choice of the candidates elected from a particular party. Any other system is hopefully the next best and is never guaranteed to produce assured proportional results. Simple arithmetic. Complicated arithmetic complicates matters and results. Then the next question is when the division should be made. After the first count, the second, the 22nd or 30th? Certainly you have to choose one count. Any other would give a different answer. No more factual or suspected gerrymandering, no irrelevant votes.

This or another other formula cannot be passed by a simple majority. Neither the word nor the spirit of the Constitution permit a party in government to choose the electoral system, chewing it as a piece of gum, this time being thrown to the right and then some day to the left. No foreigner is entitled to dictate the rules for us.

Once a renowned English barrister and politician, Mr Percy Greaves, QC, was publicly criticising in a conference in Trieste our Single Transferable Vote system, stamping it as undemocratic. He was taken aback when I said that he may be right, but that after all it is the system approved by the British Parliament, when Malta was given its independence. From that date onwards, however, it is our collective responsibility to respect the rules. By the way, can any scholarly American advise me on the exact rules for ruminating flavoured gum, as a solace for me while ruminating on our Constitution?

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## **The Independent - 17 September 1995**

### ***Discontent with STV electoral system dates back to 1921***

*Anthony Manduca*

*Independent Staff*

Malta and the Republic of Ireland are the only two countries in the Western world to use the single transferable vote (STV) as the basis of its electoral system. When it was introduced in 1921 it was not particularly welcomed by the National Assembly and it has been the subject of debate within and between the two major parties for quite a while.

The idea of the STV is to produce a fairly proportional result while at the same time keeping a system of individual candidates elected in the respective districts. It usually produces a proportional result in the individual district but can also yield a disproportional result on a national basis.

In 1971 the Malta Labour Party (MLP) could have been denied victory at the polls had it not won a crucial seat in the Zebbug and Qormi district even though it had won an absolute majority of votes on a national basis.

In 1981 that is exactly what happened when the Nationalist Party (PN) attained 51 per cent of the national vote. The Labour government was re-elected with a minority of votes but a majority of seats. That problem was addressed when a constitutional amendment was passed in 1987 laying down that any party winning 50 per cent of the popular vote would be entitled to a majority of seats.

The problem remained, however, that if no one party achieved an overall majority, then "perverse" results could occur, which would give victory to the party that did not obtain the highest number of votes. The recent Bill introduced by the government is intended to solve this problem while retaining the transferability and establishing a national threshold. The PN and the MLP, however, are at loggerheads over transferability and a national threshold.

Dr Austin Gatt, the PN's general secretary, says Labour has changed its mind over vote transferability because "it is fearing that a number of prominent ex-big wigs may be thinking of forming a splinter party and this is an effective way of discouraging them".

Asked whether the PN would still be in favour of transferability if the majority of unused votes had to go to Labour, Dr Gatt replied: "Definitely, absolutely and without hesitation: yes".

Dr Gatt insists the real argument is not about first count votes. "We all agree that given that all parties achieve the threshold then first count votes are the solution. The real argument is about what to do with the votes of a party which does not reach the threshold. You have a choice, either throw them in a trash can, as the MLP suggests, or give them a voice in the choice of government, as the PN and Alternattiva Demokratika (AD) are suggesting."

Dr Gatt believes that transferability and threshold levels were a choice for each respective country but "in Malta we have a system of vote transferability which everyone agrees is better than having no transferability at all. Why change it if we can still retain the first count principle? My view is that the PN choice is more democratic because it ensures full participation and gives a fair chance to new parties while guaranteeing governability."

The MLP's general secretary, Jimmy Magro, disagrees. "The questions of proportionality and the transfer of votes are being separated, even as proposed in the Gonzi Report and the proposed Bill.

"One must understand that the proposal entails several phases during the counting of votes: first seats are allocated to the parties through the National d'Hondt Division method and then the same method on a district level. Once this process is done, votes will continue to be transferred from parties and candidates.

"The only point we are making is that the first process must be based on first count votes. The discussions which took place since the 1981 election result always respected the principle that proportionality must be based on the first count votes. We are being consistent: the other parties are lost in partisan frenzy."

Mr Magro denies any link between his party's stand and votes being lost through transferability: "Today there may be the AD and in the following election they may not be there. It is not a question whether the party will take votes from the PN or the MLP. It is only a question of formulating an electoral system which is just and reflects the will of the electorate and respects the fact that Malta must have a stable government, a government able to implement its political programme without succumbing to 'blackmail' of any minor interest group."

Neither party seemed willing to compromise over the proposals and it is unlikely that an agreement will be reached. In that case the biggest losers will be AD. Presently the national threshold is 16 per cent in order to gain a parliamentary seat. If the new Bill had to become law it would be reduced to five per cent.

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## **Sunday Times - 24 September 1995**

### ***Electoral Fraud***

*by Alex Sceberras Trigona, LL.D.*

THE Prime Minister's Bill No. 127 on electoral amendments is soon to be debated in Parliament. It seems to offer a "political deal" to the political parties, not to the people. Let's see. The bill would apparently have the MLP in government if the MLP got more votes than the PN, though neither party had more than 50 per cent of the votes at the next election. The bill also seems to offer seats to those small parties crossing a threshold becoming "continuing parties".

Various points show that this is no deal at all. In fact it amounts to a blatant attempt at electoral fraud. First, why did not the government ensure that the electoral boundaries were drawn in a fairer way? The government's sudden sensitivity now about the possibility of governing only on the basis of a seats majority if the MLP scored a votes majority, reveals this bill as an unambiguous confession of gerrymandered boundaries.

Second, the bill denies the right of candidates of smaller parties to inherit votes at successive counts. These candidates will be discriminated against. They will have only one chance at the next elections if the bill is passed: to get over the threshold as a party, whatever number of votes the candidates had and could inherit in successive count after count.

Third, the bill is equally unfair to voters and their expressed preferences. Some voters' preferences would not count. Voters expressing a second, third or whatever preference for a small party candidate, whose party did not manage to cross the threshold, will be as

"excluded" from Malta's general elections as the small party which becomes an "excluded party" in the bill's terms. This effectively but illegitimately disenfranchises those voters. Those voters' preferences for the small party candidates will be null according to this "brilliant" exercise in democracy.

Fourth, cross-party transferability according to the bill will unjustly and undemocratically from now on only work one-way. While denying the right of small party candidates to inherit other parties' (big or small) voting preferences, the bill will allow greedy big parties to inherit the excluded small parties' voting preferences - the basic government assumption being that the PN, on the basis of the last electoral result, is poised to inherit more from an excluded AD than the MLP would.

And so this secondary but significant operation would nullify the apparent offer of government to an MLP scoring more first count votes than the PN. The PN, inheriting more votes from AD than MLP, would be able to reverse the electoral result. The PN would return to government not only on the basis of gerrymandered seats but also on the basis of votes obtained through electoral fraud.

Moreover the government has the cheek to say that this is not a constitutional matter. It is only proposing, it pleads, to change the electoral process, not the electoral system. Changing the electoral process is legally possible through a simple majority in Parliament. Changing entrenched clauses of the Constitution on the electoral system requires a two-thirds majority of all the members of Parliament.

The bill amounts to a change of the electoral system in more ways than one. The most obvious first example is Section 52.1 entrenched in the Constitution. This section does refer to parties but only by way of an exception and this exception had to be introduced by a two-thirds majority in 1987, otherwise in general, candidates, members and their votes, not parties' total votes, matter. Section 52.1 insists that members, not parties, have to be elected in equal proportions in the electoral divisions.

In contrast, the bill proposes to establish proportionality of votes between parties. This would amount to an exception to the Section 52.1 rule just like the "party" 50 per cent plus one exception, requiring similarly a two-thirds majority for any additional change.

Furthermore, the bill's proposals would also create in certain cases a conflict with the very same 50 per cent plus one proviso, which proviso could only be amended by a two-thirds majority.

Other changes of the electoral system and therefore of the Constitution are affected by the bill. This can be seen in the way the D'Hondt system becomes the operating system and the "principle of the single transferable vote" (Section 56, Constitution) demoted to become its subsidiary programme. This section of the Constitution is again an entrenched section and therefore requires a two-thirds majority to be amended.

Moreover, as seen above, the STV principle is broken on a number of occasions by the bill's application, which would again require a two-thirds majority for proper amendment, and not just a simple majority. Without the support of a two-thirds majority in Parliament the bill's changes to the electoral system and the actual running of elections held under it would not only be unfair and unjust but also illegal and unconstitutional.

It is obvious that the bill does not offer the people a "new deal". It does not even offer a "new deal" to the parties. People's voting preferences will be given less, not more expression. Only the governing party stands to gain from this bill. Inspiration must have come from the maxim *fraus omnia corrumpit*, a maxim already quite familiar in various governmental circles. The above proves the extent of corruption under and by the present government. Electoral fraud is its last resort to remain in power.

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## **The Independent - 8 October 1995**

### ***Electoral system change 'unlikely'***

*Anthony Manduca*

*Independent Staff*

The Nationalist Party's general secretary feels the proposed electoral reforms will not materialise due to the Labour Party's opposition. "You cannot impose a new electoral system on half the population in lieu of the current one which has deep historical roots. This would simply be unacceptable," Dr Austin Gatt said.

He cited the example of Italy where a consensus existed between all the political parties before the electoral system was reformed. Consequently the local situation will be back to square one, meaning that in the event of no party winning over 50 per cent of the vote "a disproportionate result could occur".

Asked if the issue was a constitutional one Dr Gatt said: "In my opinion it is a constitutional matter because the Constitution mentions the Single Transferable Vote as the basis of our electoral system. If we introduce the d'Hondt system then that calls for a change to the Constitution."

He admitted that this was a matter of legal interpretation but re-affirmed his stand that no agreement could be reached without the consent of the opposition.

The Malta Labour Party is opposing the proposed five per cent threshold and is calling for a system whereby only first count votes would decide the parliamentary strength of the respective parties. In the event of no party polling over 50 per cent of the national vote, Labour's proposal would give the party winning a relative majority of votes a parliamentary majority.

Alternattiva Demokratika has called on the government to go ahead with the proposed changes despite the Labour's opposition, insisting the issue is not a constitutional one. Presently a party can poll up to 16 per cent of the national vote and not win any parliamentary seats, a situation which is heavily biased against smaller parties such as AD.

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## **The Independent - 15 October 1995**

### ***The threshold***

Shortly before the 1987 general election a majority rule clause was introduced into the Constitution to avoid a repetition of the "perverse" 1981 electoral result. Many had immediately warned that although the change could spare the country from a potentially explosive situation it did not solve the root cause of the problem. The point at issue was, and still is, whether the single transferable vote system guarantees an acceptable proportional representation in Parliament.

The debate on the electoral system started to heat up when, in 1981, the Nationalist Party (PN) won 50.92 per cent of the votes but only 31 seats in Parliament. The Labour Party (MLP) secured 34 seats with 49.07 per cent of the vote.

Six years of political turbulence followed. Then, on the eve of the 1987 election, a constitutional amendment made sure that a party winning over 50 per cent of first count votes would be guaranteed a majority in Parliament. The PN won that election and the subsequent one in 1992, very comfortably.

The 1981 result was not the sole "perverse" result in local elections held since 1921. In 1951 the MLP won 35.7 per cent of the votes but only 14 seats as against the PN's 15 with 35.5 per cent of the electoral vote.

A threshold, imposed to ensure that only parties enjoying a certain degree of popular support would have the opportunity to elect candidates to Parliament, means that the single transferable vote (STV) system can never yield a result of pure proportionality. In other words, since a number of votes are "lost" parties can never experience a situation whereby the number of elected candidates is exactly proportional to the number of votes polled. A purely proportional representation system is implemented in Israel and was in Italy until recently. Judging by the Italian experience one would be justified in hesitating to do away with the threshold altogether.

Rightly so, the three parties-the 1992 election saw Alternattiva Demokratika (AD) winning just under 1.7 per cent of the votes- felt there was need for improvement in the electoral system. They got together and the result was what has become known as the Gonzi Report. This report contained a mathematical system devised by Prof. Anthony Buhagiar aimed at ensuring proportionality between the number of seats in Parliament and first count votes won, irrespective of whether a party attained relative or absolute majority. But it left two political questions hanging:

- where should the threshold be established?

· If a party does not attain the set threshold, would the votes won by that party be transferable, according to the voter's wishes as indicated on the ballot paper, to those parties reaching the threshold?

The MLP opted for a 16 per cent threshold based on each electoral division. The PN wants a national threshold of five per cent. And AD says either one or the other would be acceptable, an option that the PN eventually adopted and which is, in fact, included in the Bill now before Parliament.

The PN and AD also agreed on the transferability of first count votes polled by parties not attaining the threshold. But the MLP objects.

The position adopted by the three parties are political stands and not a matter of principle. It should therefore not be so difficult for all three to sit around a table again and, with an open mind, try to understand one another better, especially the two larger parties.

The turbulent years of 1981-1987 are still too fresh in a lot of people's mind not to make one worry about the consequences of an electoral result where a party winning more votes-but less than 50 per cent of the votes cast-ends up securing less seats in Parliament than the second placed. In this case the safety valve of 1987 will not work for that is only automatically activated if a party wins an absolute majority of votes.

The MLP says such a situation may indeed come about-for example Labour winning 49 per cent of the votes, the PN winning 48 per cent and AD three per cent-and insists it would never accept that situation.

In view of the strong stand taken in the 1980s the PN can hardly argue that it even if it wins less votes than the MLP it would still have the right to govern, provided it wins more parliamentary seats, if no party polls over 50 per cent of the votes. Technically it may be correct but really it would be seen as simply holding on to power.

So what is the solution? There are certainly more avenues to be explored. If the parties themselves are reluctant to have another go at finding a system acceptable to all then perhaps the President ought to bring them together.

Whatever happens the country should be spared the ugly experience of the 1980s. All three parties owe it to the electorate.

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## **The Independent - 25 October 1995**

### ***Labour hopeful on electoral system reform compromise***

The secretary general of the Malta Labour Party (MLP), Jimmy Magro, is still hopeful a compromise between his party and the Nationalist Party (PN) over the proposed reforms to the electoral system could be reached.



The PN's secretary general, Dr Austin Gatt has declared that in all probability the electoral system would remain unchanged because of Labour's opposition to the proposals.

Mr Magro told The Malta Independent: "We should be practical and down to earth. In the last general election the two main political parties together got 98 per cent of the vote and that seems to be the pattern that has evolved over the last years. What is the use of saying that theoretically 16 per cent of the vote can be wasted when that has never happened? If that had to happen then we would discuss ways of solving the problem, but we have to be realistic."

The Maltese people believed in the two party system, Mr Magro said, adding: "The electorate has time and time again shown that it wanted a strong stable government and that is what we should be trying to preserve. In Malta we have two large parties with clear policies which are sometimes different and sometimes similar. A two party system makes sense considering the small size of our island. We should be working to preserve the system that the electorate has repeatedly voted for." He repeated his belief that the two parties should continue working together to find a solution to the problems surrounding the electoral system in the interests of the nation.

Asked how would the MLP react should the PN win a parliamentary majority with a minority of votes, Mr Magro replied: "It does not worry us because we believe that Labour will win a (absolute) majority of votes."

MLP deputy leader George Abela said recently that because of the way the electoral boundaries were drawn up the PN would get a majority of seats even if Labour won a relative majority of votes.

Sources have said that discussions between the two main parties on electoral reform were held throughout the week.

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## **The Independent - 25 October 1995**

*Excerpted from: "There is no chance the PM will resign" -- an interview of Dr. Austin Gatt by Anthony Mancuca*

...

The MLP's George Abela quoted the Prime Minister as saying, in 1986, that should no one party obtain an absolute majority of votes, the party which wins a relative majority of votes should govern. Why has the PN changed its view and what is wrong with governing with a relative majority?

The PN has not changed its views. The Prime Minister was talking as the amendment to the Constitution was being discussed in Parliament prior to the 1987 elections. What he suggested was to review the whole system and not just the question of the 50 per cent plus one vote. There is nothing wrong in governing with a relative majority and this happens in a

number of countries but we are suggesting that every vote should count and is utilised, which does not happen with relative majority systems. I think it is a better system because the MLP proposals risk not counting 16 per cent of votes.

What is this sudden interest in helping smaller parties grow?

There is nothing new in this. We proposed a five per cent threshold way back in 1992.

Why don't you go ahead with electoral reform without the support of the MLP?

First of all I believe it is a constitutional matter because we are introducing the d'Hondt system and our Constitution states that the single transferable vote is the basis of our electoral system. However the main reason is because we need consensus between all parties for such a change. I would not like to be in opposition and have the electoral system changed by the government without our consent.

If no party gets over 50 per cent of the vote and the PN gets more seats but less number one votes than Labour will the PN govern?

That happened in 1951 when the PN formed a government. That is the basis of our electoral system and it is the system that the MLP has left us with. However you would have to see where the third party votes are transferred to and if through transfers we would end up with more votes, yes, we would govern.

The "system" you mention created the perverse result in 1981.

Not true at all. There is no comparison between what happened in 1981 and what could happen today. In 1981 we got over 50 per cent of first count votes. Here we are talking of a situation where no one gets 50 per cent. No democratic system allows a party to get over half the vote and lose an election. It was a clear cut case of gerrymandering.

Do you still believe that the PN can obtain an absolute majority of votes at the next election?

I have absolutely no doubt at all. I believe we will increase our majority of votes.

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## **The Independent - Sunday 12 November 1995**

*Malta's electoral system has been a hot political issue even since it was introduced over 70 years ago. ANTHONY MANDUCA examines current attempts to reform it*

### ***The battle for electoral reform***

The single transferable vote (STV) system has been used for the conduct of elections in Malta since 1921. According to Professor John Lane of the State University of New York: "Periodic discontent with this system has an equally long history. It was greeted with disapproval in the

National Assembly at the very start, was attacked by the Malta Labour Party (MLP) until the 1970s and for many years enjoyed only the lukewarm support of the Nationalist Party (PN). Although often couched in idealistic terms, the expressions of discontent and demands for change were typically not based on abstract concerns about fairness but coincided with a party's disappointment in the outcome of the previous election or concerns about its electoral prospects."

The only other country in Europe which also uses STV is the Republic of Ireland. The main problem with this system is that the final outcome is based on the individual results achieved in each electoral district and hence the result may at times not be proportional. Hence in 1981 the PN was denied a parliamentary majority despite getting an absolute majority of votes.

That problem was solved by the 1987 constitutional amendment which stated that a party getting over 50 per cent of the vote would be given a majority of seats in Parliament. However one main problem remained: the fact that in the event of no party getting an absolute majority of votes the party with a relative majority could end up getting less seats than its rival.

This is exactly what happened in 1981 when the PN got fewer votes than the MLP but ended up with a parliamentary majority. Labour has warned that this could happen again and that this time they would not accept the result. MLP deputy leader George Abela said that the PN would be wrong if it thought that they would be able to govern under such circumstances.

Last month the government made proposals on reforming the electoral system. The main message of the Bill was that the system had to be revised using the D'Hondt method for the allocation of seats (explained on the next page).

The main characteristics of the reform proposals are strict proportionality between number one votes and seats obtained in the case of no votes being transferred, a national threshold of five per cent to be eligible for seats, and the key proposal that the votes of the parties not reaching the national threshold should be transferred to the other parties. This is the proposal which the MLP is most opposed to.

Jimmy Magro, the MLP's secretary general, says that "the only point that we are making is that the first process must be based on first count votes. It is not a question of whether a party will take votes from the PN or the MLP. It is only a question of formulating an electoral system which is just and reflects the will of the electorate and respects the fact that Malta must have a stable government, a government able to implement its political programme without succumbing to "blackmail" of any minor interest group. If this were to happen we would have the minority dictating to the majority and the basic principles of democracy will be thrown to the wind."

Mr Magro makes it clear that the MLP is not going to compromise over its opposition of the transferability of votes which would be added to first count votes. He says that the MLP agreed to participate in last year's Gonzi Commission on the understanding that proportionality based on only first count votes would be the fundamental feature of any reform: "The Gonzi Commission had to make proposals and suggestions which, in the context of safeguarding the democratic rights of the citizens and the country's governability, would ensure that each party's parliamentary strength would be based as much as possible on the votes obtained on the first count and that is what in fact the commission suggested."

Mr Magro adds that the MLP is being consistent with its policies and that the other parties are lost in a "partisan frenzy". "The MLP has always endeavoured to strengthen the basis of democracy in our nation and to this end has pioneered in promoting several constitutional amendments such as the principle of one person one vote, the granting of voting rights to women, the lowering of voting age from 21 to 18, the narrowing of district size variations to five per cent and the 1987 absolute majority rule," he says.

During a meeting held at the MLP headquarters last month, MLP leader Alfred Sant made it clear that the party had three fundamental principles when it came to electoral reform: proportionality between votes and seats based on number one votes, the right to vote for different party candidates (and hence transferability will be maintained but used only in the election of candidates), and thirdly that the number of deputies would not be fixed and could be increased to ensure proportionality.

He also made it clear that in the event of only two parties gaining seats and with no one party getting an absolute majority of votes, the party with the relative majority of votes would govern by parliamentary majority.

Dr Sant said he preferred a simple solution to the problem saying that everything could remain the same with the difference that if the party with more votes got less seats than its rival, the number of parliamentarians would be increased to ensure proportionality.

Labour's proposals have come under attack from the PN for being inconsistent and unclear. PN secretary general Austin Gatt said that Dr Sant's plans could even produce about "200 ML's". A statement by the PN in reaction to the MLP's first comments on the proposed changes said that "Labour's belief in the transferability of votes only to elect parliamentarians means that the votes of the small parties are not valid to decide who will govern but only to elect deputies once the true result would already have been decided by the votes of the large parties. This confirms that the Socialist Party wants those who vote for smaller parties to be considered second class citizens."

When asked why the PN was so keen on transferring wasted votes Dr Gatt says the government always maintained this principle and quoted an excerpt from the White Paper published in 1991: "Consequently when the system is establishing only the number one votes obtained by every party on a national basis, the system should allow the vote to be transferred from a party that does not reach the threshold to the one that does." Dr Gatt says that "No one, including the MLP and Alternattiva Demokratika (AD), objected to this statement."

Asked whether he would have had the same views on transferability if he thought that the majority of AD's votes would be transferred to Labour, Dr Gatt simply replies: "Definitely, absolutely and without hesitation: Yes."

He goes on to say that the MLP's opposition to transfer-ability might have something to do with the fact that the party is worried about prominent former Labour ministers contesting the elections as a splinter party and "this is an effective way of discouraging them."

The PN secretary general says the whole argument is not about number one votes but about what to do with wasted votes.

"You have a choice, either throw them in the trash can, as the MLP suggests, or give them a voice in the choice of government, as the PN and AD are suggesting."

He also says that he very much doubts that the MLP will agree to a five per cent threshold: "With the electorate standing at 270,915 voters this means that with the MLP suggested threshold (a quota in a district), if 44,700 vote for AD but AD does not manage to reach the threshold those votes are thrown in the trash can and have no say in which party governs!

"We say that those votes should be transferred to either PN or MLP according to the preference shown in order that even they have a say in who governs.

"Even if the MLP accept the five per cent threshold you are still talking about a potential of 13,274 votes, equivalent to three quotas out of 65, being thrown in the trash can."

Dr. Gatt says the whole question is not a matter of right or wrong and that in electoral systems there is only one 'sacrosanct' untouchable rule, namely that a party achieving 50 per cent of first count votes has to have a majority of seats in Parliament."

He believes however that the PN's proposals are more democratic : "My view is that the PN choice is more democratic because it ensures full participation and gives a fair chance to new parties whilst guaranteeing governability.

I believe the MLP choice is less democratic for the opposite reasons."

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## **The Independent - 12 November 1995**

### ***What exactly is the d'Hondt system?***

The electoral reform proposals are based on the D'Hondt Divisor Method for allocating seats to each political party. This voting system is used in many advanced democracies such as Belgium from where it originated, and the Scandinavian countries. The man who proposed an electoral system based on this method is Professor Anton Buhagiar who lectures in statistics at the University of Malta. Professor Buhagiar says he wanted to propose a system that was just "and at the same time not too different from the present method."

"The great advantage of the D'Hondt system is that it is very proportional. The counting of votes in the elections so far has been on a district basis and consequently many votes have been wasted because of the quota system. The worst scenario is when this happens to the same political party and as a result that party could lose quite a large number of seats it would otherwise be entitled to. The more districts there are the greater the chance of wasted votes. That is why the Gonzi Commission proposed that all the number one votes would first be counted on a national basis and that would determine the number of seats to be allocated to each political party. In this way the amount of seats gained by each party would not depend on the way the districts were drawn up, " Professor Buhagiar explains.

He also says that there are other advantages of the D'Hondt system, namely: the election winner would be known as soon as the counting of the number one votes are completed; the system always works well whether there is a threshold or not and it is difficult to find a more proportional method of seat allocation. "In fact in any election where the total number of available seats is odd, a party which polls more than 50 per cent of the first count votes will get an absolute majority of seats, whatever the number of contesting parties. This means that a result similar to the one in 1981 cannot occur with the D'Hondt system." Prof. Buhagiar says.

## Allocation

The new electoral proposals envisage three major stages in the allocation of seats to each political party:

1) The first count vote for all candidates are added up nationwide thus obtaining the total number of number one votes for each contesting party. The D'Hondt method is then used to determine the total number of seats due to each contesting party.

2) The second principle is using the D'Hondt system to determine the number of seats allocated to each party in the electoral districts. This is done on the basis of first count votes obtained in each district.

3) The election of the individual candidates in every electoral district (by normal STV method).

\* Perhaps the most important proposal made in the bill by the government is the fact that the votes of the parties that do not make the five per cent threshold are transferred to the other parties and these will count as number one votes. For example if a voter gives his first five preferences to candidates of the Alternattiva Demokratika (AD) and his number six vote to a candidate of the Malta Labour Party (MLP) then that vote will be added to the first count votes of the MLP which could alter the outcome of the election. The whole counting system will then have to re-started based on the new total number of number one votes. Consequently a party which initially would have got a relative majority of votes could end up the weaker of the two parties and denied a parliamentary majority because of the "second round" calculations based on inherited votes.

## Stages

Stage One: The calculation of the total number of seats that will go to each political party is done by counting the number of first count votes received throughout Malta. Taking the example of the last general election: the Nationalist Party (PN) got 127,932 votes, the Malta Labour Party (MLP) got 114,861 votes and the Alternattiva Demokratika (AD) got 4186 votes. Under the D'Hondt system this would have given the PN 34 seats, the MLP 30 seats and the AD one seat. In the case of a national threshold of five per cent the AD, which got 1.7 per cent would have to surrender its seat to the MLP.

This is how the number of seats are allocated:

The total number of first count votes that each party obtained are divided by the numbers 1, 2, 3, 4, 5 and so forth until the highest 65 numbers are obtained (since there are 65 members

of parliament). The 65th and lowest number obtained becomes the quota required to obtain a parliamentary seat and in the above case it is 3763.

This method eliminates the possibility of a party getting less seats than its main rival even though it had a relative majority of seats. For example if the PN were to get 49 per cent of the vote, Labour 48 per cent and AD three per cent the result would be: PN 32 seats, MLP 31 seats and AD two seats. With the five per cent threshold the final score would be PN: 33 seats, MLP 32 seats. The allocation of the two AD seats is done simply by calculating the next two largest quotas achieved by the larger parties. In this case they end up with an additional seat each.

Stage Two: The calculation of the number of seats that are to be allocated to the parties in each district is done using the same method as above but on a district level.

The percentage of total first count votes that every party received in each district is divided by 1,2, 3, 4 and so forth until the number of seats allocated to the party is achieved.

For example, the PN has been assigned 34 seats nationally. To determine the district split of these seats the percentage of number one votes is divided and the highest 34 numbers represent the seat allocation.

The same is done for the 30 MLP seats and the one AD seat. In the case of the five per cent threshold the AD seat was given to the MLP so the 31st highest number achieved from Labour's votes represent the latest seat.

Stage Three: Now that the national and district number of seats for each party is known it is time to decide which candidates will represent those seats. This is done using the present Single Transferable Vote system. This is the last stage of the electoral system and has no effect on the outcome of the election. It simply involves slotting in the candidates to seats which have already been assigned to the parties using the D'Hondt system.

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## **The Independent - 12 November 1995**

### ***ALTERNATTIVA DEMOKRATIKA***

#### ***The most likely to gain from electoral reform***

It is no wonder that the Alternattiva Demokratika (AD) have fully endorsed the government's proposals on electoral reform. The changes are generous to smaller parties in the sense that whoever votes for AD or any other minor party would know that his number one vote would automatically be transferred to his second choice of party and would not be wasted. So a Nationalist who is sympathetic to the AD might be inclined to vote for them knowing that if the threshold is not reached the number one vote would go back to the PN. The same can be said for a Labour supporter who might want to give his first vote to the AD.

It would appear that the MLP is fearing the emergence of small parties more than the PN and has often warned about minor parties being able to take advantage of the situation and holding major parties to ransom by imposing its wishes in return for its support.

Dr Wenzu Mintoff, the chairperson of AD, said at a recent conference: "One of Labour's arguments against the reforms is that a party with a relative majority of votes on the first count could end up getting less seats than its rival because of the transferability of votes. However the probability of this happening is more likely under the present system not only because of the transfer of votes to different candidates but also because of the way the electoral districts are drawn up together with the fact that one in six votes are wasted."

Why does Labour seem to fear small parties more than the PN? The answer is probably because recent political movements have originated from the MLP. AD was formed by the former president of the Malta Labour Party, Dr Toni Abela, and an ex-Labour MP Dr Wenzu Mintoff. The former Labour cabinet minister Joe Grima has said that his newly formed Allianza Reformista ta-Centru will be contesting the next general elections.

It is possible that the PN believes that the five per cent threshold is unobtainable. Last time the AD got 1.7 per cent of the national vote or about 4,000 votes. In order to be eligible under the government proposals they would have to poll about 13,000 votes which by all counts is a very difficult task. If they do manage to get five per cent then they would be the undisputed king makers in the system holding any party to ransom, and the MLP would have been proved right. It is a situation which no main political party wants to see emerging.

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### **The Independent - 19 November 1995**

*"Labour: the party for all working people" -- interview with Jimmy Mago [MLP leader] with Anthony Manduca.*

EXCERPTED

...

Your opposition to the proposed electoral reforms is centred around transferability and a threshold. Why is this?

We have four concepts which we are not prepared to compromise on. There must be proportionality between first count votes and the number of seats gained by each party, transferability between parties and candidates should be maintained, the current threshold should remain in effect and changes to the electoral system are to be carried out through constitutional amendment.

Why does Labour seem to fear the emergence of smaller parties more than the PN?



It is not a question of fearing small parties. The concept of proportionality between first count votes and seats has to be agreed on. The main problem today is that a relative majority of votes will not necessarily translate into the largest bloc of parliamentary seats and that is what we should be concentrating on solving.

Are you worried that a five per cent threshold will encourage all kinds of movements and splinter groups to spring up?

In the past smaller parties have returned deputies to Parliament and if the electorate wants to vote for these parties they can still do so under the present system which doesn't discriminate against smaller parties. In the 1960s there were a number of smaller parties represented in Parliament. I think that one main problem faced by these parties today is that if they keep on referring to themselves as small they create the impression that that is exactly what they are: small, and they will remain so.

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## **Sunday Times - 16 November 1995**

*Joe Brincat*

Excerpted

... Future numbers

I READ AN ARTICLE in the local press, in which Professor Anton Buhagiar is reported to have said that the system being introduced in the project of how elections should be run is "very proportional". He was referring to the D'Hondt system, which is used in many European countries. I shall not go into the merits of the system now, but I was amused by the expression "very proportional". "Proportional" is a precise concept, based on numbers.

You cannot qualify it as "very proportional", "limitedly proportional", "just a bit more proportional". It has only one logic. Either it is proportional or it is not. This reminds me of the story of the mother who took her well-behaved daughter to the gynaecologist. Being asked what was the problem, the mother replied that she was afraid that her daughter was "just a little bit pregnant".

The truth is that the D'Hondt system favours the largest party. Let me give an example: Valid votes 234,000. Party A = 115,480; Party B = 104,580; Party C = 13,940 (over the 5% threshold). In a parliament of 65 under the D'Hondt system Party A (49.35% of the votes) gets 33 seats (50.76%), Party B (44.69%) gets 29 seats and party C (5.96~c) gets 3 seats. For Party A to equal the other two together it requires another 3,04() votes (32 members of A, and 32 for B+C).

To elect another member it requires at least 3,499 votes. With the seats won. the largest party has received a gift of 6,539 votes. Very fair indeed! Professor Buhagiar is invited to examine

these figures. His verdict may be that the D'Hondt system can give us a result which may be a little bit pregnant.

Then there are the numbers of the Budget...

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## **The Independent - 28 January 1996**

### ***Major parties get closer on electoral reform:***

#### ***New constitutional Bill likely***

A new Bill amending the Constitution is likely following the Prime Minister's declaration in Parliament last week that he is prepared to consider the Labour opposition's view on the electoral system.

The Nationalist Party (PN) and the Labour Party (MLP) agree on proportionality between the number of votes won in a general election and the number of seats a party is allocated in Parliament.

But they adopted divergent views on transferability and a threshold.

The PN wants a national threshold of five per cent whereas Labour insist on a 16 per cent threshold based on each electoral division.

In case of no party winning over 50 per cent of the vote, the PN says the distribution of parliamentary seats should be made after taking into consideration the final count. But the MLP objects saying only first preferences should be taken into account.

Suddenly, last Wednesday, the Prime Minister announced in Parliament he was prepared to consider Labour's stand.

Asked if the move consisted of a U-turn in the PN's stand, party general secretary Austin Gatt told The Malta Independent his party felt it would be wiser to agree with the MLP on at least one principle than on nothing at all.

The PN sought to ensure proportionality, a lowering of the threshold to give a better chance to smaller parties, and an improvement of the electoral system by making use of all votes cast.

"The MLP is against the last two principles", Dr Gatt said. He said that if the Prime Minister decided to adopt Labour's proposal a new Bill amending the Constitution would be required in order to apply the majority rule clause to cases where no party wins over 50 per cent of the polls, provided only two parties are represented in Parliament.

The change would require a two-thirds parliamentary majority but Dr Gatt does not see any problems there.

Alternattiva Demokratika (AD) accuses the two parties of "conspiring to change the rules of the game".

It says the move proves both large parties fear AD will win enough votes to deny them an absolute majority.

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## **The Independent - 28 January 1996**

### ***AD shall not impede governability***

*Mark Wood, Independent staff*

Alternattiva Demokratika yesterday sought to allay fears that its presence in Parliament would impede the country's governability. Chairman Wenzu Mintoff said that if elected to the House of Representatives, Alternattiva would not enter into a coalition.

The big parties have tried to frighten the electorate that Alternattiva Demokratika (AD) in Parliament would not allow for a strong government, Dr Mintoff said.

He posed a hypothetical situation: Party A gets 48 per cent of the votes and 32 seats, party B gets 46 per cent and 32 seats, and AD gets six per cent with one seat. In this case, party A should govern, he said. The will of the relative majority of voters should be respected," he declared.

Without entering into a coalition with the party winning the relative majority of votes, AD would not vote against the budget or votes of confidence moved by the majority party to enable it to govern. But it would vote on specific issues and laws in line with the principles in its electoral programme.

The abstention of AD combined with the casting vote of the Speaker, who should be nominated by the majority party, would assure the ability of this party to govern throughout the whole legislature," said Dr Mintoff.

What AD wants is a system-which it says can easily be found-that assures governability but at the same time allows parliamentary representation for parties which achieve the national quota or supersede the threshold.

Until a few days ago, Dr Mintoff said, Prime Minister Eddie Fenech Adami was in favour of vote-transfer, so that every vote would count. Now he is saying he is seriously considering the Labour Party's proposals on the removal of transferability when determining which party is to govern.

Labour's real aim is not, as has been declared, to ensure that the party winning the relative majority of votes governs the country, said Dr Mintoff. In reality the party wants to "stifle the voice of AD in case it serves as a point of reference for Labourites disillusioned with Dr Alfred Sant's unprincipled and opportunistic style of leadership."

Referring to behind-the-scenes "conspiracy" between the two big parties on the electoral issue, Dr Mintoff said they were aimed at maintaining the status quo lest someone else invades their domain. AD expected to be consulted on an issue of such crucial importance to it.

"The fact that they are so worried that neither of them will win the absolute majority of votes gives us courage and determination, and shows that AD is being effective and is enlarging its support" Dr Mintoff said.

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## **Sunday Times - 28 January 1996**

### ***AD will not form coalition***

ALTERNATTIVA DEMOKRATIKA would not form a coalition with any party if a general election gave it representation in Parliament. The party would abstain on votes of confidence and on the Budget, AD chairman Wenzu Mintoff told a news conference yesterday.

AD is insisting that once its total votes reach the national quota (the average number of votes required to elect an MP) it should be represented in Parliament, Dr Mintoff said.

He said that in a situation where party A gets 48 per cent of the votes and 32 seats, party B gets 46 per cent of the votes and 32 seats and AD gets six per cent of the votes and one seat, party A, having the relative majority, should govern.

"But AD will not form a coalition with the party having a relative majority," he said. "Nor will it vote against the Budget or in votes of confidence."

On specific issues and legislation, AD would vote according to its programme without putting the government at risk, he added

Dr Mintoff said the Nationalist Party was trying to accommodate the Malta Labour Party probably because it was afraid AD might achieve the five per cent threshold.

He claimed the PN and MLP were even meeting in secret to reach an agreement on the electoral system.

"Initially PN general secretary Austin Gatt was saying that a constitutional amendment was not necessary for the proposal of a five per cent threshold.

"A few months later the PN agreed with the MLP that a constitutional amendment was necessary, even though the amendments for an electoral law discussed by Parliament never referred to a constitutional amendment," Dr Mintoff said.

Dr Mintoff said the two major parties were worried about AD's impact in the poll and were seeking a solution which would disadvantage small parties.

On the eve of the game, he said, the two parties were seeking to change the rules and move the goalposts. AD, he added, expected to be seriously consulted about proposals which, after all, affected it deeply.

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## **Sunday Times - JANUARY 28, 1996**

### ***Relative or absolute?***

EVER SINCE the anomalous, "perverse" result of the 1981 election which, in a straight two-party contest, gave the Nationalist Party, which had won an absolute majority of the votes (51 per cent), a minority of seats in Parliament, the two major parties have wrestled with ways of avoiding a repetition of that highly damaging outcome.

The solution which the Labour government finally came up with on the eve of the 1987 elections was actually a stop-gap solution meant to address a particular situation, but it did, as it turned out, restore the democratic balance by giving the Nationalist Party, which again won 51 per cent of the vote but a minority of seats, a one-seat majority in Parliament and thus the right to govern.

But that "solution" only applied when a party winning more than 50 per cent of the first-count votes failed also to win a majority of seats. What would happen if no party obtained an absolute majority? Until 1981, the single transferable vote (STV) system, in force since Malta obtained selfgovernment in 1921, was never put in doubt. And STV could be relied upon to produce a result which most closely reflected the voters' wishes. This was because voters could express their preferences from among aR candidates, so that even if their first-choice candidate did not make it to Parliament, their second, third, or even twelfth choice would, independently of the party he or she belonged to.

Thus it could happen, as it did in 1962 and 1966, for example, that in a five-party contest, even though it obtained only a relative majority of votes (42 per cent and 47 per cent respectively), the Nationalist Party won a majority of seats (25 and 28 out of 50 respectively) after "inheriting" the votes of candidates belonging to other parties who did not reach the required quota. In 1971 the system again worked - just, thanks to a handful of votes "inherited" by a Labour candidate (the late Dr Guze Abela) in the fifth division.

Despite the 1987 amendment to the Constitution, the system, however, could still be "perverted" through manipulation of electoral boundaries to favour one party. The latest attempt to make STV more equitable, while retaining its essential features, makes electoral

boundaries irrelevant, thus removing a potential source of future discord one and for all. The electoral reform bill currently being debated in Parliament ensures representation to any party obtaining either at least five per cent of all first-count votes or a quota in a single division. This is a great improvement on the current system, which deprives representation to parties even if they obtain up to 16 per cent of the vote in each constituency.

What the bill also proposes is that votes for parties which do not reach the five per cent threshold will then be added to those of other parties according to the preferences expressed. In practical terms, this could mean that if at the next elections, the Malta Labour Party obtains 49 per cent, the Nationalist Party 48 per cent, and Alternattiva Demokratika the remaining three per cent, the PN could end up with a majority of seats if all AD voters give their subsequent preferences to PN candidates. This would be because, at the last count, the PN would actually have 51 per cent of the vote.

It is an outcome which Dr Alfred Sant dreads, prompting him to threaten last week that, in the event, the MLP "would take actions that would not be less than those the Nationalist Party took after the 1981 result". The difference is that in 1981 there were only two parties contesting the elections, whereas at the next elections, there will be at least three, with AD expecting to improve on its 1992 performance, when it obtained over 4,000 votes.

Speaking in Parliament, Dr Sant quoted what Dr Fenech Adami had stated in December 1986, to the effect that with two parties in Parliament, the party obtaining the relative majority should govern. Incredibly, the Prime Minister, interrupting Dr Sant, said that he would "seriously consider" the proposal to ensure that the party obtaining a relative majority would obtain a majority of seats in a parliament with just two parties. He did not explain how he would do that. Again, we seem to be moving towards another stopgap solution designed to address a given situation, namely the outcome - admittedly, by no means an unlikely one - outlined above.

What would happen, for instance, if we had more than three parties, so that the result would see the PN and MLP neck and neck at, say, 43 per cent each, and three smaller parties just failing to reach the threshold? How would the seats be apportioned? Would the 14 per cent who voted for the smaller parties be left unrepresented, once their second preferences would not be taken into account?

The country does not need more stopgap solutions, but an all-weather one which would definitely close the chapter opened in 1981.

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## **The Independent - 28 January 1996**

### ***Moment of truth***

The circumstances surrounding "the moment of truth" this time are quite different from those prevailing in late 1986. Then the country was going through a highly dangerous phase with

tension running high especially as a general election was approaching and a repetition of the 1981 perverse electoral result was a reality rather than a mere possibility.

The Nationalist Party was not prepared not to govern if it again won the majority of votes. The Labour Party did not appear as if it would let go of power easily. The country's governability was at stake and the threat of civil war, not necessarily in its full blown version, loomed above.

Then, in a heated parliamentary session, former Prime Minister Dom Mintoff intervenes in his usual way and, addressing the Nationalist opposition in a loud voice, says that if the Nationalist Party (PN) was after a solution he would come up with one. It has now emerged that Mr Mintoff had to face an uphill battle among his colleagues on the Cabinet and, presumably, within the Labour Party (MLP). But he kept his word and the solution came in the form of the majority rule clause introduced into the Constitution shortly before the 1987 general election, won by the PN.

Then, Mr Mintoff rose to the occasion, even if what happened before was of his own doing, and "saved" the day. This time "the moment of truth" could be addressed better since the situation is far calmer than that prevailing in the late 1980s.

Can it be said, however, that the two big political parties rose to the occasion this time too in order to "save" the day? Yes and no.

Yes, because it is certainly laudable for any political force to be willing to seek consensus, which means making concessions, in the national good. The Prime Minister's declaration in Parliament that the government was prepared to consider the opposition's proposals on the electoral system should remove the possibility of political turmoil following the next election.

The MLP has repeatedly warned it would not be willing to accept a result whereby a party winning less votes would get more seats in Parliament and thus govern, even if no party wins over 50 per cent of the polls.

What, however, is confusing is why did the Prime Minister adopt this stand now. It does not appear that the MLP has made any alterations in its views about the electoral system. Labour has been insisting on three fundamental principles: proportionality between the number of parliamentary seats and the votes won; the right to vote for different party candidates, that is transferability restricted only, however, to the election of candidates; and a flexible number of parliamentary seats making room for an increase in order to ensure proportionality.

The PN too insisted on proportionality. But it said it wanted to lower the threshold to give a better chance to smaller parties to be elected to Parliament and to improve the system by ensuring that votes are not wasted.

In other words, the big parties could not agree on transferability. Alternattiva Demokratika (AD) shared the PN's views.

Basically, what the PN seemed to be arguing was that in case none of the big parties won over 50 per cent of the votes there was a good chance that it would inherit, many, if not most, of AD's first preferences. Thus, it would not be ideal to take into account first count votes only when deciding which party should govern.

Labour, insists that a party's electoral strength should be based on first count votes and so it should be first preferences that are to be taken into account when declaring the government. To the MLP it did not matter whether a party wins over or under 50 per cent of the votes.

The MLP's stand seems unchanged and yet the Prime Minister interrupts Opposition Leader Alfred Sant in Parliament to say he would be willing to consider Labour's stand!

All of a sudden the PN loses interest in improving the system to make sure that all votes are used. It does not seem interested any longer in helping smaller parties making it to Parliament. No wonder AD accuses the PN and the MLP of a "conspiracy" against it.

In view of the PN's sudden unexpected move one would be justified into making three observations:

The general election may be closer than some would like to think.

There could be some sort of a "secret" agreement between the two main political parties.

The change might have become "necessary" in view of some indications the PN has.

Nobody would want to relive the terrible events of the 1980s. However, it would not be amiss for the PN to help the electorate in general and its supporters in particular understand why the sudden change of heart. Otherwise, it risks being considered as having made a U-turn out of fear of losing the next election and/or of closing ranks with its political opponents only to keep an alternative at bay.

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## **The Independent - ? Feb. 1996**

*This week with Anthony Manduca*

### ***The long road to compromise***

The recent declaration by the Prime Minister that he would seriously consider the opposition's proposals for electoral reform reminds me of a similar intervention by Dom Mintoff during a speech by then opposition leader, Dr Eddie Fenech Adami in 1986. Mr Mintoff had already resigned his position by that time but he still controlled the Malta Labour Party (MLP) and was powerful enough to singlehandedly convince the grass roots of the party to pass the necessary constitutional amendment that denied gerrymandering, to a certain extent.

We all know what followed. A constitutional amendment was passed by Parliament which prevented a party that obtained more than 50 per cent of the vote being denied a parliamentary majority. The Nationalist Party (PN) then won the 1987 elections. Had the amendment not been passed the PN would have found themselves on the opposition benches again and we would have had a repeat of the 1981 election when the Nationalists were



prevented from forming a government in spite of winning an overall majority of votes, through a clear case of gerrymandering. It was as simple as that.

The problem with our electoral system, however, is that in the case of no one party getting an overall majority of votes, a relative majority does not necessarily translate into a majority of seats or the largest bloc of seats in Parliament.

This has been the subject of debate since the 1992 elections when the PN won by a landslide but which also saw the emergence of the Alternattiva Demokratika (AD) with 4,000 votes, enough to elect one deputy in Parliament under a truly proportional system. AD did not elect a member of Parliament because our current system discriminates very heavily against smaller parties.

The most recent government proposals for electoral reform, which were laid down in a Bill a few months ago, were aimed at eliminating the possibility of the party with the relative majority of votes being denied the largest number of seats. The government put forward the d'Hondt system, which is more proportional than our present Single Transferable Vote (STV) system, plus a few alterations, namely a five per cent threshold and the transfer of number one votes from those parties who do not reach the threshold to the other parties. The crucial part of the Bill is that the transferred votes will count as number one votes, which means that then these votes could determine the outcome of the election. The MLP ferociously opposed this part of the Bill saying that only the original number one votes should be considered as first count votes.

Such an amendment would certainly benefit the smaller parties, who have little chance of electing members to Parliament under the STV system but it now seems likely that the government will give in to opposition demands that the idea be withdrawn. There are few rights or wrongs in electoral systems, the one exception being that any party getting over 50 per cent of the vote should automatically be entitled to govern.

The government's reasoning for not unilaterally going ahead with the proposed reforms is that a consensus is needed and that one party can't impose a system on the country without the consent of the opposition. Austin Gatt once told me that he would not like to be in opposition and have certain electoral changes imposed on him without the PN's approval. That sounds reasonable to me although in some other countries like France and Greece, electoral reform was passed without the approval of the opposition parties.

However I do think it is important for an all round agreement to be reached by the political parties before our electoral system is amended. The AD is screaming aloud and accusing the government of submitting to blackmail from the MLP. I don't blame them; If I was an official of the AD I would argue the same way since the original proposals certainly offered the best way forward for the party.

The government is now waiting for the proposals of the MLP. Whatever type of agreement is reached there has to be one basic characteristic: proportionality between first count votes and the number of seats and the threshold should be lowered from the current 16 per cent level. Governability has to be taken into consideration but everything should be done to eliminate as much wastage of votes as possible.

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## THE SUNDAY TIMES - FEBRUARY 4, 1996

### *The electoral game*

In trying to follow the current debate on ways to improve the electoral system, the man in the street, by now, must be confused and bewildered. The stopgap solution adopted in 1987 did not address the situation created when no party obtains an absolute majority and specifically where the party with a relative majority, in a parliament where only two parties win seats, because of possible gerrymandering, gets fewer seats than the other party. Neither did it address the question of the representation of parties which fail to obtain a seat by winning at least 16.6 per cent of the vote in a five-member constituency, even though they would have obtained just under that percentage in all 13 constituencies.

The bill proposed by the government, currently being debated in Parliament, addresses those issues by, first of all, making irrelevant any changes in electoral boundaries (and thus thwarts potential gerrymandering), then by ensuring proportionality of seats to the number of votes obtained by the parties, and then by lowering the threshold for representation from 16.6 per cent in a single constituency to five per cent nationwide. Obviously, parties (or independents) electing a member in their own right from a single constituency, even though their total votes fall below the threshold, would still hold on to the seats so won

The bill also proposes that the preferences expressed for candidates belonging to parties which do not reach the threshold will be "inherited" by the other candidates of those parties indicated by the voters. The bill thus ensures governability (a party obtaining five per cent is entitled to three MPs), proportionality, and full respect for voters' wishes as expressed through their preferences, even for candidates belonging to other parties.

While Alternattiva Demokratika has welcomed the bill, the Labour Party has objected because it cannot tolerate the possibility of winning a relative (not absolute) first-count majority of votes and being overtaken in the number of seats allocated to it by the Nationalist Party which, though obtaining fewer votes, wins more seats after receiving the preferences of voters whose party of first choice does not reach the threshold.

The MLP according to proposals which party leader Alfred Sant unveiled last week, is insisting that if no party obtains an absolute majority, the party winning a relative majority of votes, overtaking the second-placed party even by a single vote, would be assured an absolute majority of seats in parliament - even if the majority of preferences given by voters for unrepresented parties goes to the second-placed party, thus giving it a majority of seats.

This makes nonsense of the off-repeated insistence of the MLP (reiterated by Dr Sant last Friday) that voters would still have the right to express their preferences to candidates belonging to other parties. How would that right be respected if not by giving weight to those preferences where they count - namely, in electing an MP, even at the last count? The MLP would still ensure "strict proportionality" between total votes obtained and seats won by adding seats as necessary - but only as long as a party elects at least one MP in its own right.

The MLP would thus deny representation to voters of parties which obtain, say, 15 per cent of the vote in each constituency and thus fail to win a seat. The preferences expressed by all those voters, who could total up to 40,000, would thus be completely ignored. And what about the possibility of having more than one party which obtains such a result? That would make 80,000 or more voters denied representation.

In support of his proposals regarding minor parties' representation, Dr Sant quotes the case of the Progressive Constitutional Party which in 1962 obtained 4.8 per cent of the vote but only won a single seat, saying that had the MLP proposals been in effect, it would have won three seats instead. Actually that would have been the case only because the PCP won a seat in its own right (after inheriting a few hundred votes from other parties) in one constituency. Dr Sant did not mention that in 1966 the Christian Workers Party, though obtaining six per cent of the vote, did not manage to be represented in parliament, nor would it have been under the new MLP rules.

Dr Fenech Adami, who has said he would be considering the MLP proposals would do well to keep these possible outcomes in mind. Surely he is committed to respect the voters' wishes by giving full weight to their preferences. After all, it was thanks to the votes inherited from minor parties that his party was able to govern in 1962 and 1966 without the need to form a coalition.

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### **The Independent - 4 February 1996**

#### ***[Forum]***

In politics, speaking too much when there is nothing to say is a real danger. Only unseasoned politicians commit this mistake. In fact, the danger is that one ends up saying things that do not make any sense leading to more suspicions over the real objectives behind those words. The claim made by Saviour Balzan, coordinator of Alternattiva Demokratika (AD), on how his political party intends to exercise power once in Parliament could be easily categorised in this pigeon-hole.

What did Mr Balzan say? Basically he was of the opinion that in a situation whereby no clear majority is obtained by one of the major parties, and with AD having a presence in Parliament, the latter would support a minority government on issues rather than on the whole legislative programme. Therefore, taking this scenario to the very extreme, we would end up with the Labour Party (MLP) in government for one month and the Nationalist party (PN) in office for the following month. Alternattiva, though, would have power perpetually concentrated in its hands.

A minority government depends totally on the support extended to it by some other party (or a group of individual "independent" members of Parliament). If that support is pledged on a long-term basis, then parliamentary democracy would not suffer. Indeed, it could be enhanced if two parties pledge their alliance for a whole legislative term.

But if the support is only temporary or, as Mr Balzan said, depending on issues, then the whole concept of parliamentary democracy and governability come crumbling down.

### Governability

One should note that Mr Balzan was not talking of a coalition government but of a minority government. It makes all the difference.

In the past AD has always paid attention to the issue of governability of the country. When reforms in the electoral system were discussed, one of the apparent objectives of AD was governability. It is very difficult to understand how, right now, AD seems to be forgetting about these past declarations by proposing an issue-by-issue minority government.

The scenario depicted by Mr Balzan does no good to AD. In fact it damages it in the eyes of the unattached voters because these are less likely to accept unclear situations.

One of the most difficult obstacles any small party has to overcome, especially in a polarised situation present in this country, is not to disrupt the most basic notions of parliamentary democracy by holding the other parties up to ransom for its support. The danger of this happening is not so remote. It happened in other countries and it could also happen in Malta.

What will be the result? Shortlived governments, impotent governmental action, unclear policies. Indeed, a country in disarray. Italy could be cited as one example. On the other hand, Germany and other European countries do have a coalition government, a permanent coalition government. But here, the support is over the whole political package to be delivered over the whole legislature rather than on specific issues.

Maltese democracy will definitely not be enhanced by the presence of a minority government, even if this were to be held by some morally superior group of people. At the end, this group of people, knowing that it has the balance of power in its hands, will do the same mistakes of others who thought that nothing could remove them from power.

Arguably, the presence of a coalition agreement between two parties could be beneficial but AD still have to prove themselves worthy of such a political arrangement. First of all, they need to earn the support of the electorate to elect somebody in Parliament. But, for sure, no one in his right state of mind would vote for AD if its presence in Parliament would signify a minority government leading to a weakened democracy.

For the time being, AD ought to be given the benefit of the doubt and hope that Mr Balzan's declaration was no more than a slip of the tongue. But somebody needs to explain better the future political programmes of AD once in Parliament... whenever that may be!

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**The Independent - 4 February 1996**

*Labour's electoral proposals 'fascist' - AD*

Alternattiva Demokratika chairman Wenzu Mintoff yesterday branded the Malta Labour Party's proposals for electoral reform as being "fascist". He said that if no other agreement was to be reached except the one based on Labour's proposals it would be better to leave things as they were.

Dr Mintoff said the proposals submitted by the Malta Labour Party (MLP) were incoherent, illogical and did not solve the problem of governability. They completely ignored the presence of Alternattiva Demokratika (AD) and artificially increased the MLP's and the Nationalist Party's votes.

The MLP was saying that a party obtaining a few hundred votes in a district and having a candidate elected in the last count would obtain a seat in Parliament.

On the other hand, a party which obtained 12 per cent of the national vote but did not have a candidate elected because of failure to attain a quota would be deprived of representation in Parliament. Another "illogical" proposal by the MLP, Dr Mintoff said, was that in the eventuality of more than two parties being represented in Parliament, the formation of a government would depend on political arrangements agreed upon between them.

This would mean that an independent candidate elected without attaining the established quota in the last count would be able to determine which party is to govern. But the MLP was then saying that up to 16 per cent of the national vote could have no effect, Dr Mintoff said.

AD started off on the premise that nothing should be done that would adversely affect the voter's rights. Under the present system, every vote cast will count in an election free from any sort of gerrymandering and where every party will inevitably lose a proportion of votes.

That was why AD maintains that it would be better to leave things as they were, rather than adopt the MLP proposals, considering that the boundaries were drawn up by an Electoral Commission with equal representation from the MLP and the PN.

To ensure governability, coalitions must be declared before the elections. In case no party or no coalition obtains the absolute majority of votes, that party or coalition obtaining the relative majority in the first count should be given half the parliamentary seats plus one. In this way, the presence of small parties in Parliament would never be able to disturb the country's stability.

Dr Mintoff, who reiterated that AD was not prepared to enter into a coalition with any party, insisted that Alternattiva is not involved in any talks on the electoral reform. The proposals being debated by the MLP and PN, in the end, affected mostly AD, he remarked.

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**The Independent - 4 February 1996**

*[The Mustard Seed; compiled by members of the Jesuits' "Centre for Faith and Justice"]*

### *Towards a fair electoral system.*

The Parliamentary debate on the electoral system reform has been postponed to allow for concrete proposals to be put forward.

The electorate should not be led to believe that deciding which electoral system to adopt is merely a mathematical game. It reflects certain basic principles of a country's democratic process. The issues involved concern respect for voters' rights.

The underlying principles evoked include proportional representation, governability, the single transferable vote (each person's vote counts), and minorities' rights. If there is conflict among these principles in a particular system, then one has to choose according to priorities.

The constitutional amendment providing for a party obtaining over 50 per cent of the votes to govern already ensures the prevention of certain anomalous results. But other types of anomalous results may still occur. Within the present system, using intelligent manoeuvring, a party with 51 per cent of the votes may end up with two-thirds of the seats in Parliament. Similarly, through gerrymandering or mathematical luck, a party ending up in second place in terms of votes may obtain a majority of seats and govern.

Relative majority? The suggestion made by the Malta Labour Party (MLP) leader, whereby a party obtaining a relative majority should be assigned extra seats in order to govern, may appear a viable solution. But it might also lead to anomalous results.

That is why the voters' preferences other than the first should be taken into account. In France's presidential elections, for instance, if no candidate obtains an absolute majority, a second round between the top two candidates is held. In our system, that is anticipated by having voters indicate their second (and further) preferences beforehand.

#### Strict proportionality

The leader of the Nationalist Party (PN) insists on strict proportionality between votes obtained and seats in Parliament and on respecting every citizen's vote. That would indeed improve the present system. But in order to be consistent with the principle, there should be no threshold at all, not even five per cent. Why should a minority of over 10,000 citizens who vote for party B not be represented at all while another 10,000 who voted for party A have three candidates to represent them? Are we saying that proportionality should be subordinate to governability?

The two parties now represented in Parliament should act in such a way that dispels all suspicion that they are after an agreement suitable to them but detrimental to other parties and minorities. The time for Parliament merely to rubber-stamp faits accomplis is thankfully over, so that while private discussions in such cases are necessary, the substantial debate should be held in public sessions in Parliament

#### Governability

Small parties, on their part, should not take advantage of an unstable electoral situation by continuously threatening governability.

Instead of using their leverage as a weapon for political blackmail, they must show political maturity. They should make their party policies clear to the electorate and stick to them once they are elected to represent them in Parliament.

Their behaviour outside Parliament should reassure the parties now represented there that in the future they can be trusted to behave responsibly.

We believe that when there is genuine dialogue on such matters which touch our democratic presence, a fair electoral system can be agreed upon.

This is especially true since all parties seem to agree on basic principles but not so much on how to translate these into an operational system.

Once there is true consensus, it would be safer to entrench these in the Constitution so that no party in government may change the rules of the game for partisan purposes.

The same spirit of dialogue can prevail if the election yields results requiring possible coalitions or a majority vote on particular issues.

We also hope that in future, more parliamentary decisions, especially on certain matters of national interest, may be reached by consensus rather than by majority rule.

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## **The Independent - Sunday 4 February 1996**

### ***Tense gimmicks***

What happened last Sunday when a handful of Alternativa Demokratika activists staged a protest at the Nationalist Party's Youth Movement's annual general meeting does not augur well for the forthcoming electoral campaign.

Though both sides attempt to shift responsibility on the other for what happened, it is a fact that political leaders, lost their cool and rather than concentrating on the essence they resorted to gimmicks, of whatever type. In such situations gimmicks can cause sparks that, in turn, lead to unnecessary tension.

In questioning the Nationalist Party's change of mind with regard to the electoral system, The Malta Independent last week highlighted the fact that there is no need to dramatise the situation in a bid to justify a U-turn. The way the Prime Minister spoke in Parliament could have conveyed the idea that the government, and the Nationalist Party (PN), decided to make some sort of patriotic move faced as it was by "the moment of truth" in order to avoid a repetition of the aftermath of the 1981 general election.

Of course, it is wise and commendable for the political parties, not just the big ones but especially them, to do everything in their power to ensure that the electoral system does not produce any perverse results. But in doing so one cannot knowingly or unknowingly bring

about a situation whereby tempers flare in an otherwise calm environment which this government must be fully credited for.

Abuse of power comes in various forms. Arrogance, intolerance and lack of dialogue are among the worse types usually resorted to by political parties which remain in power for long periods of time. It is the alternation of power that guards against such pitfalls.

Regretfully this country still lacks a serious alternative to the two major political parties which, when cornered, have a way of forming a common front by employing ingenious methods. Altemattiva Demokratika (AD), which presents itself as "the alternative" but which, in reality, has not proved itself enough, speaks of the "MLPN" in a bid to highlight the way the Labour Party (MLP) and the PN come together when it suits them.

AD feels, and many would tend to agree, that the latest surprise declaration by the Prime Minister that he was willing to consider Labour's electoral system proposals, is another MLPN antic.

AD had sat around the same table-in the Gonzi Commission- together with PN and MLP nominated representatives in an attempt to come up with a workable and permanent solution to ensure proportionality in a system based on the electorate's right to the single transferable vote. The outcome of those talks is now common knowledge. The PN and AD went one way and the MLP took a different route. Then, all of a sudden, the government (and consequently the PN, at least so far the party has not declared otherwise) opts to side with the Labour opposition. What about AD? In the circumstances could AD be blamed for feeling let down, if not doublecrossed, and deciding to protest publicly?

True it was the PN which changed its position but, if AD as itself is saying, this is yet another MLPN tactical move why did Altemattiva's activists not protest also at the MLP's general conference which was meeting at the same time as the PN's Youth Movement (MZPN)? Yet, the fact that AD showed up only at the MZPN event should and does not change anything.

AD still found itself alone on the political dance-floor as the two major parties agreed to rehearse their step in Tango. At this late stage there was no point for the Prime Minister to invite AD for talks. He should have done that before.

Worse, the public statements made by the PN smack of intolerance and arrogance.

This incident followed a heated parliamentary session following which accusations of arrogance were traded by the two sides.

The Strangers' Gallery in Parliament is no longer occupied beyond capacity by political hot-heads. Hot-heads no longer dominate activities organised by political parties and/or their offshoots. So politicians need no longer play to the gallery.

Dissent and protest should be allowed at all times if the fundamental human right of freedom of speech, a main pillar of any democracy, is to be fully respected.

Both as Leader of the Opposition and even as Prime Minister, Dr Eddie Fenech Adami often went against the grain and held fast insisting on calm when people around him advocated aggression (not necessarily of the violent type). His determination and leadership was tested



in very tense moments in the country's political history and he came out with flying colours. So why does he succumb to pressure in petty cases? He still exercises a lot of influence on his party grassroots, and even among MLP supporters though they would not admit it. That is why he must make sure no gimmicks would lead to unnecessary tension.

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**Sunday Times - 4 February 1996**

***AD attacks MLP proposals on electoral system***

*by Rosanne Zammit*

ALTERNATTIVA Demokratika believes that the MLP's proposals for changes to the electoral system would ensure that all the wasted votes would be those of small parties.

AD chairperson Wenzu Mintoff presented the party's own proposals for a new electoral system at a news conference yesterday.

AD, he said, wanted a system which ensured governability without strangling political minorities.

The system the party was proposing was not ideal because AD did not agree with a majority electoral system, but it was presenting its proposals within such a system as it was what the two major parties wanted.

The MLP proposals were inconsistent. Lacked logic and were based on partisan political calculations of the moment, he said.

Dr Mintoff wondered why. if the MLP and the PN both believed what they said - that they would obtain an absolute majority at the polls - there was all this anxiety to change the electoral system on the eve of the election. due at the latest in mid-1997.

What had happened in 1991. when AD had announced it was contesting the following year's elections. was happening once again' Dr Minn~ff said.

And the MLP wanted votes for AD to have the effect of abstentions, which would mean they would not have any effect at all.

For while Dr Sant wanted a party to have a seat in Parliament if it obtained just a few hundred first count votes in one district but ended with a quota on the last count, he was depriving a party obtaining 12 per cent of the votes cast nationally from having a parliamentary seat.

In the Gonzi Commission, which had considered the electoral system, Dr Mintoff said, the MLP had not been constructive but wasted the commission's time by sending a person who

did not have a representative position and who made submissions which were only five lines long and which were completely vague.

In the commission the MLP had insisted on vote transferability but Dr Sant was now proposing this should be considerably limited.

The MLP representative had insisted the size of Parliament should not vary from one election to another but the MLP was now proposing a system in which the number of MPs would not be known beforehand.

The commission, Dr Mintoff said' had proposed that political contacts on points on which there was no agreement. mainly the threshold, should continue, but instead the PN started showing it was ready to accommodate the MLP.

And AD's action last Sunday, when it barged in uninvited on a Nationalist Party youth meeting. was resorted to because the PN had shown it was ready to make a U- turn.

The Prime Minister had then said he was prepared to have discussions but had not yet accepted the invitation for a public debate on the electoral system.

Instead of solving the problem of the sixth quota of wasted votes on every district, the MLP and PN were moving towards a system where the wasted votes would all be those of the small parties.

Dr Mintoff said AD was proposing that nothing should be done to weaken the rights voters had at present.

To ensure governability, coalitions had to be declared before an election, and not after, as Dr Sant was proposing. After all, voters had a right to know beforehand what alliances could be struck.

According to AD's proposals if no party or coalition of parties obtained the absolute majority of votes, a parliamentary majority of half the number of seats plus one would be given to the party or coalition of parties obtaining the relative majority of first count votes.

And as this would ensure governability, the presence of small parties in Parliament would not endanger the stability of the country's government.

So the threshold could be lowered and not remain based on a district quota but on the national result.

What the AD was proposing, Dr Mintoff said, ensured governability without strangling political minorities.

It was a system based on the popular will and on the country's political realities. AD's proposals were also based on the premise that all votes should be taken into account.

Dr Mintoff said AD has sent a copy of its proposals to the Prime Minister and the Leader of the Opposition and it was insisting it should be involved in the political dialogue on changes to the electoral system, as it was affected directly by what was being discussed.

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**Sunday Times - 11 Feb. 1996**

***Roamer's Column***

***Won't? or D'Hondt?***

IF YOU thought BTT had begun to sound a bit confusing, hands up anybody. except psephologist boffins who has been able to follow the post-Gonzi Commission tangles on electoral reform. And yet, it is vital that we should understand what is at stake.

The start-point must be 1981 and the crisis that arose from an election result in which the Nationalist Party won the absolute majority of votes and found itself in opposition! It took nearly five years for Mr Mintoff to accept that the country had been living a political lie; five years and a crisis of polarisation so intense that anything but a reform of the electoral system, to make sure that 1981 never happened again, would have exacerbated an already seriously crippled democracy.

Reform on that occasion embraced a situation where only two political parties contested an election. The mathematics involved were simple, direct and they worked.

The scenario has changed. In 1992, a third political party entered the lists. That election year Alternattiva Demokratika collected something like 4,000 votes, countrywide, and came nowhere near to returning a single candidate to Parliament. But the problem was clear, even then, and it went like this: given an electoral system based on proportionality and the transferability of votes, how could representation in Parliament reflect most closely the voter's intention when more than two parties contested the election?

If the problem is clear, however, its solution continues to evade resolution. The Nationalist Party clearly wishes to give as many voters their individual weight as is suggested by the concept of . vote-transferability. The Malta Labour Party gives the impression that it baulks at this idea and insists that the final outcome should reflect only the total first count votes won by each party.

When, at some stage of the debate in parliament, Dr Sant sounded as if he was saying something worth following: up, Dr Fenech Adami declared himself ready to study the proposal. This led to much mind-fuming among Alternattiva's senior ranks and to the accusation that the Nationalist Party was prepared to self the pass (antics followed at the MZPN conference). .

Dr Sant forwarded an. aide-memoire to the prime minister. The prime minister reacted negatively to its contents. He suggested, among other things, that he was prepared to countenance a first-count-only scenario if the national threshold were brought down to an amazing come-in AD, come-in Hunters-won't-you 1.5 per cent. By this time, the senior ranks in AD were consuming, or should have been consuming, humble pie. Dr Sant; wrote to the PM .to say, inter alia,: that there could be "no agreement" on his "belated" proposal.

We remain in square one and yet out of it we must emerge. The prime minister's astonishing offer confirms his regard for taking into account the voting intentions of the greatest number of voters. What does its rejection say about the leader of the opposition?

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## **THE SUNDAY TIMES - FEBRUARY 11, 1996**

*Thank God it's Sunday*

*Joe Brincat*

### ***Third way***

THE PROPOSALS and counter-proposals regarding the new electoral system are almost an exact replica of what is happening across the median line towards the North. Italy is also passing through a radical re-thinking of the system. A few years back, barely three, they held a referendum which was intended to promote an electoral system that would do away with, once and for all, the problems of fragmentation of parties. They stressed that the most important aspect was "governability". There were two major coalitions for the last general elections, which resulted in a victory for an anomalous grouping, which resisted until one of the major wild horses bolted and threw down the theatrical Berlusconi.

He managed to captivate the imagination of the Italians, and for him politics was mainly a game of commercial advertising, adapted to politics, image in all sense, and promises. I dare say that his influence was not limited to the leggy peninsula. It invaded other islands in the Mediterranean.

Now they have found out that with their electoral reform they have managed to increase the number of splinter parties. Fundamentally this shows that after all it is the mentality of a nation that dictates the pattern of democracy. And, by the way. The word dictates reminds me of the Neofascist party which has now assumed a new name, and a very democratic posture. They are clamouring for a Presidential system. Old philosophies never die. The all powerful head has his glamour.

On the local scene

I HAVE no inclination to examine the merits or demerits of what is being proposed by the two major parties, and the reaction of Alternattiva Demokratika. All is still in the melting pot, and each side is making its calculations, while proclaiming certain principles. The fundamental principles are that democracy demands a system which returns a government which has a majority of votes. Where this fails and there is a relative majority. something must ensure that the country has a stable government.

Stable, on the other hand, does not mean omnipotent until it tumbles down, when in our case it has not been omnipotent with everybody. Democracy is not limited to the casting of the vote every five years or so. There are other safeguards which must come mainly from `

mentality which must become ingrained rather than through legislation, which is still non-existent or lacking.

Minorities cannot be ignored, and the powerful cannot ride roughshod over the small. That a reform is necessary has been proved by the past history of the present electoral system. There are always accusations of gerrymandering and there are often insinuations that the Electoral Commission favours one candidate to the detriment of another in the same party when it tries re-districting. These are no small matters. It has to be borne in mind that all Constitutional reforms require the vote of so many Members of Parliament, who may have more than the welfare of the country at stake.

Their career may be at stake. Also the voter must not be forgotten. Voting traditions and habits require some respect.

An odd proposal

MAY I put forward a strange proposal for reform which tries to meet these considerations. The Single Transferable Vote system can play havoc, but it has been an old darling to many. The problem which it presents is the margin of votes, according to our system, which are in fact unutilised. It creates a very high threshold for small parties, while it can return an individual independent member who is very strong in one area. It creates an excellent breeding ground for nepotism and a barter system, votes for favours, and favours for votes.

In my humble opinion there is a refinement which can reduce these potential dangers, and minimise substantially the problems of gerrymandering and re-districting:

According to the present system, there are 13 constituencies which return five members. Another quota of votes (less six) is wasted. This represents one vote out of every six. But what is so sacrosanct about the division into 13 constituencies? With a little lateral (?) thinking, why not have five constituencies returning 13 members each?

Most candidates contest on two constituencies, so this would not be a problem. They at least have a certain stability about boundaries. Re-districting would be less frequent. The candidate has to look after a larger area. The chances for the minority party do not remain so restricted. The threshold would be lessened by more than half. The possibility of gerrymandering is negligible. Then one can think about the other safeguards. Possibly there is another benefit. Candidates will not have to massacre a fellow candidate within the same party. The more the merrier.

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**The Independent - Sunday 11 February 1996**

*This Week with Anthony Manduca*

***Playing games with the two party system***

We have now heard both the main political parties' views on amending the electoral system. The Malta Labour Party's (MLP) proposals for reforming the country's electoral system point to one clear fact: the party wants to strengthen, maintain and encourage the two party system that we have had in Malta for the past 30 years. In a nutshell the MLP is proposing that the same principle used for ensuring majority rule, that is, any party getting over 50 per cent of the vote will be assured of a parliamentary majority, be applied to a situation where a party gets a relative majority of votes.

In other words, our electoral system today does not ensure that in the case of only two parties being elected to parliament and no one party getting an absolute majority of votes, the party with the relative majority of votes would necessarily obtain the majority of parliamentary seats. The MLP's solution is that after the respective candidates are elected, the first preference votes are counted and if these figures are disproportionate to the number of parliamentary seats, then extra seats would be allocated to ensure a proportional majority.

The Prime Minister has pointed out two major flaws in this proposal, namely that the number of members of Parliament could increase considerably, and could even double in certain extreme cases and that the final number of MPs could be an even number, which goes against the Constitution.

It seems that both parties are keen to allow a party with a relative majority of votes get the largest number of seats. Governments with a relative majority of votes and an absolute majority of seats are not new to Europe.

In Greece, France, Portugal, Spain, the United Kingdom and Scandinavia, to name a few countries, the governing parties all have a relative majority of votes but an absolute majority of seats. The system is called a strengthened majority and is perfectly acceptable in a democracy. The days when a single party gets an absolute majority of votes are a thing of the past and the Nationalist Party (PN) is probably the exception of Europe in this regard. Whether this trend continues in Malta will have to be seen.

Although the MLP's proposals tackled the question of a relative majority, they do not deal with the problem of wasted votes and the difficulties that face smaller parties in their bid for election.

The original government proposals had suggested that a party would be eligible for representation if it obtained five per cent of the national first preference votes. Failing this threshold, that party's number one votes would be transferred to the other respective parties according to the preferences shown by the voters.

The MLP completely opposed these two suggestions saving that only first preference votes should determine the national representation in Parliament. It also opposed the five per cent threshold presumably because it fears the emergence of the smaller parties more than the PN. I can understand the MLP's opposition to the transfer of number 1 votes to another party but their proposal on the current threshold seems too rigid.

The PN is now proposing that the threshold be reduced to 1.5 per cent of the national votes which is equivalent to one quota of votes, but spread over the whole country. In return the PN will agree to drop transferability, but naturally, only for those votes that do not add up to the 1.5 per cent threshold. I very much doubt that Labour will accept this new proposal.

The MLP suggested that in order for a party to obtain representation in Parliament based on its national first count votes, it must first manage to elect one member of Parliament according to the current Single Transferable Vote System.

In other words the threshold, at 16.6 per cent, remains the same. Under these proposals, a party can get 10 or 15 per cent of the national vote and no parliamentary representation but if it gets a seat in a particular district and for example three per cent of the national vote it would get one or two seats.

There seem to be quite a gap between the two parties. The original d'Hondt system seems to be the best bet for any reform, with a few adjustments. The PN's proposal for a 1.5 per cent threshold is too low and the MLP's 16.6 per cent is too high. Transferability of votes should be dropped in return for a decent threshold.

To my knowledge transferability of votes from one party to another does not exist in any party system. The games should stop. Surely an agreement can be reached.

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## **The Malta Independent - 18 February 1996**

### *Comment*

#### Alternattiva

As evidenced by vote-counting and vote transferability proposals, claims SAVIOUR BALZAN, coordinator of Alternattiva Demokratika, neither the Nationalist Party nor the Malta Labour Party expect to achieve the 50 per cent plus one votes necessary to govern. In that event, Alternattiva could become a force far exceeding its amount of parliamentary representatives. Just what would Alternattiva in Parliament mean?

The latest editions of The Malta Independent's "Platform" comment page were dedicated to Alternattiva Demokratika's (AD) stand regarding various electoral proposals and possibilities. This brief contribution aims to erase any misconceptions that might have been insinuated in those articles.

Only recently Dr Wenzu Mintoff pronounced himself quite clearly where AD's position stands in a hypothetical situation where AD would hold a crucial parliamentary seat in a hung Parliament. In a probable scenario under the present electoral system one could imagine that with three contesting parties; party A elects 32 deputies with 46 per cent of the votes, party B elects 32 deputies with 47.5 per cent of the votes and AD elects one deputy with 6.5 per cent of votes. Undoubtedly this would leave the country with a problem of governability. In this situation AD could easily form a coalition with either party A or party B; it could moreover form a coalition with either the MLP or PN.

However AD is stating that it would support a minority government with a relative majority of votes, by abstaining in the votes of confidence when it comes to the budget. It will perform

a more than useful role in the opposition. In other words AD would not threaten the party (party B) with the relative majority of votes. Party B would ensure that the casting vote by the Speaker (chosen traditionally by the party in government) safeguards its future in Parliament. On matters of issue AD would obviously lobby and debate and vote in accordance with the political agenda it upholds.

The alternative to supporting a minority government is forming an alliance with party A or B, an action that would mean the death knell to AD and the initiation to political compromise. AD has a role as a third alternative political movement. It cannot on the other hand shun responsibility and kick governability out of the window. The above proposal sees to this.

Discussing AD's political agenda is not the scope of this article but it should be underlined that if the electorate chooses AD representatives then that very well means that AD will work to set a political time-table for timely reforms in environmental policy, issues concerning the crisis in the family, the referendum, institutional reform, changes in education criteria, financing and accountability of political parties, Malta's entry into the European Union (EU) and many other topics that need serious considerations.

Apart from the query on AD and coalitions, the electoral system also needs examining. The Gonzi Commission proposal is a long term framework worked to the minutes" detail to ensure electoral representation on proportionality, transferability and governability.

The Gonzi Commission proposed that parties attaining a five per cent national threshold of all votes should be represented in Parliament (in fact by three deputies). Those not reaching this quota will have their votes when applicable transferred to other parties (Labour leader Alfred Sant disagrees with this). The proposals do not threaten governability. On the other hand the proposal works at avoiding wastage of votes and augmenting true representation. Additionally it attacks the loophole in the present electoral system that the winning party must win 50 per cent plus one of the votes not 49.9 per cent not ,48 per cent. It also attacks the problems of gerrymandering, this however is an over-blown worry. Since the Electoral Commission (since 1987) is in fact constituted by members from both the MLP and PN, with a chairman agreed to by both the Prime Minister and the MLP leader, fiddling around with the electoral boundaries is very much reduced, now!

The Eddie Fenech Adami U-turn on the Gonzi Commission proposal and his recent attempt to flirt with Dr Sant's electoral proposal has for the time being been put to sleep by the Prime Minister's recent declarations. Common sense seems to have prevailed, and Dr Fenech Adami in a very machiavellian mood went so far as to suggest a very unacceptable proposal to Dr Sant i.e., that the threshold should be reduced to 1.5 per cent.

Needless to say Dr Sant wants to stop transferability from small parties to bigger parties. The aim is to create a more difficult hurdle for AD. Describing Dr Sant's attitude as utilitarian, partisan and quasifascistic might sound hard but in truth it uncovers the politician's true views on democracy at work. Dr Sant is for piece-meal solutions that accommodate the MLP's blind craze for being in government at all costs. Needless to say the MLP-PN preoccupation stems from the fact that their findings indicate a shift of voters towards AD. Some very interesting poll figures keep on cropping up. One thing is sure, the MLP-PN are dead sure that they will not jump the 50 per cent mark.



The recent electoral debacle raised hairs not only in the AD centre in Valletta, it swirled public opinion and the media. Getting fist and salivary treatment at the PN's Youth Movement's stunt is worth it so long as it has raised public concern on this crisis.

The electoral reforms are at a deadlock and in this confusion of proposals and counter-proposal, I would like to conclude by referring readers to AD's latest electoral system proposal, which is definitely inferior to the Gonzi proposal but which considers the criteria being dictated by all interested parties and which respects the parameters of a sound and applicable, democratic and representative voting system.

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**Independent - 25 February 1996**

***The Fenech Adami/Sant final solution***

SAVIOUR BALZAN, coordinator of Alternattiva Demokratika, claims that the Malta Labour Party and the Nationalist Party have conspired privately to reach an agreement with regards to the electoral system, excluding both the public and Alternattiva.

Debating an electoral system can hardly be described as exciting. Yet an electoral system is the foundation of any democracy, a means to represent people's views in as fair a way as possible. The general public has watched in amazement but remained silent to a cacophony of proposals and counter proposals. The final blow came last Monday with Dr Eddie Fenech Adami's submissive letter to Dr Alfred Sant. In a nutshell, Dr Fenech Adami was succumbing to Dr Sant's demands. A stop-gap measure worthy of a banana republic.

Fear

Political scientists will have a field day analysing the belly aches the electoral system has had to go through. After 1966, no third party offered a credible threat. From 1971 onwards the scene was dominated by two close contenders; the Malta Labour Party (MLP) and Nationalist Party (PN) which kicked each other out of power by a mere 1.5 to two per cent.

In 1981, playing with geographical boundaries enabled Labour to win more seats with a minority of votes. From 1981 to 1987, the PN shook the heavens to amend this unfair result. Prior to the 1987 election, a constitutional amendment was agreed on that provided a party polling over 50 per cent plus one of the votes to have a majority of seats. This amendment in fact allowed the PN to have an additional three members to give it a one seat majority.

In 1989, things were changing, Alternattiva Demokratika (AD) was born and in 1991 Dr Eddie Fenech Adami unsuccessfully attempted to propose a change to the electoral law. This was vehemently opposed by AD leading to a "chaining session" at Castille.

In 1992, AD polled under 2 per cent of the votes breaking a duopoly that ruled over Maltese politics from 1971 to 1992. AD's appeal has definitely grown. This was one of the reasons that in 1994/5 the Gonzi Commission was set up with Austin Gatt (PN), Wenzu Mintoff (AD)

and Paul Lia (MLP). Months of lengthy deliberation resulted in an electoral proposal which conserved the old "single transferable vote" system but introduced a new concept. The concept of threshold, that is, a party obtaining five per cent on a national basis would in fact elect deputies. This would mean that fewer votes would be wasted while simultaneously ensuring governability and increased democratic pluralism. (Those not obtaining 5 per cent would have their votes transferred accordingly).

### Confusion

In the Gonzi Commission, the MLP chose a representative holding no official capacity. Dr Lia was unable to propose any tangible solution and this was further aggravated by the vague declarations prior to the electoral bill in September 1995 from Jimmy Magro and Dr Sant. The September 1995 Electoral Bill brought forward the Gonzi's Commission proposals. However, in September, Dr Gatt was already stating in private that this was just a *mise-en-scene*, "since Labour was definitely going to oppose". He even stated that: "he would gladly agree to a compromise with the MLP".

Since then, the public image the PN has conveyed is that it is all for a fair, democratic system. In private they have conspired with the MLP to reach an agreement that will advantage them alone.

### Gains

Coining the term MLPN is ideal for such a situation. The constitutional amendment put forward by Dr Fenech Adami allows for a party with a relative majority (under 50 per cent) to rule; so long as a third party is not elected. The "global" picture to all this is the fear that AD instills in the MLPN field. Their opinion polls indicate substantial gains for AD.

Warping the rules for a short-term gain will not get anyone far. It will definitely help to handicap efforts for new formations, but it will not danger their resolve. Theoretically, we could have a situation where party A polls 41 per cent, party B polls 44 per cent and party C polls 15 per cent. With the Fenech Adami/Sant solution, party B will reign. Transferability for party C to other parties will have no value other than in the choice of candidates (transferability from parties A and B to C will).

This perverse result fails to instill verbose outbursts from our media commentators, their silence is striking!

### Solution

If this amendment does indeed go through, then Fenech Adami, apart from dancing to Dr Sant's tune will be affecting an undemocratic "solution" to a democratic process that has been around for over 70 years. Despite the media battering of AD, AD has been proven to have stamina. It cruises on with a number of respectable think tanks on clear issues and it has traversed its puberty age irrespective of the financial and institutional constraints.

Come what may, with AD membership growth, positive feedback during home visits and public response, AD will definitely see increased electoral support. The issues we stand for are too important for AD to retrace its footsteps and disappear into oblivion. "The final solution" dictated by the Fenech Adami/Sant proposal will have to be discarded. Somehow,

somewhere, a sane politician must surely exist who can look into the future and state that this island's democratic process merits more than this patched up proposal with a strong aroma of self-centred politics.

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## **The Independent - 25 February 1996**

### ***"Buddy-buddy" arrangement on electoral reform***

*by Arnold Cassola*

THE tragi-comedy hinging around the reform of the electoral system is about to come to a temporary and anti-pluralistic end. Temporary, because the so-called solution being prospected is just a stop-gap, ad hoc measure, which might see the country through the next election but which will certainly have to go through a complete overhaul a few months later. Anti-pluralistic (and antidemocratic!), because it just serves the restricted egoistic interests of the MLPN and throws the country (and democracy's) interests to the dogs.

The agreement struck between the two dictating powers of Maltese politics goes on to prove that it is only a couple of insignificant consonants (F and R) that lie 'twixt pseudo-Christian Democrat Eddie and pseudo-repentant Marxist Freddie! These prima donnas of Maltese politics have been faced with perverse results for nearly 15 years and in their thirst for power they have not been able to give our country a decent electoral system.

The great strategist Alfred Sant, the "educationalist" who had such a front line role in the dismantling of the University of Malta, the "economist" who piloted the parastatal company Metalfond to a Lm3 million (not cicri, you know!) deficit, the "politician" who kept his arms crossed and his mouth shut as the Curia was being ransacked by Labour hooligans, is totally bent on grabbing the seat of power that has eluded his party for nearly a decade now. He perceives the next election as his one and only chance to become leader of the nation. And so he is ready to sell himself body and soul to the devil just to become prime minister. Indeed, this is his lifelong ambition. So long as he gets there, what does he care about a just electoral system for our country?

On the other hand, Eddie, the man who has been insisting since 1991 that only a national quota with a 5% threshold can guarantee this country proportionality and governability, has now decided to call off his bluff. For nearly five years Fenech Adami presented himself to the electorate as the champion of democracy and pluralism. He could never accept Freddie's antidemocratic proposals, he swore. The MLP leader's insistence that up to 16% of the votes be thrown in the thrashcan was preposterous, said Eddie. And it was not right to do away with the voters' right to transfer their votes onto different candidates, thus making a vote valid until the 50th, 100th count if needs be, reiterated il Prim.

And now, il-Prim has given in to Freddie's power ruse, that only first count votes be considered valid for the acquisition of government. Carnival time was the right period for these two actors to shed off their mask and bare themselves fully, in their lust for power. "We

don't want to be involved in ~ perverse result," say the two. So they fix themselves up with a cushy first count, first-past-the-post system, tailor-made for the MLPN duopoly, and try to shove off all the possibilities of a perverse result onto a third or fourth party, which could still obtain up to 16% of the votes and end up with no seat in parliament. Freddie and Eddie are really "buddy-buddy" aren't they!

The end result is that Prime Minister Fenech Adami is led through the nose by Freddie who, through his blackmailing tactics, forces Eddie to give in. Freddie has been insisting all through that it should be the first count votes that really matter. And Freddie has had his way: only first count votes matter.

The two buddies think they have found the solution of how to get rid of the *terzo incomodo*. How wrong they are! The fact that they have been trying for years to annihilate the "greens with the smiling sun!" makes our smiles at Alternattiva beam even stronger and louder. It is great to see that the only real thing that worries Freddie and Eddie is how to neutralise Alternattiva's votes. Their unstinted efforts confirm beyond any doubt that Alternattiva is increasing its votes and is nibbling away at the MLPN's hegemony.

Freddie and Eddie: you have debased yourselves to the limit to conserve your lust for power. But, all in vain, alas for you! Alternattiva is here to stay... and the amount of gerrymandering on the MLPN's part is going to stop us. It will be a great pleasure for us to take you on in a few months' time. I can't just wait to get cracking.

Don't be surprised: in the end, the story of David and Goliath can repeat itself!

Dr Cassola is the International Secretary of Alternattiva Demokratika.

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## **Sunday Times - FEBRUARY 25, 1996**

### ***1966 and all that***

THE WHOLE object of the electoral reform exercise, which took up so much time and effort, was to fine-tune the single transferable vote system in force since 1921 so as to: a) eliminate, or at least minimise, the "wastage" of votes (up to 16.6 per cent in each five-member constituency), b) make sure that advantage is not taken of this characteristic by any party, through the way electoral boundaries have been drawn up, to elect the maximum number of seats at the expense of other parties - a problem partly addressed by a 1987 Constitutional amendment which ensured that the party obtaining the absolute majority of firstcount votes would obtain an overall majority of at least one seat, c) remove the "handicap" facing smaller parties by lowering the threshold for representation from 16.6 per cent in one constituency to a more acceptable percentage on a national basis (e.g., five per cent, as in Germany); d) ensure governability, while retaining the voter's right to express preferences for candidates, even across party lines.

The all-party Gonzi commission managed to meet all four objectives and came up with proposals which, while keeping the voting method as it is, resorted to the D'Hondt system to ensure greater proportionality between the number of votes obtained by each party nationally and the number of seats won. The result has been the bill whose passage is now stalled, which sets a threshold of five per cent of the votes cast nationally, or of a quota for a single constituency, thus not penalising independent candidates who may not have a national following, or district level parties or movements. Votes given to parties which fail to reach the national threshold would be "inherited" by other parties according to the preferences (if any) expressed by the voters.

These perfectly logical proposals, however, were strongly opposed by the Labour Party, which traditionally, has "inherited" far fewer votes from third parties than its main rival, the Nationalist Party. Specifically the MLP fears a replay of the Sixties when those voting for the five "pro-Church" parties gave preferences to all the candidates of those parties, with the major beneficiary being the PN, which managed to form a government on its own in 1962 and again in 1966, even though it obtained, respectively, only 42 per cent and 47.9 per cent of the first-count votes (these figures went up, respectively, to 50 per cent and 56 per cent at the last count, thanks to the inherited preferences).

The MLP - barely concealing its antipathy to third parties - has insisted that, to qualify for representation in strict proportion to the number of votes nationally, a party must first obtain a quota (up to 16.6 per cent of the vote) in at least one constituency. Faced by the MLP's opposition to the Gonzi commission proposals, the prime minister subsequently suggested that to minimise the number of "wasted" votes, the national threshold be lowered to 1.5 per cent.

The MLP was even less enthusiastic about this second proposal, leading Dr Fenech Adami to conclude that Labour's opposition was purely political. But then he made the MLP an astonishing offer: to amend the Constitution so that if only two parties win representation, the party winning a relative majority of first count votes would have a majority of seats.

So all the praiseworthy objectives of the electoral reform exercise have now been thrown overboard. This proposal, if accepted (Dr Sant is still playing hard to get, insisting on purely secondary matters, before giving the PM a "full" reply) would, in effect: a) render the transferability of votes across party lines ineffective because only first-count votes will be taken into consideration where it matters so voters' preferences would be ignored; b) shut out third parties and encourage "negative" voting, as those intending to vote for third parties, but who would be reluctant to see a particular major party in power, would reluctantly vote first for the other major party; c) discourage pre-electoral alliances (e.g. the 1926 Compact); d) give rise to highly anomalous situations.

These anomalous situations could be illustrated by looking at the 1966 results. The PN had then obtained 47.9 per cent of the vote; the MLP 43.1 per cent, and three minor parties and independents 9 per cent between them. As it happened, the preferences of the third party voters benefited, to a large extent, the PN, giving it eventually 28 seats out of 50 and the MLP the over 22. Now, with the proposed constitutional amendment had the MLP obtained, say, just a handful of first-count votes more than the PN, with the two parties neck and neck at 45 per cent, and the remaining 10 per cent held by third parties, the MLP would have obtained an absolute majority of seats, despite the preferences for the PN expressed by third party voters.

The proposed amendment is actually capable of giving rise to even more perverse situations, so one cannot but echo Alternattiva Demokratika's accusation that it is a means of ensuring the PN-MLP duopoly's hold on power. What happened, in this case, to "the citizen first?"

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## **THE SUNDAY TIMES - FEBRUARY 25, 1996**

### *ROAMER'S COLUMN*

#### *Won't be D'Hondt, after all*

A FORTNIGHT is not such a long time, in politics or out of it. Not long enough to forget, however confusing the electoral reform issue has become, that the prime minister had made an astonishing electoral reform proposal to the leader of the opposition, which Dr Sant turned down.

Let us, Dr Fenech Adami said in his letter, go for a first-count-only scenario, but in order to capture more faithfully the voters' intention let us also bring the national threshold down to 1.5 per cent.

Alternattiva Demokratika applauded this initiative by Dr Fenech Adami, as well it might. Even it stood a good chance of returning a candidate with the threshold set at that level (it had obtained 1.7 per cent in 1992).

Quite apart from the fact that there were those who felt that the prime minister had pitched the threshold a mite or two too low (what would happen to governability if unreconstructed elements like AD and the Hunters trooped into the Chamber?), there was a great deal of merit in the proposal. It did, after all and remarkably, embrace the issue of transferability without actually addressing it - by making it redundant.

The leader of the opposition's nyet may, or may not, have thrown the prime minister. It should not have, of course; on the contrary, a wiler politician would have made considerable capital out of it. See, he could have turned to the public and said how impossible it is to deal with this man.

Instead, he went for a very second-best alternative and proposed a constitutional amendment to the effect that in the event of two political parties polling seat-winning votes and a third contestant not managing to capture a seat, the party attracting fewer votes and bagging more seats than its opponent (possibly by virtue of the way electoral boundaries are re-drawn during a legislature), would hand over the baton of government to the party collecting the majority of votes. The latter would, through the creation of additional seats (as in 1987), be furnished with a majority of seats.

AD cried Foul! and many more things besides. It accused the prime minister of moving to Dr Sant's "anti-democratic" side of the bench and not only; the whole exercise was a sham. This was exactly what both the two political parties had in mind all along. They had merely gone

through the motion of debate and controversy, knowing that the final outcome would be one weighted against AD's participation at the polls.

This is unfair on the prime minister. He, more than everybody else in today's political arena, knows what it is like to go through the calvary of winning more votes than your main opponent and landing with fewer seats in parliament. He has, as a result, an understandable obsession that this must not happen again, ever, ever; not to him, not to his opponents. There is no doubt that he is haunted by the prospect of repetition (even if, unlike 1981) we are talking of a relative majority of votes translating into a minority of seats in a two-party parliament) and is determined that he will not, so to speak, be party to it.

He would like to have had his own way, which is indeed a far more democratic one than that trod by Dr Sant, but given Dr Sant's intransigence, what could he do? Better a compromise solution than The Return of the 1981 Crisis, he must have concluded.

One sympathises with his position. But there were two alternatives. He could have nyeted Dr. Sant's nyet to his penultimate proposal, the one which would have probably seen AD and the Hunters seated incongruously together somewhere in the centre of a Chamber that has no centre. Few doubt that such an outcome would have made for some high jinks during the next legislature.

He could have done that and, as indicated above, made some mileage at the expense of the leader of the opposition. And then, once the original and basic problem would have still not been solved, he could have proposed a referendum to settle the issue of first-counts and vote-transferability. The latter requirement, if not quite squelched, is now beginning to look a trifle bedraggled.

Much depends on when Dr Fenech Adami has decided to go to the country. If at the start of summer, this may explain his determination to get this issue out of the way before the first day of spring. If he is thinking of next yearr he can still camouflage his intentions by indicating a sense of urgency about electoral reform, setting up a referendum for end April and then, when the results of that are in set the pace of the election campaign. The opposition will never quite know whether it is coming or going. The trouble with all this subtlety is, of course, that the same may be said for the rest of us.

Dr Sant s reaction to the prime minister s most recent proposal has a ring of supreme cynicism about it. Unwilling to seem as if he is acquiescing too easily he is making a great deal out of the use of identity cards and the electoral commission's control of the computer system. This would not be so bad if he did not also make a point of claiming that he is driven by democratic considerations - and the Gonzi Commission.

As the present state of play suggests that the possibility exists that 16 per cent of the votes will have no effect on the final outcome of the next elections, this nodding reference to democracy may strike many as distinctly odd. AD lost no time in telling Dr Sant what it thinks of his concern.

Dr Fenech Adami would do well not to give the impression that he is reacting to Dr Sant's tune. His basic task is to continue doing what he has done so remarkable well for the past nine years - govern as though it is the most natural thing in the world for him to do. Leave the antics to others. But AD, unsmiling, unattractive? self-absorbed, infallible, and as

powerseeking as the next party (scratch any of the AD boys and you will find a politician, however distasteful he sees the politician in others), has a point. Its faults ought not to blind us to this simple fact.

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**Sunday Times - March 3, 1996**

*PM seeking consensus on electoral reform*

THE Prime Minister said yesterday that although he believed no constitutional amendment was necessary to change the electoral system, he could not risk doing what he wanted without the Labour Party's approval.

Addressing an Alternattiva Demokratika forum in Valletta which discussed the electoral system, he said that as leader of the government he should seek consensus with the other party in Parliament which represented not 1.7 per cent of the electorate, as AD did, but 47 per cent.

But AD chairman Wenzu Mintoff said that in cases of such disagreement the courts should be asked to decide.

For as the situation now stood, the government was being subjected -- and it was being caught in the net -- to blackmail with the end result being that the MLP, and not the courts, decided what was constitutionally correct.

The forum which had to be held opposite the Law Courts was moved to the shelter of the arcades near the courts because of the rain.

Labour leader Alfred Sant was invited to take part but failed to tell AD what he would be doing. He did not show up.

Dr Fenech Adami said that the Maltese electoral system was one of proportional representation, based on the single transferable vote, and had been the same since 1921, giving good results as a rule.

In 1921 there had been criticism that the system was divisive as it encouraged the participation of many parties.

But the Maltese had always voted in a manner which eliminated smaller parties and the system had worked well.

But in 1971, although the election result had been nearly perfect - with the MLP obtaining 50.8 per cent of the total votes cast and 50.9 per cent of the seats in Parliament, and the PN with 48.3 per cent of the votes obtaining 49.1 per cent of the seats the PN would have obtained a majority of seats with an additional 10 votes or fewer in Zebbug.



This had shown that the system could be open to gerrymandering. In the 1976, 1981 and 1987 elections, the system had been exploited to give the MLP an advantage.

The system the prime minister said, was defective in the sense that 16.6 per cent of the total votes cast could have no effect at all on the electoral result. The system made it easier to manipulate districts and that is what had happened.

In 1992, because there had been no gerrymandering, there was a near-perfectly proportional result and that would be happening again at the next election.

But the government wanted to ensure that districts would never again be gerrymandered, and that every elector would have a say.

Once the parties agreed on the aims, the way to get to a system was methodological and mathematical, the Prime Minister said.

The Gonzi commission which had considered electoral reform, had proposed the D'Hondt system. The government had agreed and proposed the system in a bill. It had also proposed a five per cent threshold.

But as the MLP had not agreed to it, the government proposed a second best method and then a third.

He criticised an editorial of The Times for saying the compromise solution could raise the number of seats too high, pointing out that his proposal was for the party obtaining the highest number of votes to get a majority of one seat.

Dr Mintoff said the electoral amendments were a vital issue for democracy in Malta.

Every vote had to count and this was supposed to be the principle the PN government had to work for.

The people had a right to have their vote translated into Parliamentary representation but with the system the two major parties wanted, this right was being denied.

He said that as the present system stood, 30,000 to 40,000 votes could end being ignored and what happened in 1981 was that the PN's proportion of wasted votes was much higher than it should be.

And instead of proposing a solution against this possibility, it was being proposed that all the wasted votes would be those of minor parties.

He pointed out that no other country had a 16.6 per cent quota and said the Prime Minister had no electoral mandate to do the sort of changes being bandied about by him and Dr Sant.

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## **The Independent - March 3, 1996**

### ***Facts are usually held to be sacred***

*AUSTIN GATT cannot take it anymore. He has sat patiently back while others have sought to gain political mileage out of the recent proposals for changes to the electoral system. He has heard claims, counter-claims and finally facts contorted sometimes beyond recognition. He thus decided to break the promise he made, never to write-about the electoral system again*

I have many times promised myself that I would never again write about the electoral system. Unfortunately, I am again breaking my promise and probably boring most readers to death but I cannot stomach anymore the crass disregard for facts that is so evident in certain recent contributions to the subject.

One of the so-called facts is that the latest proposal catering for a two party situation only is Alfred Sant's proposal to which the Prime Minister has surrendered. Wrong. Reference to the records of the Parliamentary debate of 21 January, 1987 (page 937 of the published minutes) will show that it was proposed by Dr Eddie Fenech Adami, then Leader of the Opposition, as an amendment to section 53 of the Constitution. At the time the then Prime Minister Karmenu Mifsud Bonnici refused it. It has now resurfaced through Dr Sant. The above is the detailed history of the proposal.

A second supposed fact, aired by Saviour Balzan in his contribution to The Malta Independent last Sunday, is that the Gonzi Commission arrived at some sort of conclusion regarding the introduction of a national threshold, where it should be placed and the transferability of votes from parties which do not achieve the threshold. Mr Balzan and others of his ilk must be living in cuckoo land since in the report it is expressly stated that "ma setax jintlahaq qbil unanimu rigward ittlett punti msemija" (Report of the Commission for Electoral Reform, November 1994, page 131).

A third outright lie is again of Alternattiva Demokratika (AD) origin, namely that we and the Labour Party (MLP) are supposed to have had secret meetings on the electoral systems. Mr Balzan last Sunday wrote: "In private they (the Nationalist Party (PN) conspired with the MLP to reach an agreement that will advantage them alone". This assertion has been denied more than once and I repeat categorically that we have never met the MLP, in whatever guise or manner, on the subject since the end of the Gonzi Commission. Whoever asserts otherwise is a liar.

Fourth, and probably the worst of all, is that last Sunday's contribution by AD spokesmen stated that the principle of relative majority in a two party situation is anathema. Arnold Cassola, writing in The Sunday Times, termed it "anti pluralistic"; Mr Balzan, writing in The Malta Independent, termed it an "undemocratic solution".

Facts, however, show that AD itself proposed this solution and is in favour of the principle of relative majority.

In a press handout issued by AD on 5 February on page 4, they state: "F-'kaz li ebda partit .. ma jkun gab il-maggoranza assoluta tal-voti ... tinghata maggoranza parlamentari ta' nofs is-siggijiet u wiehed lil dak il-partit li jkun gab ... il-maggoranza relattiva ta' voti first count."

How is that for bare-faced cheek!

What AD's proposal amounts to is that in a situation where party A gets 35 per cent, B gets 34 per cent and C gets 31 per cent, party A gets a majority of seats in Parliament! And they now have the cheek to call the rest of us "undemocratic" and "anti pluralistic".

Fifth point. I do not blame anyone for grinding one's own axe but I do expect respect for the truth. AD's real goal is to lower the present threshold which is very understandable. If this is achieved it could not really give two hoots about what system is adopted.

The MLP is obviously as adamantly opposed to this as AD is in favour. Everybody knows we favour a lower threshold but no one seems to want to answer a very basic question. Can the MLP or, better, should the MLP be ignored and consequently work on the principle that once in government we should do what we consider best in matters so basic as the electoral system?

I have always stated that changes to the electoral system cannot be imposed on the opposition but consensus has to be sought. I still hold that opinion which, however, does not mean that responsibilities are not clearly allocated.

Final point and the only one on which I agree with the most recent commentators. This is a stop gap solution, and the Prime Minister has said so. It is desirable to have an all-weather solution, but unfortunately Dr Sant refuses to move. Should we leave everything as it is or should we move one small step forward?

My answer is to unhesitatingly choose the latter for the very simple reason that we are not making the situation any worse than it is today for third parties to be elected (obviously because the MLP does not want to make it any better). I do not think the electorate would gladly accept a result where party A gets 49 per cent, B gets 48 per cent C gets 3 per cent with C's votes going to A thus getting 52 per cent and A still having a minority of seats through gerrymandering.

That kind of result is still possible today but would not occur with the proposed amendment.

One last salvo for history buffs. The proposed amendment does not affect any election held since 1921.

Dr. Gatt is secretary general of the Nationalist Party

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**The Malta Independent - March 10, 1996**

***The five to 16 per cent solution***

MICHAEL FALZON comments on the electoral system and Alternattiva Demokratika's claims on what is being "cooked"

The vehemence with which Alternattiva Demokratika (AD) has attacked the Nationalist Party (PN) in its reaction on the electoral system issue verges on the hysterical. Although explainable from an emotional point of view, this outburst is neither logical nor justified.

A cursory look at the mathematics of our electoral system will quickly discover inherent flaws that could give the sort of engineered perverse result of both the 1981 and 1987 general elections. Succinctly the system aims at giving a proportional result in each of the electoral districts by assigning a seat to each of five candidates who manage to garner a number of votes-first preferences as well as votes transferred from other candidates

The logic of the system dictates that the minimum number of votes that enable only five candidates to be elected is one sixth plus one of the valid votes cast. This implies that the rest of the votes (one sixth less five) end up without being used and therefore not represented.

This gives rise to the possibility of the unused votes being distributed between the political parties in so distorted a way that in a two way race the party with the bigger share of votes gets the smaller share of seats. In this way he who gerrymanders the electoral districts can practically decide beforehand who wins the election. This is what happened in 1981.

The PN fought tooth and nail against allowing the possibility of this happening again. It proposed several possibilities but it was only a few months before the 1987 election that the Socialist administration conceded to accept an amendment to the Constitution whereby any party obtaining over 50 per cent of the first preference votes was assured of a majority of seats in the House of Representatives.

The PN has always maintained that this was only a partial solution. It only safeguarded a party obtaining the absolute majority of votes from being left in the opposition as a result of gerrymandering -- as had happened in 1981. The mechanism that was introduced obliged the Electoral Commission to assign extra seats to a party with the absolute majority of votes but with a minority of seats. The perverse result of the 1981 election was corrected as a consequence of this amendment with the PN being assigned four (and not three) extra seats.

The system, as amended in 1987, left the possibility of gerrymandering wide open in all other circumstances except when one party manages to overcome the 50 per cent hurdle. In government, the PN strove over and over again to reform the system so that the distribution of seats in Parliament reflects the distribution of votes between different political parties. The system suggested by the Gonzi Commission does that and the government proposed this system in the electoral law now still pending before Parliament, adding on a threshold of five per cent, or at least one elected candidate as a minimum for a party to qualify for representation.

The Malta Labour Party (MLP) immediately made it clear that it was not prepared to accept this. It made much hullabaloo of the proposal allowing the possibility of votes cast to unrepresented parties being transferred to others.

Obviously the higher echelons in the MLP thought that this was a trick that potentially could help the PN to pip the MLP at the post even if it obtains fewer first preference votes.

The MLP then suggested that the system should ensure that the distribution of seats in Parliament should only reflect the distribution of seats between the parties that manage to

elect one or more MPs. Besides ignoring completely the votes cast for those parties which end up without any elected candidate, this ignored the possibility of an independent candidate being elected after receiving only a fraction of a quota in first preference votes. In this case the adjustment could mean the increase of an inordinate number of seats in the House.

It was obvious that the MLP's stand was definitely against assigning seats to parties which do not manage to win at least one seat as well as against the preference votes of such parties being transferred to others for the purpose of calculating the distribution of seats.

Prime Minister Eddie Fenech Adami was even prepared to lower the quota to 1.5 per cent (1/65) so that eliminating the transfer of the votes of the unrepresented parties would not result in too many unrepresented voters. Labour leader Alfred Sant would have none of this and would only agree to the introduction of a correcting mechanism similar to that introduced in 1987 and which would become operative if a party with the relative majority obtains a minority of seats in a House in which only two parties have elected members.

This is certainly not the best and what the PN really wants. It eliminates the possibility of gerrymandering when only two parties are represented in the House but leaves open the possibility of gerrymandering when three or more parties manage to win seats. Moreover, it continues to ignore those parties which do not win any seats. It improves the situation but it is certainly no final solution.

AD claims that the PN and the MLP have conspired privately to reach this agreement behind the public's back. This is an irresponsible wild claim that is not borne out by the facts.

AD expect the PN to ride roughshod on the MLP and impose the Electoral Bill as published, asserting that this would not be unconstitutional. Although there are certainly strong legal arguments leading to this conclusion, the PN and Dr Fenech Adami strongly believe that any changes in the electoral system should not be imposed on an unwilling minority.

Changes in the electoral system should never be imposed and should be the result of compromises and consensus between all parties concerned.

As far as AD are concerned, their situation is not better or worse than it was ever since that party was established. Admittedly with the government's proposals their chances of representation would have been better. But surely their attack on the PN because the MLP has not accepted the government's proposals does not make sense.

To make it worse AD are now stupidly depicting a scenario where a "small" third party could obtain 16 per cent of the votes cast without being represented in Parliament. This is mathematically possible but it is a virtual impossibility.

In every district the magic threshold for a candidate to be elected is one sixth plus one or 16.67 per cent. It is virtually impossible for a party to obtain 16 per cent nation-wide and fail to obtain 16.67 per cent in any one electoral district. For this to happen the votes of such a party would have to be so evenly distributed throughout the country that it obtains an identical 16 per cent in each and every district, whether it is the Cottonera district or Gozo. In practice this is impossible.

I do not think that in the past there was ever a case of a party obtaining over 10 per cent of the votes cast and not being represented in Parliament 10 per cent being the national average and not the percentage obtained in each and every district. In the 1962 election, for example, there certainly were a number of parties that managed to win seats with much less than 10 per cent of the national vote.

AD's 16 per cent scenario is nonsense and their histrionics must be attributed to something else. The recent spate of desertions from AD and their failure to present candidates for this year's local council elections suggest that AD will be having problems fielding candidates for the general election-let alone managing to get any one elected.

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