

## Comment &amp; Letters

# A new national day



**Kevin Aquilina**

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Malta currently celebrates five national holidays and nine public holidays. These holidays are established by law by the National Holidays and Other Public Holidays Act, Chapter 252 of the Laws of Malta. During the last Republic Day speech, the President George Abela, suggested that the five national holidays (Independence Day, Republic Day, Freedom Day, Victory Day and the Sette Giugno) should be cut down to two - Independence Day and Republic Day.

Although it is better to have two national days instead of five, I would go a step further and argue there should be only one national day which should neither be Independence Day nor Republic Day but Constitution Day. Constitution Day is the day when a Second Republic comes into being. It is this day which should establish a 'new' State of Malta, hopefully next year when Malta celebrates its 50th anniversary as an independent state and its 40th anniversary as a republic, whereby all Maltese identify themselves with this new

historical event, Constitution Day. If Malta were not a republic I would favour Independence Day as the sole national day. However, with Malta becoming a Republic, I now favour Republic Day as the sole national day. The other three national days are more historic events which Malta should continue to celebrate as public holidays rather than as national days which all Maltese should identify themselves with.

These three days do not have that unifying bond as Independence Day and Republic Day, which have transformed the status of Malta from a former British colony to a sovereign state in its own right. I prefer Republic Day over Independence Day for the reason that the umbilical cord from the UK was cut not on Independence Day, nor on Freedom Day, but on Republic Day. The fully self-governing state of Malta came into being on Republic Day. The Queen was no longer the Head of the State of Malta and she lost her representative in Malta - the Governor-General. It was only on Republic Day that the colonial ties were severed from the UK even though to date there is still a legacy of the colonial past present to date ranging from a colonial Constitution given to Malta in 1964 by the British Parliament to the bulk of Malta's public law ranging from Constitutional Law, Administrative Law, and so on.

So much that I favour Republic Day over Independence Day as the sole national day of Malta, I still am not satisfied by the way Malta became a republic. This is because the Republican Constitution - contrary to the Independence Constitution - was not subjected to a referendum. Such a

milestone in Malta's history lacks the seal of popular approval. Indeed, in Parliament, at that time, the requirement to obtain popular approval for the status of the State of Malta, from an independent state to a republican state, was legally circumvented to prevent people from voting upon the Republican Constitution.

Both historic dates mentioned by the President in his Republic Day Speech do have their advantages when singling out one of them for candidature for the National Day, even if there is one main disadvantage with regard to both dates: half of Malta favours one day and the other half the other. Perhaps we should move on in time and look elsewhere for a National Day for Malta.

The main advantages of Independence Day are that it was approved both by Parliament and the people; it is the foundation day of the State of Malta - that is the day when, for the first time in Maltese history, this nation

became a sovereign and independent State. This is the birthday of Malta.

The main advantages of Republic Day are that Malta took full control over its destiny, ensured no foreigner would be involved in the topmost echelon of the governance of Malta and has its own Head of State chosen from its own brethren.

From a Maltese perspective, Republic Day is when Malta began to belong truly and entirely to the Maltese. Undoubtedly Republic Day follows Independence Day because without this latter historic moment for Malta, it could not have shed its monarchical status to become a republic.

I do appreciate these two national days are very much intertwined together. I would also venture to say that they are inseparable. Despising the former means despising the latter and vice-versa. Perhaps this is why it does not make much sense to choose between these two milestones for a single national day status.

Unfortunately the past has shown the country has been divided on which day to choose as its own national day. Our two main political parties have shown political immaturity in this respect, adopting a very partisan approach. The Nationalist Party historically favours Independence Day and the Labour Party favours Republic Day. But the second is a continuation of the first and without the first we could not proceed to the second. Hence, Malta should cherish both national days.

However, as I stated in the introduction of this article, Malta should still have one national day which unifies all the country. That

date is not Republic Day, which lacks popular approval, but should be a new date which finds approval of Parliament, civil society and the people at large. That date should be the day on which the Second Republic is established, that is, the day when Malta is given by the Maltese people as lawgiver a new Constitution tailor-made to suit the requirements of a small island state such as Malta, written by Maltese, voted for by Maltese MPs and Maltese people and drafted by none other than the Maltese population.

Constitution Day should be a day approved by all political parties and voted upon by all the electorate.

It should be the product of a consensus of all Maltese. Constitution Day should be the day when the Second Republic comes into being following the conclusion of a Constitutional Convention tasked with drafting a new Constitution for Malta.

This Convention should engage the active participation of all sectors of society - political parties, civil society organisations, think tanks, constitutionalists, experts in government studies, public administration and public policy as well as all those persons who are willing to contribute to the new home grown Constitution, the Constitution which all Maltese identify themselves with and which preserves their national identity.

The University of Malta, through its various faculties, should be intensely involved and proactively contribute to this national task. Constitution Day should be the one and only unifying national day for the independent state and Republic of Malta.

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