

Comment & Letters

Red card system for MPs



Kevin Aquilina

Kevin Aquilina is dean of the Faculty of Laws at the University of Malta.

The Constitution of Malta does not provide for recalling by the electorate of a member of Parliament once elected to the House of Representatives. This means that once an MP makes it to the House it is extremely difficult for the electorate to have him/her removed from office.

There might be various reasons why the electorate might want to recall an MP. One such reason is that, through his/her voting behaviour in the House, s/he might end up no longer representing the views of the electorate.

Another reason is that the MP might engage in corruption or other criminal activity or is found to be incompetent or negligent in his/her duties.

It could also be that an MP is a minister or parliamentary secretary and the ministry or public officers falling within his/her ministry are found in breach of financial

regulations by the Auditor General. Again, it might happen that an MP has violated the oath of office, breached the code of ethics for MPs or repeatedly misbehaved in the House of Representatives by, for instance, hurling insults at other MPs, used language unbecoming an MP, abused parliamentary privilege, disturbed the sittings of the House or indulged in racist, sexist, obscene and vulgar language during parliamentary sittings well knowing that s/he is protected by parliamentary immunity.

Where there is no criminal conviction against him/her but there are ongoing criminal proceedings instituted against him/her, there is no way to suspend the MP or else obtain a resignation.

Bearing in mind that a normal lifetime of Parliament is five years, this period of time might be too long to retain an MP whose removal might be required in the public interest because of misconduct, ongoing criminal proceedings, involvement in scandal or for political or policy reasons. Indeed, the electorate might want to recall such MP because they might dislike his/her policies, disagree with his/her publicly-demonstrated prejudices or voting patterns.

There can be cases where the electorate might want to castigate an MP who crossed the floor in the House, has voted with the other side on fundamental issues or introduced legislation or motions that are antithetical to the views of his/her electors.

Introducing a recall procedure in the Constitution will empower the electorate to remove an unwanted elected MP. In this way, politicians are kept on their toes throughout the legislature.

If an MP decides not to attend on a regular basis sittings of the House, the electorate can recall him/her back as, after all, if such MP is not carrying out his/her parliamentary duties, then there should be no place for that MP in the House.

The recall procedure is direct democracy in practice. In the same way that an MP is elected by the people, s/he should be removed by the people from office before the term of office ends. An MP is elected by the people to represent them and not to represent his/her own views. If an MP severs his/her ties from the electorate, the latter should be empowered to sever its ties from that MP by recalling him/her back and electing somebody else instead to represent them. This is what indirect democracy is all about.

To recall an MP, a petition would have to be signed by the electors of the district from which it is being proposed to disenfranchise an MP. Ten per cent of eligible electors, as verified by the Electoral Commission, should suffice to set the recall procedure in motion.

If an MP is recalled, a by-election would have to be held so that a new MP is appointed in his/her stead. It may well happen that holding a by-election may not be possible. In

such cases, somebody else would have to be co-opted or appointed in terms of law.

Recall should apply to all elections, that is, local council and administrative committee elections, general elections and European Parliament elections.

If the petition is to recall a mayor or councillor, a minimum of 10 per cent of that locality's inhabitants entitled to vote would be required.

In the case of a general election, it would be 10 per cent of the voters of the district from where the MP was elected.

If it is a member of the European Parliament, then it would be 10 per cent of the whole of Malta and Gozo.

There is no doubt that, with a recall procedure, there will no longer be MPs who absent themselves without a valid reason from parliamentary sittings, abuse their official powers, fail to draw up and present the relative financial returns required of them and, generally, misbehave.

Recall of MPs is a measure that introduces accountability in the House of Representatives, local councils, administrative committees and European elections.

By raising the standards of MPs' behaviour, democracy will be strengthened, abuse curbed and accountability achieved. More significantly, through the recall procedure, direct democracy will be subjected to the will of the people who are sovereign within a parliamentary democracy.

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