

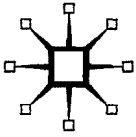
# The 2009 Elections to the European Parliament

Edited by

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# 21

## Malta

*Henry Frendo*

### Background

Malta joined the EU on 1 May 2004 and the eurozone on 1 January 2008. Its second EP elections to elect five MEPs took place on Saturday 6 June 2009. These were the first elections since joining the eurozone. With the ratification of the Lisbon Treaty, a sixth MEP will be added. Just over a thousand electors (1044) could vote a week earlier due to particular commitments but Malta still does not allow its overseas citizens to vote, not even in its own embassies.

The Maltese House of Representatives ratified the Lisbon Treaty *nem con*, but without much public discussion about it. As the opposition Partit Laburista (Malta Labour Party – PL) had strongly opposed EU membership in a 2003 referendum and general election, but then, having lost both, endorsed it, any undue criticism might have been interpreted as Euroscepticism on its part. This may be an explanation as to why the Treaty's approval went through parliament so smoothly in a few hours. Malta emphasised getting a sixth EP seat to enhance its voting strength (such as it is) and generally consolidating the institution vis-à-vis other world powers. There was little if any lingering on such topics as the loss of veto in certain spheres, any federalist implications or indeed the clause permitting withdrawal from the EU. Only a few years earlier, there had been much talk of swamping and powerlessness in a one-size-fits-all organisation for so small a country as Malta, the EU's smallest – but by far the most densely populated – member state. Those voting for EU membership in the 2003 referendum amounted to only 54 per cent, the smallest percentage of all applicant states where citizens could vote in referendums. When returned to office in 1996, the PL had frozen the country's application for membership. It took much effort by the succeeding Partit Nazzjonalista (Nationalist Party – PN) administration after 1998 to revitalise and successfully to push forward the island's membership bid all the way to its realisation by 2004.

The EP elections were decided, as are general elections, by single transferable vote in a proportional representation system in use since 1921. In this

case, however, there were no electoral districts and no quotas by electoral district. The entire archipelago was one district with one quota, so that voting in this case rather resembled the *scrutin de liste* system which was used to elect members to the Council of Government in the 19th century. 322,435 registered electors from the islands of Malta, Gozo and Comino were entitled to elect the five (six) MEPs, choosing individual candidates from the various lists with the possibility of cross-party voting in indicating their preferences. Of these 306,549 picked up their voting documents, although, as we shall see, rather fewer actually used them.

Electioneering was officially prohibited on the day prior to the vote, and there was supposedly a limit as to how much money each candidate could spend. To what extent such guidelines were respected, especially the second one – in the affixing of large street posters, press and media advertising and the hosting of large-scale parties – is anybody's guess. No public gatherings were organised on the day before the election. There were complaints from the smaller parties who for various reasons felt disadvantaged compared to the larger ones, especially with regard to the time allocated to them on national television. This situation is rendered more acute by the fact that the two largest parties actually own their own television and radio stations, as well as newspapers, whereas the smaller parties do not, and have little means if any to influence, let alone control, these.

The EP elections were held on the same day and in the same polling booths as a third of the local council or municipal elections. EP votes were counted immediately over the weekend so that by 9 June the full results were out, whereas those for the other elections waited until the following weekend. These were officially released on 14 June. Counting is by hand, not electronic, so an army of electoral agents and observers participate in the counting process. There was no hint of any irregularity. The sole exception was during voting in Zejtun when a PN agent was hit and injured by a notorious 'Mintoffian' thug, Edwin Bartolo 'Il-Qahbu', who was arrested. The PL promptly deplored the incident.

The EU Commission and the EP campaigned to encourage electors to go out and vote, using sound and visual media. This may have helped boost turnout which, according to initial forecasts, promised to be an all-time low. In fact, 78 per cent of registered electors cast their vote. This was the highest percentage of all the 27 member states but on the low side by customary Maltese standards.

Never in Malta since 1849, had so many parties contested an election. Eight did so, in addition to an independent candidate. They comprised the two largest parties, the PN which had won the 2008 general election by a whisker, and the PL, which has been in opposition since 1998. The PN is led by Prime Minister Lawrence Gonzi, a Catholic lawyer and former Speaker of the House, while the PL is now headed by a newly elected young leader, Joseph Muscat, an MEP until a few months earlier. Of the smaller parties

with a chance of success were, in this order, Alternattiva Demokratika (Democratic Alternative – AD), and Azzjoni Nazzjonali (National Action – AN). Given the constraints, they may be said to have put up quite a campaign. The AD, the Green Party, was led by Arnold Cassola, a one-time secretary-general of the European Greens in Brussels and more recently (by virtue of some Italian ancestry) an elected MP in Italy under the centre-left coalition headed by Romano Prodi. The AN is a newer party which first contested a general election in 2008. It is led by Josie Muscat, a one-time PN MP in working-class districts who had resolutely opposed the generally authoritarian Mintoff-driven administrations in the 1970s and 1980s and its policies of neutrality and non-alignment. Neither party had ever elected an MP to any parliament but Cassola had come close to election as an MEP in 2004. Had there been a sixth seat, he would probably have secured it.

Imperium Europa (IE), led by Norman Lowell, Alleanza Liberali (AL), led by John Zammit, and Alpha, led by Emmanuel Bezzina, may be said to be minor fringe parties. The newest of the contesting parties was Libertas, a reformist and/or Eurosceptic Europe-wide grouping led locally by Mary Gauci, a Gozitan and a former deputy leader of the AN, the only female party leader. As I noted in a commissioned newspaper analysis of the electoral campaign (*Illum*, 7 June 2009), electioneering focused more on national issues than European ones on which the EP had or could have a say. While local council elections tended to be given a national bent in Malta, the EP ones were given a rather local one, especially by Muscat's PL. While the PN tended to rake up the past asking which of the (formerly anti-EU party) candidates was truly 'European' or not, the PL concentrated on current issues attacking the PN's record in office to the point that in one television debate Muscat even called Gonzi 'a liar'.

## Campaign

The campaign assumed an opposition versus government or PL versus PN character, and vice versa, largely anchored in issues which would be all too fit and proper in a general election. Such issues included a rather crippling surcharge on water and electricity bills related to energy prices, the still disappointing state of the roads, promised transport reforms, the resented *modus operandi* of the Malta Environment and Planning Authority, whether health care should be free or not, waiting lists in the new general hospital, and so on.

An overriding exception to this nation-centric trend was the subject of mass illegal immigration – some 2775 illegal 'immigrants' reached the tiny over-populated island by boat in 2008 alone. Here was an area of growing local concern but also one in which at the same time the EP was seen possibly to be pivotal.

The backdrop to this is briefly as follows. In 2002, Malta, an EU accession state, dropped its opt-out to the 1967 New York protocol which had come to accompany the earlier 1951 Geneva Convention mainly intended originally for refugees or asylum-seekers from Europe, not the whole world. As in 2001 the number of asylum-seekers had been only about 50, the Justice and Home Affairs Ministry had just confidently inaugurated a new reception centre capable of taking as many as 200 inmates. By 2002, however, the number of asylum-seekers suddenly disembarking in Malta had increased to nearly 2000 (excluding third-country nationals with expired visas). Whereas before 2002 Malta had been a transit, not a destination, country and it had relied on the UNHCR to interview and assist asylum-seekers who would then be resettled elsewhere or repatriated – Ugandan Asians, Christian Iraqis, Albanians – it had now enacted its own Refugee Act and established its own Refugee Commission and Refugee Appeals Tribunal. The UNHCR assumed an observer/advisory role, giving priority to repatriation and resettlement from other countries in accordance with its own bilateral quota agreements and priorities. Briefly, by 2009, some 13,000 asylum-seekers, of whom very few were bona fide refugees under the Convention, had landed on the island, usually having misplaced their travel documents, or indeed been brought to the island in response to search and rescue calls reaching the overstretched Maltese armed forces. These new arrivals were mostly younger people, largely Muslim, from sub-Saharan Africa and trafficked through Libya, who had generally paid a lot of money risking life and limb to reach the promised cure for all woes, Europe, but ended up on an archipelago 122 square miles in total area, with a resident population of over 400,000. Over the Christmas/New Year period in 2008/2009, a time when boats had not normally arrived before, larger boats started arriving with a few hundred 'irregular' migrants on each.

However, as Malta had become party to the Dublin Convention in 2004 by virtue of its EU membership, many of those who made bold to escape could and would be arrested by the Maltese police if caught, or even be sent back from incomparably larger EU member states to the island upon which they had set foot first. At the same time, the Maltese authorities were at their wits' end as to how to accommodate, feed, school, care for medically and hygienically and generally organise reception facilities in barracks, hastily created centres for vulnerable cases, tents or wherever else it was possible to find space. The press made a meal of these new and (for Malta unusual) human stories, often sensationalising them, especially if public assistance – in addition to free board and lodging – was deemed inadequate, or was stopped after a period of time, provoking protests and sometimes disturbances in 'closed' or 'open' residences – as the jargon that the public were slowly acquiring would term them. Equally, what seemed like an array of inspectors and investigators from EU or somehow EU or

'Europe'-related bodies descended on Malta, reporting, recommending, complaining, accusing and sometimes insulting the 'hosts', who had themselves been successively colonised by European powers, on the last occasion within living memory, and who certainly had never colonised anywhere or anyone, least of all the countries where most migrants were coming from – the former Italian, British and French empires across Africa. Most Maltese had never even heard of the countries in Africa or even Asia where this 'invasion' – as even the Prime Minister called it – originated. Initially, in a very largely Roman Catholic 'tourist' country hospitable to sojourning visitors, there was a public mood of Christian compassion and charity fostered by both the government and opposition as well as by various Catholic NGOs – diocesan clergy, Jesuits, Franciscans and Dominicans. Slowly, the mood began to change.

Before this EP election, the main parties stumbled over each other in the attempt to assure voters that Malta was actually facing a crisis but the EU would help, that there would be burden sharing, that the Dublin Convention would be revised, that Frontex would sort it out, that claims would be adjudicated upon by the UNHCR in Tripoli before migrants could leave, that illegal employment or exploitation would be severely penalised, and so on. As Malta had inherited and retained a huge Mediterranean search and rescue area, an argument blew up in March with Italy which, conscious itself of the same upcoming EP elections, refused to take immigrants off Lampedusa, with Malta insisting that responsibility for coordinating salvage operations in a wide area of that part of the Mediterranean did not dictate an obligation to take in anybody not found within its own territorial waters, or not in distress. In short, in spite of the recession, polls continued to show illegal immigration as the main concern on people's minds, so this may be said to have become the main electoral issue.

On the devout feast day of Our Lady of Sorrows, the Bishop of Gozo used a sermon to criticise the detention policy (which enjoys unanimous support in parliament), passionately alleging that these refugees were all victims of persecution who had spent a miserable time. This did not cut much ice either, indicating waning church influence in public affairs. The IE and AN had warned about a growing threat to jobs and identity (without much respect for political correctness) and been generally pooh-poohed, and the former's Lowell charged in court for inciting racial hatred and offending the outgoing President. However, the PL's Muscat forced a parliamentary debate, which the administration was at first reluctant to concede, in which he played the populist card, calling the administration spineless, more or less advocating a 'return to sender' approach and particularly a firmer recourse to the veto in Brussels. A few PN back-benchers joined in the fray on the same lines, thereby taking the carpet from under the feet of the AN, a more moderate anti-immigration party than the IE, which, as it turned out, polled better than it did. Cabinet announced that boat people

on their way north would be provisioned at sea unless they were in distress. Malta adamantly, and ultimately successfully, refused to take offshore Lampedusa cases.

A similar tactic was employed with regard to the AD, which had long championed environment-friendly causes and policies and was generally sympathetic to asylum-seekers. Both the main parties fielded a candidate specifically from the environment lobby, one of them, a biologist, sporting a bright green tie in all the huge roadside posters. Neither the AN nor AD did well, with the overall small-party vote amounting to under 5 per cent. The PL scored a resounding victory with nearly 55 per cent, one practically repeated in the municipal elections, while the PN trailed with 40 per cent in the former and 44 in the latter.

## Results

The EP results by party, reported in more detail on Table 21.1, were as follows: PL: 54.77 per cent (135,917), PN: 40.49 per cent (100,486). AD: 2.34 per cent (5802), IE: 1.47 per cent (3637), AN: 0.64 per cent (1595), Libertas: 0.12 per cent (298), others: 0.17 per cent (434).

Compared to 2004, the PL vote was up while that of the PN down. The AD more than halved its vote, while the IE doubled its. The AN and Libertas were contesting their first EP election. The 'others' included the AL, which dared to advance some proposals on hitherto locally 'untouchable' subjects such as abortion, euthanasia and naturist beaches. Divorce, still illegal in Malta, was noticeably on its agenda as well as on that of the AD and other unsuccessful small or fringe parties. Two promising female candidates, one for the PL and another for the PN, did well but just failed to be elected. All five (six) MEPs are thus men, four were incumbents, with one of them, the PN's Simon Busuttil, running away with the preference vote. However, with the coming into effect of the Lisbon Treaty, the PL will have the sixth seat: going to the candidate who had ceded his parliamentary seat to his new leader, until then not an MP in Malta. In other words: four MEPs to Labour (Progressive Alliance of Socialists and Democrats – S&D) and two to the PN (European People's Party – EPP).

Some issues which related directly to the EP and positions taken (or not) by the MEPs in the 2004–2009 legislature did earn a mention – such as the airport departure tax, overtime, VAT on car registration tax and Spring hunting – but these tended to get swamped by general electioneering centred around 'bread and butter' issues promoted by the main parties, and the emotionally charged illegal immigration question, including who had pressed which button during EP votes regarding aspects of this.

The PN focused on its ability to limit job losses and create new jobs in spite of the recession. According to Eurostat, employment had risen by 1.8 per cent in the 2009 January-March quarter compared to 2008; this

was the best in the EU, where employment was generally nose-diving. At the same time, inflation rose to 3.8 per cent, again the highest in the EU. The energy surcharge was considered by even the PN to have been badly handled, notwithstanding any allowance having been made for the fact that water production in Malta relies considerably on costly reverse-osmosis plants. This gave the PL in opposition an 'Aunt Sally' to aim at. Similarly, the PL could target a multiplicity of splinter grievances ranging from a 60 km per hour limit on the highways with surveillance cameras sprouting up everywhere, to disrespect for building footprints and gardens in traditional residential areas with the height of construction levels doubling, avoidance of the issue of rights of ownership adversely affecting a wide array of second- and third-generation 'disinherited' heirs, bad roads damaging cars whose drivers were being simultaneously fined for real or imagined traffic offences and a public transport system badly needing an overhaul, however controversial this might be. A post-electoral message-reading spread in a local weekly, *The Sunday Times*, even blamed the government's reliance on civil servants instead of policy consultation with academic experts, and a galloping bureaucracy in what had long been an island fortress, for the ignorance of membership of Schengen and the single European space even among institutions meant to promote it. Although in 're-founding' Malta's only university in 1988, the PN did away with the academic pecking order of universities, three EP candidates had academic credentials. One of them, the economist and broadcaster Edward Scicluna, was elected on the PL's

*Table 21.1* EP election results in Malta by party and EP Political Group

Parties	%	Votes	Seats	EPP	S&D
PL (MLP)	54.77	135,917	3		3
PN	40.49	100,486	2	2	
AD	2.34	5802	0		
IE	1.47	3637	0		
AN	0.64	1595	0		
Libertas	0.12	298	0		
Others	0.17	434	0		
Total	100	248,169	5	2	3

Legend:

PL (MLP) : Partit Laburista (Labour)

PN : Partit Nazzjonalista (Nationalist)

AD : Alternattiva Demokratika – The Green Party

AN : Azzjoni Nazzjonali

IE : Imperium Europa

Libertas : Libertas Malta

behalf at his first try the only new face in Malta's EP contingent. Politicians may tend to notice praise and condemnation most, but silence can speak louder than both. Most of those voters abstaining hailed from traditional pro-PN areas.

Perhaps the gap between a dependence on London to one on Brussels was a rather short one, although EU membership helped to put many people's minds at rest after the disturbing, disorderly Mintoff years, although these are becoming distant, especially to the younger generation who did not experience or ever learn anything about them, in a far removed socio-political climate dominated largely by consumerism and entertainment, as amply manifested increasingly in the press and media, sadly including public broadcasting. The new PL leader's clever and successful appeal has been: look to the future not to the past. With a party in office from 1987 to 1996, then again from 1998 to the present, with nearly another four years to go, and so soon after a general election, the outcome of these EP elections becomes more readily comprehensible.

What this election meant, too, was that the bi-party, bipolar domination, in force at the time for 43 years, would continue to the exclusion of any third party in office, except perhaps at the municipal level.