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About Dr Tabone:

Dr Tabone was born in Gozo in 1913. He was educated at the Gozo Elementary School, St. Aloysius College, the University of Malta, Oxford University, and The Royal College of Surgeons of Edinburgh. He graduated M. D. (Malta) 1937, Post-graduate education and training at Oxford University, and the Royal College of Surgeons of Edinburgh.

During the war he served as Army Medical Officer. He was Medical Consultant with the World Health Organisation on a short-term basis between 1952 to 1960 and served in Geneva and in several Countries in the Far and Middle East. He was member of the WHO Expert Committee on Trachoma in 1955. He entered Parliament in 1966 and was elected in all subsequent elections up to 1989, and served as Minister of Labour Employment and Welfare between 1966 and 1971, and Minister of Foreign Affairs between 1987 and 1989. In 1989 he was appointed President of Malta by parliament, and his term as President ended on the 4th April 1994. The following is the text of a talk he gave at a meeting held in Gozo as part of the Lowenbraui series on important personages in Gozo.

THE CHANGE FROM A MONARCHY TO A REPUBLIC

In my talk I shall deal briefly with politics in post war Malta, particularly after Independence.

Soon after the end of the War, Political Parties became active on the return of full self-Government which became a reality with the Blood Constitution, not greatly different from the 1921 Constitution, which had been withdrawn in the early thirties. During the operation of the Blood Constitution the political spectrum was fragmented and in the elections of 1947, five Parties were represented in Parliament, namely, the MLP, the Nationalist Party the Democratic Action Party, the Gozo Party and Jones' Party. The MLP under the leadership of Dr. Paul Boffa was by far the strongest Party both within and without Parliament

After the split of the MLP, elections were held in 1995 and the Nationalist party became the largest Party in the house. Government was formed by the Nationalist and the Malta Workers Party. The Malta Labour Party was this time led by Mr. Dom Mintoff. The Gozo Party did not contest, and the Constitutional Party again entered Parliament. In the 1955 elections, won by the MLP Parliament was made up of only two parties the MLP and the Nationalist Party.

The 1962 elections had the main political theme of Independence and were won by the Nationalist Party. After meetings in Malta and the U.K. on types of Constitutions preferred, the Independence Constitution proposed by the Nationalist party was approved by a referendum and Letters Patent were accordingly promulgated. Independence was granted by the House of Commons and Independence was promulgated in Malta in 1964 - a monarchical constitution with Queen Elisabeth as the Queen of Malta.

In 1974 under a Labour administration the Constitution was changed into a Republican one, and this Constitution is still in operation with amendments approved by both sides of the House.

I shall make one observation about the passage to independence. It is one thing to become independent and another to behave as a citizen of an independent state. Before 1964 the Maltese were a nation in the sense that they had a common language of their own, for the last two thousand years they had a common religion, and by and large behaved as a group independent of their masters. During this period we had episodes of individual valour in many fields, those military, those scientific,

those humanitarian, as well as in other spheres of human endeavour. They lacked, however, the experience of determining their existence and future by themselves. One may recall their collective action in gathering the necessary ransom to be delivered from their master Monroï, against a promise, later broken by the sovereign that they would never be transferred to another master. One must recall that in their uprising against the French they asked for outside help, from the British as they were in no position to oust them by themselves; they did not hesitate to change masters by submitting to the English monarch.

The achievement of Independence in 1964 is thus a date that can never be surpassed in the annals of history as it opened up the wide vistas of options of a sovereign and independent state. Those of my generation who have lived through the colonial period and who have had the privilege of living through the independence and subsequent period can well remember the difference - the great difference - that independence has brought to Malta.

Few, however, consider the difference in our way of thinking and at times in our way of action. We still believe, often without deep consideration, that we are now our own masters, looking to other countries for comparisons and for imitation. Even our own children, born after 1964, have often contracted the habit of considering our efforts as being inferior to those of other countries, and of considering what is foreign almost inevitably superior to what is Maltese. Many of us still speak among themselves, for no valid reason a language which is foreign to us, look at historical events as if they belonged to us instead of to the occupying Power, even if we played in them an important but subsidiary part; we sometimes hijack history to our favour, giving less importance to purely Maltese events.

We celebrate as national events which had important effects on our lives, and rightly so, but give no official recognition to the only Maltese national initiative as was the insurrection against the French, leading to

their leaving the Island with the help of others. We take just pride of our contribution to the history of the Knights of St. John and to the history of the British in Malta, but sometimes behave as if we were their descendants. We still have not achieved that spirit of national unity which independence should have instituted amongst us, and we still divided when celebrating Independence Day! We bicker too much between ourselves and often divide unnecessarily into 'we' and 'they'. We still persist in calling edifices and palaces by their past colonial names even when a different use is made of them today; this would imply that their original use is to us more important than the use we make of them today. I believe it is time to make an effort to think as Maltese rather than as belonging to our different political parties or our different clubs or parishes. The sentiment of we and they, must be surely replaced by a sense of national belonging and solidarity.

I wish now to talk about the other subject of my talk: The Presidency of Malta. Our constitution prescribes that: There shall be a President of Malta who shall be appointed by a resolution of the House of Representatives (Section 49). He shall be a citizen of Malta, who has been a judge, and who is not precluded from holding public office in accordance with other sections of the Constitution. His term of office is of five years, and he is not eligible for re-election at the expiration of his term. Whenever he is abroad or is unable to perform his duties, an acting President is appointed by the Prime Minister after consultation with the Leader of the Opposition (Section 50). The duration of such a temporary appointment is not specifically stated, but Section 49. 4 stipulates that any acting President shall cease to hold office on the expiration of three months. We all know that the late lamented Paul Xuereb held office as acting President for about two years. The President is a member of Parliament but not a member of the House of Representatives (Section 52). The Executive authority is vested in the Early President, but it is exercised directly or through officers subordinate to him (Section 79). The General direction and control of the Government of Malta lies with the Cabinet who is collectively

responsible to Parliament. The President shall appoint the Prime Minister who must be a member of Parliament who in the President's judgement is able to command the support of a majority of the House. The President appoints also Ministers and Parliamentary Secretaries on the advice of the Prime minister. The President may remove a Prime minister from office if the house resolves by a majority of all its members that it has no confidence in the Government. This act is subject to the passage of three days, during which the President does not dissolve Parliament on the advice of the Prime minister. The President may ignore the advice of the Prime Minister to dissolve Parliament if in his personal judgement there may be another person who might have the support of the majority of the House, and whom he decides to appoint as Prime minister. Such a prerogative of ignore the Prime Minister's advice has never happened to date; it is a prerogative which must be exercised with very great care, as if a Prime Minister nominated under these conditions eventually fails to obtain the support of the House, an election would become inevitable, and the only outcome of the President's decision would be a change in the government conducting an election. A grave situation which might expose the President to the charge of lack of impartiality in the exercise of his office.

There are other situations when the President may act in accordance with his own deliberate judgement (and not in accordance with Cabinet advice). Some of these are the following:

- a) In appointing an acting Prime Minister
- b) when he is unable to contact the Prime Minister (Section 84 proviso to subsection 2).
- c) When he appoints the Leader of the Opposition or revokes such an appointment (Section 91).
- d) If he refuses an appointment on the personal staff of the President. Furthermore no Court of Law can investigate if the President has or has not acted in accordance to advice, when he is enjoined to act on advice.

In my personal view there is an anomaly in the Constitution in relation to the appointment of the Prime Minister. Section 82 (2) provides that the office of the Prime Minister shall also become vacant (a) 'when, after a dissolution of Parliament, the Prime Minister is informed by the President that the President is about to re-appointing as Prime minister, or to appoint another person as Prime Minister.' I interpret this section as meaning that until another Prime Minister is sworn in there is no functioning Prime Minister, a dangerous situation, a vacuum of power-without anyone (not even the President) being entitled to take it on. Hours may elapse, and this may be dangerous particularly in cases when the results of an election would indicate a change of government. I was very conscious of this after the 1992 election, and when I contacted Dr. Fenech Adami regarding the oath-taking the following morning, I was careful not to tell him that I would be re-appointing him as Prime Minister although this was obvious after the results of the election), I simply asked him at what time we would be meeting the following day. I feared that any other information about my intentions would deprive him there and then of his functions as Prime Minister. I am not a lawyer, and I certainly cannot interpret with authority constitutions, but I was not prepared to take any risks. Section 88 provides for the Prime Minister to keep the President fully informed concerning the general conduct of government, and shall furnish the President with such information as he may request with respect to any particular matter relating to government of Malta.

These are the specific duties of the President of Malta but the most important obligations derive from his oath of office: he or she solemnly swears (or affirms) to preserve, protect and defend the Constitution of Malta. It is an all-embracing Oath and he or she does not always find prescribed the ways and means applicable to all situations that may arise. I have no doubt that this solemn oath will always be carried, as has been done in the past, in the sole interest of the Nation.