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## What happened to constitutional reform?

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The official website for Malta's constitutional reform states that 'You can make a difference to your life and those of future generations'. It asks of the reader: 'What would you like to change in the Constitution? How should it reflect contemporary needs? Do you have any suggestions?'

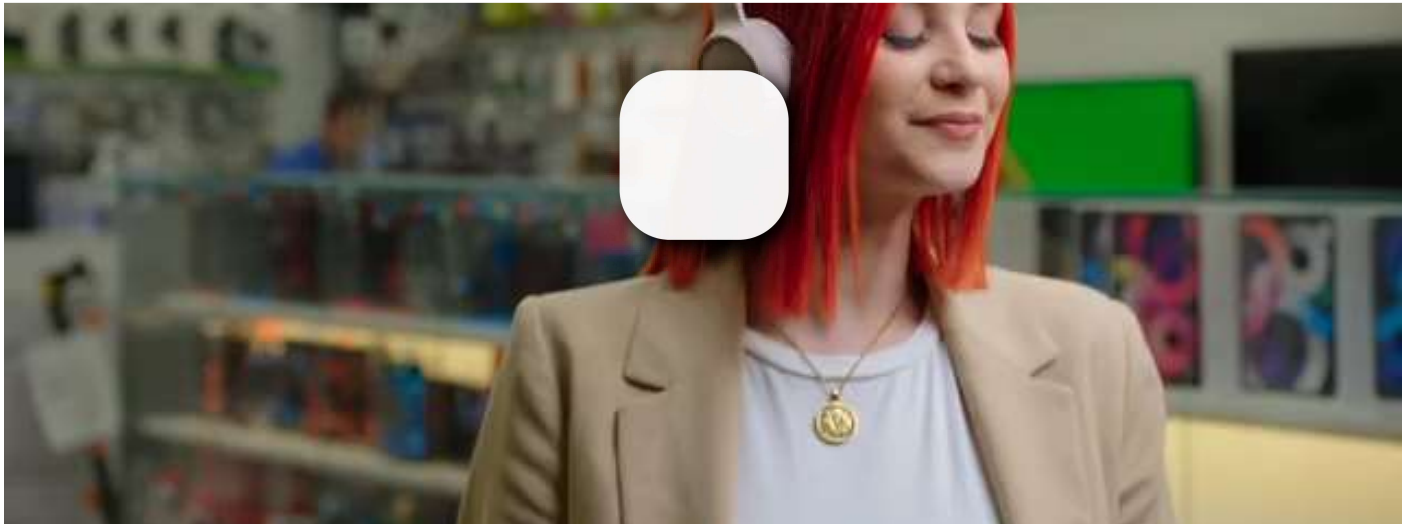
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During a three-month window which ended last 15 February, “individuals, NGOs, public or private entities, constituent bodies, and political parties” were invited to take part in the public consultation in question. A Steering Committee for Constitutional Reform chaired by the President of Malta and comprising representatives of the parliamentary political parties was set up towards the end of 2018 for this purpose.

The website adds that analyses of submissions received are ongoing.

On the site, one may also find the feedback received. So far so good.

It would be helpful to those who submitted and to those interested in the process, if the analysis that is being conducted is explained. As someone who submitted my proposals, reading that the process is being carried out with due diligence is not enough, I expect elaboration on this.

The basic premises of my proposals were explained in my article entitled ‘A crook proof constitution’ (The Malta Independent 12 December).

Therein, I argued for institutional reform to curtail excesses by governments and for a reform process which would be transparent, evidence-based, and characterised by deliberation.

In today’s article I am focusing on the latter as I have reason to believe that it is being ignored by the Government. Consequently, this can affect the substance of the reform process.

Indeed, Government has proposed various changes in Malta’s constitution, which are subject to parliamentary approval. It however transpires what is being proposed retains excessive power in the Prime Minister’s hands, for example in the appointment of the President of the Republic and the Chief Justice.

In this regard, investigative journalist Victor Paul Borg presents a well-researched analysis in The Shift News and Constitution.Net, a global scholarly platform for constitutional reform which forms part of International IDEA – the Institute for Democracy and Electoral Assistance.

The Opposition has also been highlighting the fact that the government has been speeding up the open consultation, thus making a mockery of proper deliberation. Indeed, the Opposition itself was

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space, time and ambience to deliberate alongside citizens, civil society, constituted bodies, minorities, and political party representatives.”

I had also recommended that “the Constitutional Reform Committee carries out an expert review of possible models of consultation. It should ensure transparency about its methods of analysis of public feedback. Peer review can assist this process: Here, the consultation process and committee recommendations will be further subjected to evaluation by qualified reviewers. Besides, impact assessments should be carried out on proposals that are followed through.”

It would help if Government informs the public about whether it reviewed any methods of consultation. For one, the same International IDEA which I mentioned above specializes in such matters.

Finally, I had proposed that “the consultation process should have proper time frames, but it should not act as a speedy springboard for quick-fix solutions which can have unintended consequences.”

Unfortunately, it is crystal clear that the government is opting for a quick-fix approach. Once again, Malta is losing an opportunity to have an organic, evidence-driven and participatory process of deliberation.

The constitutional reform process is contradicting the shiny slogans on its own website. This calls for a unified approach by concerned political forces, social partners, experts and civil society actors to exert pressure for a proper consultation process before the government bulldozes further.

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