RESTORING TRUST IN POLITICS

Proposals for Good Governance
We have a problem.
Public trust in politics and politicians is steadily being eroded.
We can either choose to ignore it or we can address it.
We should not look away because trust lies at the very foundation of our
democracy and the very fabric of our society. History teaches us that the price
to pay for any society that fails to address this is very costly.
I want to restore trust in politics.
I am acutely aware that trust cannot be bought or taken for granted.
It has to be earned through hard work, every day.
I am very clear in my mind on what type of politics I stand for - I stand for
honesty in politics.
I want the Nationalist Party to rise to the occasion and take on the challenge
to restore public trust in politics. True, to do this we must learn from our past
mistakes to avoid repeating them. But we can also look confidently ahead in the
knowledge that we can do better, much better, than what we have today.
We will do this by raising the bar.
We will commit, with renewed vigour, to our convictions of honesty, fairness,
impartiality and competence. These are the values that can best assure a higher
quality of life in our society.
At the centre of our convictions are a set of values which define our notion
of good governance. These values form the basis of a pact between citizens
and their elected representatives, a pact based on trust, which places the
Government’s authority truly at the service of all Maltese citizens rather than
the chosen few.
We are therefore proposing a set of proposals for good governance.
This document does not aspire to be the be-all-and-end-all on good governance.
It is but a set of ideas that are open to public consultation and which may still
be shaped and influenced. But it certainly brings together a number of radical
changes that can seriously shake up the system of governance and change it for
the better.
In this sense, it is a first and it reflects the real change that people want.

Simon Busuttil
Leader of the Nationalist Party

“I want to restore trust in politics”
An unprecedented number of cases of alleged corruption, fraud, conflict of interest, incompetence, irregularities, clientalism, nepotism and discriminatory practices have come to light.
We are witnessing a steady erosion of values and principles. We also have inadequate safeguards to ensure that any Government, present and future, acts in line with such principles and is stopped in time when deviating from them.

An unprecedented number of cases of alleged corruption, fraud, conflicts of interest, incompetence, irregularities, clientelism, nepotism and discriminatory practices have come to light. In addition, a number of public institutions have by and large lost their autonomy, disregard of the rule of law is rampant and lack of transparency and accountability have become the order of the day.

The current Labour Government has presided over a lowering of standards in good governance in an extraordinarily short time. It is even more shocking when one considers that this Government was elected on a platform of good governance.

But this does not mean that the Nationalist Party is free from blame. In the past, it committed its own mistakes, some of them serious, and paid a heavy electoral price. It is also responsible for having failed to ensure that good governance was sufficiently entrenched in the country as to outlive its own Government. It was also slow in introducing certain good governance laws, such as on party-financing, that were long overdue.

Some risks are clearly visible:

- Important public contracts signed in secrecy and kept away from public scrutiny.
- Disregard of the principles of merit in public appointments and ongoing cases of blatant favouritism, nepotism, discrimination and clientelism.
- A number of instances which indicate potential conflict of interest.
- Indications of corrupt practices in the award of public contracts or the disposal of public property and in the award of public services, not least the issuing of visas and residence permits for foreigners.
- A growing disregard for the rule of law leading to a situation where people are getting the feeling that it pays better to act like cowboys than to be law-abiding citizens.
- A rapid concentration of power and loss of autonomy of public institutions.
- Manifest political interference in planning and development permits which will have a serious social and environmental impact for generations to come.
All these instances are underpinned by one common denominator – an erosion of values and principles. But there are deeper issues that also need to be addressed, some of which go to the very heart of our political structure and system. For example:

» The method of electing the President of the Republic by a simple parliamentary majority does not always lead to the national unity that one could have if the selection is based on broader consensus.

» The rare use of referenda, including referenda that propose laws or decisions rather than just removing them.

» The Constitutional Court might declare a law invalid, without, however, these laws being necessarily removed from the statute books.

» No real separation of power between the Government (the Executive) and Parliament (the Legislative) and the Government majority often thwarts the basic function of democratic oversight that should be exercised by Parliament.

» The way that Government is solely responsible for appointing members of the judiciary tarnishes the latter’s image of impartiality.

» The electoral process is slow and significantly limits possibilities for innovation (such as e-voting or e-counting) or distance-voting.

» Parliament remains weak in its level of democratic scrutiny and still lacks the necessary administrative autonomy, the resources and the powers necessary to carry out its oversight function effectively.

» Allegations of political discrimination and corruption cannot easily be resolved by recourse to justice.

» Access to Government information remains restricted, with weak possibilities of scrutiny, and there are no limits to the extent to which the government can feed the public with propaganda using public funds.

» Although the role of civil society organisations has grown in importance, their involvement in decision shaping is still limited and lacks a proper structure.

» Political parties remain the principal drivers of policy formulation and evaluation.

» The public service media are increasingly controlled by the Government of the day.

The PROBLEMS identified across different parts of the institutional setup include:

1. Lack of respect of the rule of law
2. Unequal treatment and discrimination
3. Lack of transparency
4. Lack of accountability
5. Unethical behaviour and conflicts of interest
6. Nepotism, favouritism and clientelism
7. Misuse of public funds, property or other assets
8. Abuse of power and corruption
9. Uncertainty of democratic outcomes
10. Weak public administration
These are a set of proposals intended to chart a new beginning in good governance and which are now open for public consultation.

**PRINCIPLES OF GOOD GOVERNANCE**

The core PRINCIPLES of Good Governance that we embrace include the following:

1. Democratic governance based on active citizen participation
2. Respect for the rule of law
3. Accountability
4. Transparency
5. Responsiveness to people’s needs
6. Equity and inclusion
7. Ethics and impartiality
8. Consensus oriented
9. Fighting fraud and corruption
10. Sound financial management

We have identified the problems and the principles underpinning our vision for good governance. The Maltese Constitution, national laws as well as European Union and International Treaties are there to regulate and safeguard our rights and responsibilities. Many of these values are already reflected in the legal framework that we have inherited from our forefathers and the PN has always demonstrated its appreciation and determination to cherish and live by the principles and values which underlie these laws.

The proposals in this document aim to ensure that the principles are embedded into the very fabric of governance at the political level, at the executive level of Government, as well as throughout the entire public administration and public institutions. In turn, these are meant to safeguard the public interest and punish those who betray it with a credible enforcement mechanism. They are not a comprehensive list of do’s and don’ts but a collection of proposals intended to chart a new beginning in good governance and which are now subject to public consultation.

We have organised our PROPOSALS under the following areas:

1. Democracy and democratic scrutiny
2. Transparency
3. Ethical behaviour
4. Public appointments
5. Use of public funds and public property
6. Media and Public broadcasting
7. Public Communications
8. Social Dialogue and civil society organisations
9. Citizens’ Rights
10. Respecting the rule of law
10 PROBLEMS

UNEQUAL TREATMENT AND DISCRIMINATION
MISUSE OF PUBLIC FUNDS, PROPERTY OR OTHER ASSETS
LACK OF TRANSPARENCY
ABUSE OF POWER AND CORRUPTION
LACK OF ACCOUNTABILITY

10 PRINCIPLES

RESPECT FOR THE RULE OF LAW
ACCOUNTABILITY
SOUND FINANCIAL MANAGEMENT
CONSENSUS ORIENTED

10 PROPOSALS

PUBLIC APPOINTMENTS
PUBLIC COMMUNICATIONS
CITIZENS’ RIGHTS
ETHICAL BEHAVIOUR
RESTORING TRUST IN POLITICS
ABUSE OF POWER
AND CORRUPTION
UNCERTAINTY OF
DEMOCRATIC OUTCOMES
UNETHICAL BEHAVIOUR AND CONFLICTS OF INTEREST
NEPOTISM, FAVOURITISM AND CLIENTELISM
WEAK PUBLIC ADMINISTRATION
LACK OF RESPECT OF THE RULE OF LAW

DEMOCRATIC GOVERNANCE BASED ON ACTIVE CITIZEN PARTICIPATION
TRANSPARENCY
FIGHTING FRAUD AND CORRUPTION
ETHICS AND IMPARTIALITY
RESPONSIVENESS TO PEOPLE’S NEEDS
EQUITY AND INCLUSION
SOCIAL DIALOGUE AND CIVIL SOCIETY ORGANISATIONS
USE OF PUBLIC FUNDS AND PUBLIC PROPERTY
MEDIA AND PUBLIC BROADCASTING
TRANSPARENCY
DEMOCRACY AND DEMOCRATIC SCRUTINY
RESTORING TRUST IN POLITICS
Democracy and democratic scrutiny

Good governance requires a clear commitment to democracy and democratic scrutiny. In turn, democracy requires a commitment to separation of powers between the Government, the Parliament and the Judiciary, such that one pillar may provide checks and balances in relation to the other. Good governance also requires strong and autonomous institutions that may outlive Governments and a legal framework that promotes high standards across the board.

To its credit, the current Labour Government has introduced a few laws that purport to strengthen democracy and democratic scrutiny. These include the long overdue Whistleblower Act, the law to remove the statute of limitations (prescription) on corruption committed by politicians and the party-financing law. Sadly, these laws are not without their shortcomings. For example, the party-financing law crystallises a glaring discrimination in state-financing between the two main political parties.

Other initiatives, such as the reform of the Judiciary and the review of the Permanent Commission Against Corruption have stalled and a Bill tabled by the Opposition for the establishment of a parliamentary Commissioner for Standards in Public Life has been languishing on the parliamentary agenda for two years. Moreover, there are areas where no reform plans have been indicated by the Government. Here are some areas which require further reflection.

A new set of measures that can demonstrate a strong commitment to democracy, separation of powers and autonomy of public institutions is required.

WE WILL

1. Respect the separation of powers between the Executive, the Legislative and the Judiciary to ensure good governance.
2. Pursue a consensual approach to governance and politics and seek to entrench consensus through mechanisms such as the two-thirds majority in Parliament for important appointments.
3. Restore the autonomy of public institutions which are required to act independently from the Government.
4. Ensure that high standards of governance are sufficiently entrenched so as to avoid future government from rolling back high standards of good governance. In this way, the rules will apply to all and not just to PN.
5. Move changes to ensure that laws that are ruled anti-constitutional by the Constitutional Court are automatically nullified and become invalid with respect to everyone, not just the parties to the court case.

Good governance requires a Government that is magnanimous in power and that is able to adopt a consensual style of politics
**APPOINTMENT OF THE PRESIDENT**

The President of the Republic is appointed with a simple majority in Parliament. In 2014, for the first time, the Opposition voted in favour of a nominee that came from the Government’s political camp. This was a first and a major example in consensual politics that perhaps went unnoticed. The Opposition did this despite the Government’s refusal to even consult the Opposition on its prospective nominee.

Good governance requires a Government that is magnanimous in power and that is able to adopt a consensual style of politics. Unfortunately we have little of this type of politics since Labour went back into office and it is ironic that the calls for consensus have often come from the Opposition rather than from the Government.

Consensual style of politics requires a political leadership that can walk the talk and extend the hand of cooperation to the Opposition. One way of doing this is to offer consensus on the selection of the person to occupy the highest post of the land, the President of the Republic. A move from the simple majority to the two thirds majority vote, requiring support of the Opposition, can be considered.

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**WE WILL**

6. Change the election procedure of the President of the Republic from a simple majority in Parliament to a two-thirds majority, thus requiring consensus with the Opposition. If a two-thirds majority is not achieved after two rounds, the simple majority rule will apply.

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**ELECTORAL PROCESS**

Our electoral system has served us well. But it is not without its faults, some of them significant. For example, the system remains too slow and laborious. It is also open to serious mistakes which are difficult to remedy in time and which may result in an inadequate distribution of seats in Parliament. It is unacceptable that nearly three years after the last General Elections, cases regarding the electoral outcome are still languishing in court. A set of special rules to have the outcome of an electoral process determined by the relevant Courts within a defined period of time, with special resources to be able to accomplish the job, should be developed.

Moreover, the system still denies Maltese voters, living in other EU countries, their right to vote. On the basis of the principle of free movement, Maltese nationals living in other EU countries should be entitled to vote in the general election in Malta.

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**WE WILL**

7. Speed up the counting process in the electoral system using electronic means.
8. Enable effective remedies in the case of mistakes or irregularities in the voting and counting process.
9. Introduce a pilot project for e-voting to establish whether this is a system that can be safely and transparently used in elections in Malta.
10. Allow Maltese citizens residing in other EU countries wishing to do so, to vote in general elections in Malta through a system of distance voting.
11. Allow persons with a visual impairment to vote with the help of a person they trust if they so wish.
PARTY FINANCING

The new party-financing law is a step in the right direction and has attracted unanimous support in Parliament. It sets limits, for the first time, on donations to political parties whilst at the same time ruling out state-financing for political parties. Nevertheless, the new law establishes a principle - ruling out state-financing for political parties - that is already flouted from the word go since the Labour Party continues to possess several public properties that had been taken over by the party for its use. This constitutes state-financing which is not available to the PN. Moreover, the law fails to place limits on the total amount of allowable spending by political parties during electoral campaigns.

WE WILL

12. Challenge in court the ongoing discrimination between the two political parties over the use of public property by the Labour Party since this constitutes a form of state financing in breach of the new party-financing law.

13. Ensure, in the interest of equal treatment in state-financing, that the Labour Party returns back to the original owners the requisitioned property that it is abusively using as local political party clubs.

14. Ensure that the State recovers from the Labour Party any damages that the Courts ordered it to pay to the dispossessed owners of property abusively or illegally used as local political party clubs.

15. Stipulate a deadline within which political parties must either purchase at market value the public property that they are using, or pay rent at market rates or return it back.

POPULAR DECISION-MAKING

Whereas our legal system allows for the holding of consultative and abrogative referenda, there is no legal provision for holding propositive referenda that would enable groups of citizens to propose new laws and decisions. Since 2003, two consultative referenda were held (one on EU membership and the second on divorce) and one abrogative referendum (on Spring hunting).

WE WILL

16. Adopt a law allowing propositive referenda so that citizens may propose new laws and decisions through a referendum, subject to the collection of the necessary signatures on similar lines as the law on abrogative referenda. To render the process more effective, the collection of signatures online will be envisaged in the law. The law will spell out which matters may be subject to such referenda.
PARLIAMENTARY SCRUTINY

Parliamentary scrutiny implies a stronger and autonomous Parliament that is able to keep the Government in check. But in the Maltese system, Parliament remains weak in contrast to the Government. This is so for a variety of reasons, ranging from a lack of real autonomy of Parliament as an institution to lack of resources for parliamentary research. There is also the over-bearing dominance of the Government through its parliamentary majority.

Moreover, Members of Parliament often tend to focus less on their parliamentary function to scrutinise the Government of the day than on their aspirations to join the Government ranks in the not-so-distant future. Indeed, their aspiration to achieve a role in Executive often makes them less effective parliamentarians.

Furthermore, under the current system Members of Parliament often cannot dedicate all their time to their parliamentary duties because of the need to keep up with their main occupation or professional practice. This too reduces their effectiveness as parliamentarians. It is therefore time to consider giving parliamentarians the option to dedicate all their time to their parliamentary duties. This will bring about a number of advantages, such as:

» Enable Members of Parliament to perform their role more effectively by dedicating all their time to it and thereby increase democratic scrutiny;
» Attract a greater number of candidates to render a service in public life.
» Reduce the risk of unethical or irregular conduct, such as conflicts of interest or corruption.
» End the current practice used by the Labour Government whereby Members of Parliament, who are Government backbenchers, are appointed to the board of public authorities and agencies or to other positions of trust in Government just to boost their income in an indirect manner.
» Bolster public trust in the integrity of parliamentarians as a result of their greater effectiveness.

A stronger and autonomous Parliament that is able to keep the Government in check

WE WILL

17. Adopt a law on the autonomy of Parliament enabling better resources to fulfil its functions and to develop its own capacity to conduct research on policy.

18. Establish a procedure so that Parliament will discuss and vote on all public entities based on their annual reports, financial statements and audit reports in order to put their performance under scrutiny and reinforce their accountability.

19. Give Members of Parliament the option to choose to dedicate all their time to their parliamentary duties by renouncing their main occupation or private practice.

20. Preclude Members of Parliament from being appointed on boards of public authorities and agencies or other positions of trust within the Government.
Contrary to common practice, the current Labour Government has doggedly refused to publish information on public agreements and contracts on a swathe of important issues ranging from health to electricity and from transport to the sale of citizenship. The public has been denied its right to know the terms and conditions which the Government entered into on its behalf. A modern democratic society does not deserve this.

This has led to a situation where several important decisions taken by the Government have escaped thorough parliamentary and media scrutiny. The fact that most of these agreements bind even successive governments makes the situation even more worrying. Repeated Parliamentary Questions and parliamentary motions as well as pressure from the media calling for greater transparency were met with flat refusals.

Some examples of contracts and agreements that have been withheld:
- Contract with Henley & Partners on IIP Scheme
- Agreement with Sadeen on the building of AUM in Żonqor
- Contract between Enemalta and Shanghai Electric on acquisition of BWSC
- Electrogas agreements
- Power purchase agreement with ENEL on interconnector
- Hedging agreements with SOCAR which led to a €14M loss
- Lease agreement between Transport Malta and GWU
- Lease agreement between Arms Ltd and GWU
- Contract with Autobuses de Lyon
- Agreement with Vitalis on the privatisation of the Gozo General Hospital

On numerous occasions negotiations and decisions were taken in secret and never subjected to public scrutiny. Examples include the decision to award a huge tract of virgin land in Żonqor to a foreign investor who met the Prime Minister behind closed doors and the unannounced visit to Azerbaijan by the Prime Minister and the Energy and Health Minister to discuss oil and gas supplies to Malta.

The Freedom of Information Act came into force in 2012 and since then journalists have had better access to information from government bodies. However, the law is riddled with exemptions which weaken it. For example, the Prime Minister retains the power to withhold information even if the Information and Data Protection Commissioner decides that a request for information should be upheld. Moreover, the law does not give the public the right to access information held by a host of important institutions ranging from the Attorney General to the National Audit Office and the Electoral Commission. The law is also limited because it does not prevail over other laws which impose secrecy and confidentiality.

Thus, it is clear that law needs to be reviewed to better reflect higher European standards of transparency and the Government itself needs to demonstrate a greater commitment to transparency.

Of course, in some cases, it is justified to refuse publication for reasons of public order and public security. However, these cases should be justified by the Information and Data Protection Commissioner. Moreover, whether or not the Commissioner gives his clearance for a document not to be published, this document should still be made available, albeit in confidence, to Parliament and other important institutions such as the Ombudsman and the National Audit Office (NAO) as required.
21. Publish all agreements and contracts entered into by the Government in the interests of transparency. In those cases where secrecy and non-publication is warranted for reasons of public order and public security, the necessary arrangements will be made for access to and sharing of the confidential information with Parliament and other bodies of the State as may be warranted.

22. Change the Freedom of Information Act to introduce greater transparency, ensuring that every citizen has a right of access to official document of the Government and that requests are processed as quickly as possible.

23. Publish the list of people who would have acquired citizenship under the Sale of Citizenship (IIP) scheme.

24. Introduce a weekly session of Prime Minister’s Question Time in Parliament.

25. Require Ministers who announce new government initiatives and Ministers who represent Malta in the EU Council of Ministers to always report to Parliament immediately after.

26. Commit to inform the public on all decisions of Government affecting the use of public money and of public property.

27. Ministers shall not travel on official business without making the visit public beforehand or immediately afterwards.

28. Publish more detailed declaration of assets of members of the Government (Ministers, Parliamentary Secretaries) within a stricter and defined timeframe of 15 days after the deadline within which they must be presented to the Cabinet Secretary.

29. Reaffirm that Ministers, Parliamentary Secretaries and Members of Parliament should not be members of secret societies.

30. Forbid any use of private email addresses for the conduct of ministerial work.

31. Reinforce the concept of open access and open data through continuous improvement in e-government services and platforms.

The fact that most of these agreements bind successive governments makes the situation even more worrying.
The need to uphold higher ethical standards by persons holding public office has become compelling. Cases of unethical behaviour have proliferated leading to an ever deepening public distrust in politics and politicians. The degeneration of standards must stop once and for all.

Ministers have gone unpunished for presenting declarations of assets which are incorrect at best and false at worst. Others got away with appointing their spouse or family members in high ranking positions in Government - most notoriously the wife of the Health and Energy Minister whose wife was appointed as Malta’s Consul in Shanghai at a staggering package of €13,000 a month - or with recruiting relatives or business partners in their own secretariat. Others have been involved in serious cases of irregularities and even unbecoming personal behaviour.

The personal lives of Ministers and politicians are private and that is how it should stay. But if one’s personal life becomes a distraction or even an embarrassment for one’s public role, then what is personal starts to have public implications.

The Ministerial Code of Ethics was first blatantly ignored when a junior Minister was allowed to retain his private practice whilst in office and it was later changed in a manner that removed the prohibition from private practice. Common sense dictates that if a Code of Ethics is breached, you must ensure that it is followed and not change the rules to enable the Minister to continue with his offending actions.

In 2013, on the initiative of the PN Opposition, a bill was moved in Parliament that would see the establishment, for the first time in Malta, of a parliamentary Commissioner for Standards in Public Office. The Commissioner would be empowered to investigate cases concerning the behaviour of persons holding public office, including Ministers, Parliamentary Secretaries and Members of Parliament and would issue recommendations on the same basis as the Ombudsman. Regrettably, this bill has languished in Parliament for two years as the Labour Government is clearly disinterested in seeing it through. This law needs to be adopted as soon as possible.
32. Commit that, unless it is already enacted, the first law to be enacted by a new PN administration would be the law establishing the parliamentary Commissioner for Standards in Public Life.

33. Implement, from the first day of Government, a new Code of Ethics for Ministers and Parliamentary Secretaries that restores high ethical standards in public office.

34. Require Ministers to be responsible for identifying possible conflicts of interest and bringing them to the attention of the Cabinet Secretary as soon as they arise.

35. Require Members of Parliament to exercise due discretion in their association and refrain from associating themselves with unsavoury characters.

36. Restore the prohibition that bans Ministers and Parliamentary Secretaries from engaging in private practice whilst in office.

37. Restore the obligation for Ministers and Parliamentary Secretaries to declare the assets of their spouses in their declaration of assets.

38. Refrain from appointing the spouses, partners, children or parents of Ministers and Parliamentary Secretaries in the private secretariats of Government Ministries, in public boards or in other positions of trust.


40. Ensure that clear rules are established to avoid cases of conflict of interest.

41. Prohibit Ministers and members of the Government from accepting gifts or hospitality valued at more than €150 where these are given by virtue of one’s public office and create an obligation. Where gifts exceed this amount but do not create any obligation, they must be declared in a register held by the Commissioner for Standards in Public Life and accessible to the public.

42. Require Ministers and Members of Parliament to declare the meetings they hold with lobbyists in a register held by the Commissioner for Standards in Public Life which is accessible to the public.

43. Introduce a legal obligation to ensure that Members of Parliament who get to know, or who have reasonable suspicion, that another Member of Parliament has committed an abuse of power or an illegal act, including corruption, report the matter immediately to the competent authorities without any delay, on pain of criminal punishment.

44. Introduce a new Code of Ethics for all persons holding public office, including persons holding positions in public institutions, public boards, the public sector and the civil service.

45. Reaffirm that public officials who receive an order that they deem to be contrary to official policy should request the instructions to be given in writing.

46. Introduce stricter standards of practice on the use of social media by persons engaged in public administration.
Public appointments

Respect for taxpayers dictates that public appointments ought to be filled by people who are competent for the job. This is what happens in the private sector. There is no reason why it should not happen in the public sector appointments too.

APPOINTMENTS TO POSTS OF HIGH PUBLIC OFFICE

The Ombudsman and the Auditor General have distinguished themselves as public institutions which are able to act impartially and independently from the Government of the day. With their work they have contributed in no small measure to stemming the dwindling public trust in state institutions.

The Auditor General has already published reports which point to excessive meddling by the Prime Minister and Government Ministers in matters that should have been best handled by technocrats paid to do the job. One case concerned the authorisation of a multi-million payment to a bankrupt company which operated Cafe Premier in Valletta. The cafeteria had mysteriously closed doors just before the general election, never to re-open again.

In another report, the Auditor General slammed the direct ministerial intervention in the selection of Azeri oil and gas state company, Socar, for hedging agreements. The Auditor General equated this political interference with bad governance. Such shortcomings are too serious to be ignored.

On its part, the Office of the Ombudsman has been embroiled in an unprecedented public dispute with the Government after it was not granted access to information to be able to deal with complaints that it received over disputed promotions in the army. The Ombudsman went as far as instituting legal proceedings against the Government in order to seek a Court ruling. Although it won the case at first instance, the Government has - to much public dismay - appealed in order to cover those it appointed.

Both the Ombudsman and the Auditor General have shown that their office is sufficiently independent to be able to act impartially. This is attributed to the manner of their appointment - both appointments require a two-third majority in Parliament. But this does not exonerate the Government from the inordinate political pressure that it is clearly piling on them. If anything, the Government ought to step back and respect their autonomy.

The truth of the matter is that Members of Parliament should not be able to hold another public office within the Executive on a position-of-trust basis.
Given that the method of appointment of the Ombudsman and the Auditor General has served us well it is time to consider whether this method can be extended to other appointments too where impartiality and public trust are of the essence.

This can be considered with respect to the appointment of some or all of the following high public offices: the head of the Civil Service, the Commissioner of Police, the Commander of the Armed Forces, the Governor of the Central Bank, the Chief Statistician at the National Statistics Office and the members of constitutional bodies such as the Broadcasting Authority, the Public Service Commission and the Employment Commission. Likewise, the impartiality required in public broadcasting services may require appointment procedures that truly secure impartiality for the state broadcaster.

WE WILL

47. Consider applying the two-thirds majority rule in Parliament for the appointment of positions of high public office, such as the head of the Civil Service, the Commissioner of Police, the Commander of the Armed Forces, the Governor of the Central Bank, the Chief Statistician at the National Statistics Office and the members of constitutional bodies such as the Broadcasting Authority, the Public Service Commission and the Employment Commission. If a two-thirds majority is not achieved after two rounds of voting, a simple majority would suffice.

APPOINTMENTS TO THE JUDICIARY

The Government enjoys unfettered powers to appoint judges and magistrates without explanation or transparency. It is time to change this system once and for all.

The Chamber of Advocates has often spoken out about this matter and it is right to do so. Recommendations to change the system have come and gone but no Justice Minister has yet been able to do the right thing and change this method of appointment.

WE WILL

48. Be guided by the proposals made by the Bonello Commission to ensure an independent selection process of members of the judiciary, after a competitive call for expression of interest, ensuring better scrutiny of candidates, following which a Constitutionally appointed, independent and autonomous organ will recommend the appointment to the Executive.
APPOINTMENTS ON PUBLIC BOARDS

Decisions on public appointments should not be made according to who lent their face to the Labour Party’s election billboards. Yet people are being appointed to the boards of public institutions and entities not on the basis of merit but as a political reward.

By the same token, Government backbenchers were all, with very few exceptions, placed on one or more public boards, often in the position of Chairpersons, merely to give them a second or third financial package. One Labour MP is said to be receiving income from more than six different public appointments between himself and his wife. All financed by taxpayers.

Knowing only too well the perils of rebellious backbenchers, the Government went to great lengths to buy their silence and cooperation. It even went as far as changing the law in order to be able to appoint its own MPs to chair certain public entities where this was previously prohibited by law.

As a result, today, virtually all Government MPs have more than one remuneration paid from public taxes. This is sheer hypocrisy from a Government that campaigned against a rise in Ministerial salaries but has now given its own Members of Parliament a double, triple and at times, even higher financial package. The truth of the matter is that Members of Parliament should not be able to hold another public office within the Executive on a position-of-trust basis.

Additionally, however, appointments to the boards of public institutions and agencies must be changed to enable more public scrutiny and to better reflect the principle of meritocracy.

Today, virtually all Government MPs have more than one remuneration paid from public taxes. This is sheer hypocrisy from a Government that campaigned against a rise in Ministerial salaries but has now given its own Members of Parliament a double, triple and at times, even higher financial package.

WE WILL

49. Refer nominations of persons for appointment to the board of key public authorities as well as nominees for appointment as Ambassadors to Parliament which would, in turn, hold a public hearing.

50. List all appointments on public boards and their respective remuneration in a regularly updated register kept by the Commissioner for Standards in Public Life.

51. Introduce a rule that any person may not hold a position on more than one board of a public institution or agency and does not serve more than a maximum of two consecutive terms in that role.

52. In order to ensure a strict distinction between the Government and its political party, prohibit top party officials from holding a position of trust in Government or in public boards.
The abuse of ‘positions of trust’ to place people on the public payroll has become not just widespread but also ludicrous. People are recruited on the basis of ‘position of trust’ merely as a pretext to go around the system and avoid an open competitive process that would otherwise be open to everyone. So not only is the taxpayer footing the bill for jobs that are often unnecessary, but the opportunity to fill in these jobs is not truly open to all. This is sheer discrimination.

Jobs and posts where one would normally expect an open call to attract the best candidates have been turned into ‘positions of trust’ and filled with political appointees.

As a result, we learnt that the jobs of dog handler and maintenance officer also qualify as positions of trust under a Labour Government. And one Minister defined the job of a watchman at a derelict, bankrupt company as a position of trust. Even within the Civil Protection Department recruitment became more flexible, ignoring the basic requirement of a good police conduct certificate.

The Prime Minister himself defended this bankrupt system going as far as saying that even cleaners may be appointed on the basis of a position of trust. This makes a mockery of the principles of good governance.

Even where appointments on this basis are justified, as in the case of ministerial secretariats, the number of positions and jobs that have been created has far exceeded any reasonable level. By 2015, four ministries alone have employed no fewer than 64 people in positions of trust since the last election.

In a number of instances political appointments have led to serious consequences of poor performance, mismanagement and bad decisions. In some cases, this has led to instances of repeated changes in appointees, as in the case of the post of Commissioner of Police which has changed hands four times in a span of two years since the last change of Government.

In other instances public positions which were altogether fictitious or unnecessary were created merely as a pretext to put a person on the public payroll. This was the case with the creation of the position of an advisor on security for a disgraced former Police Commissioner but also the creation of the position of Government Spokesperson for a Government backbencher merely to keep him happy outside cabinet. So much so, that when the same person was eventually promoted to Cabinet as Home Affairs Ministers, the role of Government Spokespersons was abandoned.

Likewise, a position carrying a remuneration of €60,000 was created for a disgraced former Police Inspector who was boarded out from the force in a record four day procedure. The position was eventually terminated when the story was leaked to the public.

The result of all this political interference in public appointments and the wholesale betrayal of the principle of meritocracy on which the Government was so famously elected is one fiasco after another, leading to the loss of public trust in a number of important public authorities and institutions and in the public administration in general.

We need to rebuild trust in public institutions and in public administration.

**WE WILL**

53. Limit ‘positions of trust’ where they are truly inevitable, such as the secretariats of Ministers and Parliamentary Secretaries.

By 2015, four ministries alone have employed no fewer than 64 people in positions of trust since the last election.
RECRUITMENT, PROMOTIONS AND DISCRIMINATION

Political discrimination does not stop at the point of recruitment in terms of selection. It has also become widespread within the civil service and public sector. The transparency of procedures for recruitment and promotions has been considerably weakened as selection boards often include political appointees that see to it that only the politically favoured get selected. Meritocracy is all but an exception whereas nepotism and favouritism have become the order of the day.

To add insult to injury, all too often people have been removed from their post or their mandate terminated simply to be replaced by political appointees. Careers have been abruptly terminated whereas others have been stalled. People who strove hard to advance in their professional career have hit a brick wall.

WE WILL

54. Ensure that all recruitment and promotions within the civil service and the public sector are truly subjected to a serious open and competitive process, respecting the principle of meritocracy.

NON-DISCRIMINATION

Improvements with respect to gender equality have been limited under the current Labour Government with the number of women appointed to public boards actually decreasing rather than increasing. By contrast the Opposition party was the first to introduce full gender equality in its party statute in terms of internal party elections and now boasts of the first ever Shadow Cabinet with an equal number of men and women. Women also occupy three out of the top seven posts in the party.

On the other hand, the Government has taken forward the fight against discrimination on the grounds of disability announcing that it would be enforcing established requirements that oblige employers to employ a minimum number of persons with a disability among their workforce. The PN supports this progress. Nevertheless, the autonomy of the National Commission for Persons with a Disability has been tampered with and an Opposition proposal to entrench this autonomy in the founding law is being resisted.

Positive improvements were also registered in relation to discrimination on the grounds of sexual discrimination with the introduction of civil unions at par with marriage and a law on gender identity.

In contrast, discrimination on the basis of race and ethnic origin remains rife as migrants are often employed in an unfair, exploitative manner amidst widespread reports that they are paid less than the minimum wage and made to work for long hours and in difficult working conditions. Despite much talk, very little has been done to address this problem.

The national watchdog responsible for the fight against discrimination is the National Commission for the Promotion of Equality. However, much like other public institutions it has been rendered weak and toothless with little space to operate independently from the Government. Clearly, its role and autonomy need to be strengthened.

WE WILL

55. Strengthen the National Commission for the Promotion of Equality to transform it into a real watchdog.

56. Adopt equality mainstreaming measures to achieve full equality, fifty per cent female representation, in public appointments.
Good governance requires the responsible use of public funds and public property. Sound financial management should be based on the principles of economy, efficiency and effectiveness.

Problems with these three principles under the current Government abound with blatant cases involving lack of transparency and equal treatment in cases of procurement, waste and overpayment or lack of effective value-added and results after spending public funds.

**USE OF PUBLIC MONEY IN PUBLIC PROCUREMENT**

The Cafe Premier and Gaffarena scandals readily come to mind. But waste also takes place when fictitious jobs are created for party people or when people are boarded out from their public-sector job without proper justification.

Likewise, public contracts granted by direct order and vitiated public procurement procedures often come at a higher cost to taxpayers than would otherwise have been the case had the process been open and transparent.

Take for example the company that won the bid for a new casino licence - its bid was a staggering €3 million lower than the best bid, meaning that the Government agreed to forego as much as €3 million in revenue just to appease one company.

Likewise, cases abound of enterprises that bid for public contracts only to see their bid be ignored in favour of more expensive bids. Moreover, several public contracts are awarded by direct order without any due justification.

Other contracts paid from the public coffers are a sheer waste of money - take the tent that was erected with no expense spared next to Hagar Qim for the state dinner during the CHOGM meeting, when anyone in his right senses would have predicted that the weather at the end of November could very well render the tent unusable.

Mention has already been made of cases where the Government also discriminated in favour of certain enterprises at the expense of others. Thus, for instance, no mention was made, in the original public call for expression of interest for the building of a new power station, that the selected consortium would be able to benefit from a massive state guarantee amounting to €360 million. If this condition had been known, surely, other bidders would have been interested.

Similarly, the Government was extremely wasteful in its use of public funds when it paid a wholly unjustified €4.2 million compensation to the bankrupt owners of Cafe Premier simply to bail them out from their predicament.

It is therefore clear that public procurement procedures must be reviewed in order to ensure greater fairness, transparency and value for money for taxpayers.

Likewise, Public-Private Partnerships must not become a vehicle to mask transparency instead of increasing it. More so given that they often comprise significant use of public funds. Lack of transparency has been the order of the day with respect to the PPP that the current administration envisages in the health sector. Whereas the use of PPPs may be a sensible approach, this cannot become a pretext for escaping public scrutiny.
USE OF EU FUNDING

Cases of misuse and misallocation of EU funds are increasing. A staggering €11 million in EU funding was lost in the new Coast Road project because of irregularities in the public procurement process and the granting of public contracts in the project. This is the first time that such amounts have been lost. And although the Government tried to dismiss the case by claiming that the EU funding would be allocated elsewhere, it is not clear how and on what this will be done and who will assume responsibility for the irregularity. There are also strong suspicions that EU funding for particular projects are mysteriously going to specific localities and specific districts of specific politicians. This way of doing things will jeopardise our reputation on the capacity to use EU funding well and needs to be addressed before more damage is created.

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WE WILL

57. Review public procurement procedures to ensure greater economy, efficiency, effectiveness and compliance to the rules in the use of public funds.

58. Amend the Constitution to recognise the National Audit Office as an authority charged with the audit of the public administration with the express function to ensure that the Executive is accountable to Parliament and is seen to be so in order to have a clean and transparent administration.

59. Commit to respect the recommendations of the National Audit Office and provide an explanation to Parliament in cases where recommendations cannot be accepted.

60. Strengthen support for the National Audit Office to enable it to perform its functions better, including by increasing its budget and resources.

61. Give the NAO the power to audit public funds allocated to private persons, the right to inquire how public funds were used at the level of the beneficiary, and to check the extent to which public spending has achieved the objectives for which it was spent.

62. Strengthen the internal audit functions of the public administration, including the IAID, in order to ensure better use of public funds.

63. Establish a comprehensive legal framework to regulate PPPs and put Public-Private Partnership (PPPs) agreements to parliamentary debate and approval to the extent that they concern the use of public funds by private enterprises.

64. Require, in the interests of keeping a balance between necessary regulation and effective administration, that the cost of implementing and enforcing a law shall be calculated before it is brought before Parliament.
USE OF PUBLIC PROPERTY

When it comes to the use of public property, the Labour Government has now a proven track record of disposing of public property in a very cavalier manner. This happened glaringly in the Gaffarena case where the Government agreed to expropriate the half-ownership of a house in Valletta, when there was no public interest to do so, and at a compensation which was exaggerated by any measure. Moreover, the beneficiary was reportedly allowed to choose a number of public properties himself as part of the compensation package. It later turned out that this property was under-valued because independent valuations put the value of the land at double that established by the Lands Department (Government Property Division). Throughout, the Parliamentary Secretary responsible for Lands, was aware, admitted to meeting Gaffarena and even signed off the deal.

In 2013, the Prime Minister was directly involved in withdrawing, on behalf of the Government, a court case against the Labour Party which he himself leads. As a result the Labour Party repossessed property, known as the Australia Hall, valued at around €10 million. The conflict of interest in this case was astoundingly glaring.

In 2015, the Government secretly extended an encroachment in public property enabling the Labour Party to continue using public premises in Siggiewi as a Labour Party club when this should have been returned to the Siggiewi Local Council for use as a night shelter for the elderly.

WE WILL

65. Submit to Parliament regular accounts of all disposal of land, which does not require parliamentary approval, for its information and scrutiny as it may deem fit.

66. Ban the transfer of public property to political parties.

67. Complete the development of a publicly accessible electronic register of all public land and property, including records of every transaction made with respect to use of such properties, rent or sale as well as access to the relevant authorisation and audit trail.

POLITICIANS MUST LEAD BY EXAMPLE IN THE USE OF PUBLIC FUNDS

It is clear that when it comes to the use of public funds, politicians must start to lead by example. For example, the Prime Minister himself set a bad example when he opted to take an annual monetary allowance of €7,000 for using his own personal car as his official ministerial car. This set a bad example and immediately called into question his moral authority to impose adequate discipline on the use of public funds.

The same applies for the use of public funds in terms of travelling abroad. There is no logical reason why Ministers and Parliamentary Secretaries as well as high ranking public officials, such as Permanent Secretaries and Directors General should travel in business class when it is perfectly plausible for them to travel economy unless the trip is long-haul and creates a great deal of personal discomfort.

WE WILL

68. Require Government Ministers and Parliamentary Secretaries as well as high-ranking public officials to travel abroad in economy rather than business class, unless the nature of the trip warrants a different consideration, such as a long-haul flight.

69. Keep Government delegations travelling abroad accompanying Ministers to a minimum.

70. Ensure that the expenses of spouses and children accompanying Ministers travelling abroad on official duties are paid personally and not by the Government.

71. Ban the Prime Minister and Government Ministers from using their personal car as an official car in order to make a financial gain.
Media and broadcasting have come a long way in Malta since the onset of pluralism in the early nineties. But the media landscape has developed in a manner that is very peculiar and particular to Malta.

In the main, the landscape is dominated by a Government-controlled state broadcaster and the two main political parties each of which owns its own media outfit. This over-bearing presence is not diluted by the presence of a few other private television stations or the several private radio stations. And in this landscape the Government of the day has the possibility of exerting significant influence on public opinion.

Unfortunately successive administrations failed to entrench true independence and impartiality in the state media. This has made it easy for the current Labour Government to take full control of the state media and to use them blatantly and unscrupulously for its own political advantage with little regard to the impartiality that one expects from a taxpayer-funded broadcaster. This was possible because the Government is still able to appoint both the board of directors of the state broadcaster, Public Broadcasting Services (PBS), as well as its Editorial Board.

Current affairs programmes are generally biased in favour of the Government and programme anchors are largely selected on the basis of their political allegiance.

As a result, PBS has been turned into a veritable tool for Government propaganda. PBS news bulletins are often selective and strategic in placing news that can boost the Government or put it in a bad light. The former are amplified whereas the latter are diluted or placed out of context. Current affairs programmes are generally biased in favour of the Government and programme anchors are largely selected on the basis of their political allegiance. All the while, the public is regularly bombarded with spots purportedly intended to portray Government information, such as on budget measures, but in reality amounting to sheer political propaganda.

The situation is not helped much by a broadcasting watchdog, the Broadcasting Authority (BA), which is itself dominated by appointees from the political parties and which struggles to keep control over content and impose impartiality. Moreover, the Authority does not even pretend to impose impartiality on party media, allowing them free rein to inject daily doses of partisan politics to the public. During elections, the Authority provides for equal time for the two major political parties on state television on its own political debate programmes as well as airtime for political advertising. However, smaller parties or independent candidates do not receive equal treatment on state media.
As a result, the media landscape is excessively partisan and overwhelmingly biased towards the Government. This situation does not serve the public interest and needs to be addressed. Whilst the scrutiny by the Broadcasting Authority needs to be strengthened, the institutional structure of the state broadcaster needs to be recast along lines which would secure for it sufficient autonomy to operate at arm’s length from Government and free from political interference in the transmission of news, current affairs and public information. The BBC model or indeed other models in other European countries, should be studied at in this regard.

WE WILL

72. Guarantee, once and for all, impartiality in public broadcasting by securing the freedom of the public broadcaster to operate at arm’s length from the political influence of the Government of the day.

73. Review the composition of the Broadcasting Authority to reduce the influence of political parties.

74. Legally require the media organisations of political parties to respect balance.

75. Remove the law permitting journalists and media organisations to be sued for criminal libel.

76. Remove Parliamentary immunity from civil libel so that Members of Parliament will no longer be able to make defamatory statements in Parliament against others in the knowledge that they enjoy immunity.

Unfortunately, successive administrations failed to entrench true independence and impartiality in the state media.
Public communications are necessary in a democracy because it is right and proper for people to be constantly informed of what the Government is doing for them. It is also a means of ensuring that the Government stays in touch with the public. That is all well and good.

However, public communications must not become an onslaught of constant and relentless propaganda intended to boost the Government’s political advantage at the cost of taxpayers. More importantly, public communications must not become a political tool to attack the Opposition or other individuals or organisations that do not tow the Government’s line.

Under a Labour Government there are all too many instances where the notion of public communications has been transformed into an all-out propaganda war that is more reminiscent of authoritarian regimes. And it is clear that the distinction between state and party has been lost.

Some examples include:

» A major cover-up in public communications when the driver of a Minister was involved in a shoot-out with another car. The Government gave false information by announcing that the warning shots were fired in the air when, in fact, they had been fired in the direction of another car.

» Government ministries issue press statements from the communications office that do not just provide information from or announcements from the Government, but regularly launch into a tirade against the Opposition. All this is funded by taxpayers, including taxpayers who voted for the Nationalist Party.

» The communications offices in different Ministries are populated by people whose sole eligibility was to have worked for the Labour Party’s media outfit, all earning handsome financial packages that are the envy of people with much higher qualifications. That could almost be tolerable were it not for the fact that most of these people also continue to make regular appearances on the Labour Party’s media in partisan broadcasts during which their sole contribution is to engage in partisan debates and attack the Opposition - something that can never be justifiably paid for by taxpayers.

No expense is spared as Government is ever-present across the board. From tents that are put up even when common sense dictates otherwise to electronic billboards, gadgets and trade fairs. All at the expense of taxpayers.
High-ranking communications officers, including none other than the Chief Communications Officer of the Government, regularly engage in public criticism of the Opposition - clearly demonstrating that they are unable to distinguish between their role in Government and their political preferences.

Yet if Government Ministries may be excused for erring on the side of bias, the same may not be said of the Department of Information which should steer clear from political propaganda and ensure that its information is truly informative and free from political interference. Yet again, this is not at all the case and on the contrary, the Department of Information has been converted into a true extension of Government propaganda.

PBS news and programming which have increasingly become bare-faced Government propaganda.

Government-sponsored ‘propaganda spots’ across all media, including state and private television and radio stations, newspapers as well as online portals.

Government propaganda permeates all public events, ranging from simple ministerial press conferences that come with flashy tents and setups to Summit meetings that are converted into a media circus intended to promote the Government.

No expense is spared as Government is ever-present across the board. From tents that are put up even when common sense dictates otherwise to electronic billboards, gadgets and trade fairs. All at the expense of taxpayers.

Government public consultation sessions - Gvern li Jisma’ (Government that listens) - are often packed with party activists and it is difficult to distinguish between such sessions and the usual political party meetings.

This cannot be right. Whereas the Government is expected to inform the public about its decisions, policies and measures, this must be done in a measured and strictly informative manner rather than in a no-expenses spared, all-out and relentless propaganda campaign promoting the Government. No such thing should be funded by taxpayers.

WE WILL

77. Commit to give truthful information in public communications issued by the Government.

78. Commit Government Ministers to reply to question from the media in a spirit of transparency and in the shortest possible time.

79. Ban people engaged with Ministerial Secretariats or positions of trust within Government from holding a part-time job in political party media or appearing on such media in anything which is not related to the remit of their own job.

80. Ensure that political appointees speak and behave in a manner that befits the national character of the position they occupy.

81. Limit public communications through Ministries and the Department of Information to what is strictly informative on the nature of Government policies, measures and decisions.

82. Publish an annual report of all public expenditure on adverts by the Government in the media, including a breakdown of costs by ministry and by beneficiary.

83. Respect the distinction between Government and political party in public activities.

It is clear that the distinction between state and party has been lost.
Over the years, the role of the social partners has increased and so has the role of the wider group of civil society organisations. Civil society has grown far beyond the traditional cohort of employers’ associations and trade unions. It has flourished in a myriad of different areas ranging from environmental NGOs, to sports and cultural organisations.

The PN believes that, in a democracy, Governments must increasingly draw on the experience of civil society organisations in their respective fields and reflect their aspirations to the best possible extent in decision-making. The role of civil society organisations must therefore be supported through greater financial and human resources, including physical space for meetings and activities and most importantly, a strong forum which can enable a genuine interaction between the Government and civil society organisations.

WE WILL

84. Strengthen the MCESD structure by entrenching its autonomy from Government in its deliberations and decisions. The Government should be an observer at MCESD and not a decision-maker.

85. Adopt by Government, within an established timeframe, all MCESD decisions within its remit which have achieved unanimous support and in default, provide a clear explanation why this will not be done.

86. Strengthen the MEUSAC structure to ensure that it provides greater support for civil society organisations in terms of information, funding support and other assistance.

87. Introduce a package of measures that would recognise and support the work of civil society organisations.

88. Extend the practice of supporting civil society organisations by allowing the secondment of employees from the public sector according to the scope and size of the organisation.

89. Extent support to voluntary organisations, including social clubs, by providing a special rate on utilities and other charges on public services.
Whereas clientelism, favouritism and nepotism have become rife, it is not at all clear that citizens are getting a better service. Quite the opposite. When citizens seek to assert their rights, they are finding few avenues to go to. As a result, taxpayers and law-abiding citizens often bear the brunt of a Government that has lost the plot on good governance.

Worse than this, the rapidly deteriorating standards in good governance are leading to a situation where citizens feel that they need to increasingly resort to politicians, MPs and Ministers in order to get by, in order to find a job, get a promotion, skip a waiting list, get a permit or whatever else they might need.

Each Ministry has its own customer services unit which is nothing more than a glorified constituency officer for the Minister concerned, at taxpayers’ expense. This is turning citizens into beggars when it is the Government that should be at the service of the citizens.

Many often see clientelism as evidence of a Government that is closer to the people when, in fact, clientelism only serves to create a vicious circle of discrimination between when something is unjustly awarded to one person, it is often unjustly stolen from another.

On its part, the PN does not enjoy a good reputation when it comes to dealing with people and it is an open secret that aloofness from the public was amongst the reasons for its electoral downfall. Clearly, therefore, the PN must rediscover ways of connecting with ordinary people, of serving them and of doing so within the limits of good governance.

We must fight clientelism and show that citizens can get a good service without having to pander to politicians. We must end the dependence of citizens on politicians once and for all. We must show that citizens seeking their rights should be afforded them whereas those seeking unjust political favours should be firmly resisted. We must achieve a cultural leap forward and change the mentality from servile politics to politics of genuine service.

Clearly, the PN must rediscover ways of connecting with ordinary people, of serving them and of doing so within the limits of good governance
MINISTRY FOR CITIZENS’ RIGHTS

This is why it is time to designate a Ministry that sees to citizens’ rights in an open, fair, efficient and effective manner. The Ministry would have the following functions:

WE WILL

90. Update and implement a new Citizens’ Charter for public services to ensure a timely and efficient public service rendered to citizens, in a fair and impartial citizen-friendly manner and, wherever possible, using e-Government services.

91. Provide a one-stop-shop for complaints from citizens in relation to services provided by the public administration and see to it that citizens are well served by the relevant public authority in good time. To this end it will liaise with other Ministries to put a stop, once and for all, to situations where people are sent on a wild goose chase from one department to another.

92. Inform citizens within a specified time frame that the complaint is accepted or rejected and in the latter case, guide citizens to means of redress, such as the Office of the Ombudsman.

93. Receive and handle requests for information from the public by creating a synergy between the several information units within other Ministries and public agencies as well as entities such as DOI and MEUSAC.

94. Provide information, support and assistance to civil society organisations in cooperation with the office of the Commissioner for Voluntary Organisation.

95. Be the main interlocutor for social dialogue with the social partners and civil society organisations.

It must be clear that the proposal to establish a Ministry for Citizen's Rights is in no way intended to compete with or limit access to the Ombudsman but, if anything, ensure that citizens are given adequate services from public administration in the first place.
We must end the dependence of citizens on politicians once and for all.

OFFICE OF THE OMBUDSMAN

In this document reference has already been made to the crucial role of the Office of the Ombudsman and the need to respect its autonomy and strengthen its resources. It must be clear that the proposal to establish a Ministry for Citizen’s Rights is in no way intended to compete with or limit access to the Ombudsman but, if anything, ensure that citizens are given adequate services from public administration in the first place.

WE WILL

96. Enshrine the citizen’s right to good public administration in the Constitution of Malta. This right will be enforceable in our Courts.
97. Amend the Constitution to recognise the Ombudsman as an authority charged with the audit of the public administration with the express function to ensure that the Executive is accountable to Parliament and is seen to be so in order to have a clean and transparent administration.
98. Commit to respect the recommendations of the Ombudsman and provide an explanation to Parliament in cases where recommendations cannot be accepted.
99. Strengthen support for the Office of the Ombudsman to enable it to perform its functions better, including by increasing its budget and resources.
100. Give the Ombudsman power to oversee the protection of fundamental human rights.
101. Set up a common fund to provide for payment to a citizen, who could be entitled to compensation for damages following a recommendation by the Ombudsman.

PETITIONS COMMITTEE

Citizens in Malta may already send a petition to Parliament. However, the current parliamentary setup for dealing with petitions is clearly weak and it needs to be bolstered. To this end, a Petitions Committee should be established in Parliament to receive and consider petitions from one or more citizens and to deal with them accordingly. Petitions falling within the jurisdiction of the Ombudsman should be referred to that office. The Committee would also be empowered to consider cases where the recommendation of the Ombudsman to the public administration have not been implemented and may also hold a hearing on petitions calling for a propositive or abrogative referendum.

WE WILL

102. Establish a Petitions Committee in Parliament to receive and consider petitions from the public.
Respecting the rule of law

We are witnessing a rapid deterioration of the rule of law because the Government itself is setting a bad example and ignoring the law or deliberately failing to enforce it. Worse, the Government appears to be using two weights and two measures by closing an eye to irregularities committed by some and giving the impression that the principle of equality before the law is no longer respected.

Thus, for instance:

- Irregular works taking place in a Minister’s private property were ignored as were allegations that a junior Minister acquired a property from a person with a mental disorder. So was a declaration by the Court of Appeal that a Government MP had put himself in a position of conflict of interest. Another junior Government Minister was allowed to continue with his private practice in clear breach of the Ministerial Code of Ethics.
- The Prime Minister, no less, withdrew a court case against himself in his capacity as party leader such that a public property valued at millions of euro could be repossessed by his party.
- Arms Ltd, a state-owned company, was allowed to rent office premises from a trade union even though it knew or should have known that the union was not authorised to make money off its property since it was transferred to it exclusively for its use as a trade union.
- A Police officer was caught in a business partnership with a family one of whose members he was supposedly investigating as part of a murder investigation.
- The Government thwarted the Ombudsman’s functions by refusing to provide access to information which was necessary to deal with complaints about army promotions. The Government lost the case in Court but nevertheless decided to appeal in order to drag matters for as long as possible.
- The party in Government is deliberately dragging court proceedings relating to recognised mistakes in the vote-counting process dating back to the election of March 2013 which would result in two extra seats in Parliament for the Opposition.
- Impeachment proceedings in Parliament against a judge over a breach of ethics were deliberately dragged so that the judge could retire before he was impeached, making the entire procedure redundant.
- Recent appointments to the judiciary have also given the impression that the Government now wants to extend its influence into the sensitive area of the judiciary.
- The Government has been caught paying millions to bail out a bankrupt company and gave multi-million state guarantees to the consortium building a power station. These decisions clearly discriminate against other legitimate businesses.
- The Government has often appointed party people to run public institutions, thereby significantly undermining their autonomy.
- More broadly, administrative enforcement is going downhill. Whether it is illegal parking to illegal building works or illegal hunting or illegal
encroachment of public land, the Government continues to close an eye or
two. No wonder that people are beginning to feel that it pays more to break
the law than to respect it.
» On a more personal level, cases abound where people fear that their personal
data, usually available to public authorities, are being accessed and used for
other reasons, such as political ones. This is an infringement of their right to
privacy.

This needs to stop and the Government must set the example. The Government must
show that it is the first the respect the rule of law and impose it on itself and on others.
Clear rules of good governance must be established and entrenched so that future
governments will not be able to roll them back easily. Institutions must regain their
autonomy and serve the citizens rather than the government of the day. Government
must serve citizens rather than use citizens for its political ends.
In particular, the fight against corruption must be significantly strengthened. In a
country where rumours about corruption are always rife, it is astounding that actual
cases of corruption are hardly ever unearthed, still less, prosecuted. It is clear that the
Permanent Commission Against Corruption has, over the years, proven to be too weak
to investigate allegations promptly and effectively.
A newly-established public agency, Identity Malta, is riddled with allegations
of corruption in relation to the granting of residence permits to non-EU citizens -
14,000 such permits were granted in 2014 alone - and a number of cases have led to
arraignments in Court, not least of a high-ranking official of the Labour Party. Similarly,
allegations abound on the granting of visas from the Maltese consulate in Algeria -
7,000 visas were granted in the space of just eighteen months with the matter now
subject to an investigation by the National Audit Office.
For good governance to be entrenched across the board it must become a system of
government. The public administration must sharpen its act and put in place measures
that ensure high standards of good governance at all stages. In particular, systems and
procedures must be in place to ensure that cases of poor governance are:
» Prevented in the first place through the adoption of codes of conduct, due
diligence, communication and training and risk controls;
» Detected in good time through the use of hotlines, whistleblowers, internal
auditing systems, monitoring and data analysis;
» Countered rapidly and effectively through internal investigations,
enforcement, disclosure, remedial action.
To this end, public administration must embrace programmes, processes and
procedures that achieve ever higher standards of good governance. These must
include measures relating, amongst others, to: continuous professional training;
customer service protocols; treatment of cases of political interference; performance
audits conducted in an independent and reliable manner; internal procedures
for protection from harassment, discrimination and unfair practices and dispute
resolution; a revised Code of Ethics and Disciplinary Procedure in the Public Service
Commission Regulations as well as Guidelines aimed at upholding and ensuring
overall monitoring, compliance and enforcement.

WE WILL

103. Establish a unit within the Permanent Commission Against Corruption
empowered to investigate cases of corruption and bring them forward for
prosecution.

104. Strengthen internal controls on detecting and reporting cases of potential
conflict of interest.

105. Treat all enterprises fairly and equally such that no enterprise is given unfair
preferential treatment over others.

106. Respect the privacy of individuals and refrain from using personal information
available to Government for political ends.

107. Ensure that Government decisions and actions are proportionate and do not
create unnecessary burdens on citizens.

108. Require, in the interests of equitable social and economic development, that
all laws shall be routinely vetted for their impact on those living in poverty
or at risk of poverty.

109. Require, in the interests of ensuring that the interests of the environment
are safeguarded in all aspects of legislation, that all laws shall routinely be
vetted for their possible impact on the environment before being presented
to Parliament.