

Constitutional Reform – Initial Representations

Dear Sir/Madam

I am filing these following representations on behalf of FUTUR AMBJENT WIEHED and on my own behalf.

1. Clarification kindly requested about the mode of procedure and/mechanism for Constitutional reform.

The only available information presently available about the Constitutional reform is that contained in the website www.riformakostituzionali@gov.mt.

This states that a Committee has been entrusted with the reform process and that members of the public may send representations over a period of 3 months.

This raises a number of serious concerns amongst which there are the following:

- Why is the Committee for Constitutional Reform composed exclusively of members appointed from the Labour Party and the Nationalist Party? Why is it that in such a diverse society, with civil society taking an evermore active role, that the Committee is solely composed of persons nominated by 2 political parties? This is a very exclusionary practice. This concern has already been communicated to the former president Dr Marie Louise Coleiro in an email dated 27th November 2018, wherein we stated:

"We note with interest that representatives of the the 2 large political parties have been approached for discussions regarding constitutional reform.

We believe that the country's environment, sustainable development and health are crucial for its inhabitants and that citizens have a right to have measures safeguarding the same, included in the Constitution.

We also believe that Constitutional reform should be a wide inclusionary exercise where all members of civil society are able to participate and that it is not a matter restricted to political party representatives."

Dr Marie Louise Coleiro Preca and the Honourable Julia Farrugia Portelli replied promptly - on the same day - saying that all stakeholders would be involved in the consultation when it came to issues of substance.

However, the procedure to be adopted and followed is also crucial for effective and transparent representation of all stakeholders - basically all citizens.

To this end it is suggested that:

- The Constitutional Reform Committee be more representative of society.
- That all the members of the Constitutional Reform Committee, experts, consultants and contributors to the process, be identified, that their respective contribution be publicized widely and any remuneration paid also publicized.
- That information about the whole process is available freely and also in accordance with the Freedom of Information Act (Chapter 496 of the Laws of Malta)
- That the representations being made be published online. I say this as recent responses to consultation exercises such as the public consultation exercise regarding the Kottonera Rehabilitation Strategy has not been published. The public has to feel reassured that it is not simply being ignored after taking the time and effort to file representations.
- That the period of consultation be extended to more than 3 months - 2 of which are in summer and where there are a number of other ongoing public consultations open (at least 3 on www.konsultazzjoni.gov.mt) . In view that the Constitution is the foremost law of the land, it should be a careful and timely process, not a rushed one. Members of the public may want to seek legal and/or other advice regarding this very vital reform - 3 months is an extremely short time for the reform of a law which may well change the whole basis of the legal order of the country.
- The consultation should be published on www.konsultazzjoni.gov.mt where all other consultations are uploaded.

These are representations limited to the mode of procedure of the constitutional reform. I would very much appreciate a meeting with the persons involved in this reform to discuss further concerns of stakeholders.

Kind regards

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