

SUGGESTED CONSTITUTIONAL REFORMS AND AMENDMENTS.

PROTECTION OF THE SOVEREIGNTY OF THE REPUBLIC OF MALTA.

No surrender of sovereignty or relinquishment of control over the Police Force or the Armed Forces except by referendum.

2 (1) There shall be —

- (a) no surrender or transfer, either wholly or in part, of the sovereignty of the Republic of Malta as an independent nation, whether by way of merger or incorporation with any other sovereign state or with any Federation, Confederation, country or territory or in any other manner whatsoever; and
- (b) no relinquishment of control over the Malta Police Force or the Malta Armed Forces,

unless such surrender, transfer or relinquishment has been supported, at a national referendum, by not less than two-thirds of the total number of votes cast by the electors registered under the General Elections Act (Cap. 354).

(2) For the purposes of this Article —

“Malta Armed Forces” means the Malta Armed Forces raised and maintained under the Malta Armed Forces Act (Cap. 220), and such other force as the President may, by notification in the *Government Gazette*, declare to be an armed force for the purposes of this Article;

“Malta Police Force” means the Malta Police Force established under the Police Act (Cap. 164) and such other force as the President may, by notification in the *Government Gazette*, declare to be a police force for the purposes of this Article.

Participation in co-operative international schemes which are beneficial to Malta.

2A. Without in any way derogating from the force and effect of Article 2, nothing in that Article shall be construed as precluding the Republic of Malta and its Territories or any association, body or organisation therein from —

- (a) participating or co-operating in, or contributing towards, any scheme, venture, project, enterprise or undertaking of whatsoever nature, in conjunction or in concert with any other sovereign state or with any Federation, Confederation, country or countries or any association, body or organisation therein, where such scheme, venture, project, enterprise or undertaking confers, has the effect of conferring or is intended to confer, on Malta or any association, body or organisation therein, any economic, financial, industrial, social, cultural, educational or other benefit of any kind or is, or appears to be, advantageous in any way to the Maltese Archipelago or any association, body or organisation therein; or

- (b) entering into any treaty, agreement, contract, pact or other arrangement with any other sovereign state or with any Federation, Confederation, country or countries or any association, body or organisation therein, where such treaty, agreement, contract, pact or arrangement provides for mutual or collective security or any other object or purpose whatsoever which is, or appears to be, beneficial or advantageous to the Maltese Archipelago in any way.

No amendment to this Part except by referendum

8.—(1) A Bill for making an amendment to this Part shall not be passed by Parliament unless it has been supported, at a national referendum, by not less than two-thirds of the total number of votes cast by the electors registered under the General Elections Act (Cap. 354).

(2) In this Article, “amendment” includes addition and repeal.

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Election of President

48 (1) There shall be a President of Malta who shall be elected by the citizens of Malta in accordance with any law made by the Legislature.

(2) Any poll for the election of President must be held as follows:

- (a) in the case where the office of President becomes vacant prior to the expiration of the term of office of the incumbent and a writ for the election has not been issued before such vacation of office or, if so issued, has already been countermanded — within 6 months after the date the office of President becomes vacant; or
- (b) in any other case — not more than 3 months before the date of expiration of the term of office of the incumbent.

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Is the Internet so embedded in the lives of so many people, acting as the main way for information exchange, that to deny access to everyone in the world is a breach of human rights? I think so!

I thus suggest the introduction of a new Article under Chapter IV of the Constitution.

Article 44A(1): “ No person shall be deprived of access to the Internet.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question authorises the denial of such access to

Internet which was lawful in Malta immediately before the law enacting this right came into force.

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Direct democracy instruments or popular referendums and citizens' initiatives.

I propose that there should be considered to have in our Constitution provisions laying down a **facultative or optional popular referendum**, when new laws or changes to laws, which have been passed by parliament, are subject to a referendum if this is required by at least 50,000 voters. This procedure may be legally designated as a **'people's veto'** or a **'rejective referendum'**, given that laws passed by parliament receive final approval or assent or rejection (hardly ever in practice!!) by the President. Finally, a second procedure could be introduced and designated **the citizens' or popular initiative**: citizens would have the right to make legislative proposals which must be decided in a referendum vote if the proposal gains the support of 100,000 voters. This would allow a part of the electorate to place before the whole electorate issues which parliament does not wish to deal with, or which have not even occurred to parliament.

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