



I focus

michael briguglio

Dr Michael Briguglio is a Sociologist and Senior Lecturer at the University of Malta.



The Ombudsman and Standards Commissioner deadlock

The controversy surrounding the appointment of a new Ombudsman and a Standards Commissioner smells more of partisan entrenchment than constructive politics. Neither major political party should congratulate themselves for the current situation.

To the reader who would like some (non-partisan) background on this matter, I would recommend reading, 'A defective anti-deadlock mechanism for the Standards Commissioner', by Kevin Aquilina (The Malta Independent on Sunday, 15 January); and 'Two-party politics has spoiled constitutional reform introduced only two years ago', by Victor Paul Borg (Journalism Plus, 8 January).

www.michaelbriguglio.com

To cut a long story short, three years ago, in 2020, the Government was under pressure to implement recommendations on good governance by the Venice Commission. A new law was introduced on the selection of key rule-of-law officials. But the law did not include an anti-deadlock mechanism with possible solutions in case two-thirds parliamentary approval is not reached.

In the meantime, Labour dragged its feet for too long on the appointment of the Ombudsman. To make matters worse, according to the acting and outgoing Ombudsman, Anthony Mifsud, his reports were consistently ignored by Parliament (Times of Malta, January 15).

Eventually, according to press reports, while the Nationalist Party seems to

have agreed with Labour's proposal for a new Ombudsman, apparently it believes that the person proposed by Labour for Standards Commissioner, namely Joseph Azzopardi, is not fit for purpose.

While the Opposition has every right for its position, I cannot but agree with Kevin Aquilina, who reminded his readers that Azzopardi, "is a person of integrity and, therefore, it is incumbent upon the Leader of the Opposition to publicly back up his objection by concrete reasons for his stance, if he is really objecting to the appointment. Yet, so far, the Leader of the Opposition has left us totally in the dark on his objection, thereby giving the impression that his stance is capricious and spiteful."

In the meantime, Parliament's House Business

Committee has decided that by 6 March the new Standards Commissioner will be appointed. Thus, Labour will be deciding on the appointment by virtue of its parliamentary majority. Here, power would be exerted at its crudest form, but it would still be democratically legitimate, albeit divisive.

Other possibly less divisive options could have been resorted to, but apparently, the continuous growth of Malta's parliament in terms of the number of parliamentarians, is not being complimented by growth in political maturity.

One discarded option, as recommended by the Venice Commission, was to have such appointees chosen by the three judges sitting in the Constitutional Court, for situations when

there is such a deadlock.

A second option was to have the President of Malta decide on the issue. Kevin Aquilina put forward this suggestion in his article in The Malta Independent on Sunday.

A third option could have been to extend the deliberation on this issue to Malta's public sphere, thus involving civil society, experts and other stakeholders. Needless to say, without genuine attempt at dialogue, this option would once again revert back to step one.

In the meantime, Malta faces particularly important matters, such as the sustainability of its economic model and its ramifications on people's quality of life. Can we afford to elbow out debates on such matters in the name of entrenched partisanship?