



Press Release

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SPEECH BY THE HON. MICHAEL FRENDU, SPEAKER OF THE HOUSE OF REPRESENTATIVES, DURING THE SETTE GIUGNO CEREMONY – HASTINGS GARDENS – VALLETTA – WEDNESDAY 8TH JUNE 2012

Prime Minister, Leader of the Opposition, Presidents Emeriti, Speakers Emeriti, Honourable Members, Honourable Former Members, Your Excellencies, Distinguished Guests,

It is always right, appropriate and dutiful to commemorate and salute our Maltese brethren who lost their lives on the 7th of June 1919. The *Sette Giugno* remained engraved in the memory of the Maltese as it was a defining moment of national unity between all social classes at the time to achieve the political rights of our people, of the Maltese nation.

And it was a moment when some of our brethren paid the highest price for exercising the people's right to protest, in a process which led to the 1921 Amery-Milner Constitution. At the session commemorating the 90th anniversary of the first session of the National Assembly in 1921 at the Tapestry Chamber on the 2nd of November of last year, speeches were delivered by Prime Minister Lawrence Gonzi and Leader of the Opposition Joseph Muscat. In this context I would like to refer to excerpts from those speeches which are now compiled in the first booklet from a series of publications launched this year by the Maltese Parliament.

With reference to the Amery-Milner Constitution and to the year 1921, Prime Minister Lawrence Gonzi stated as follows:

“Yet, that name and year would have been totally meaningless today had it not been for the sweat, sacrifice, courage and blood of the Maltese and Gozitans, mostly workers though also university students, who took part in the historical events of the *Sette Giugno*. This was two years before 1921, that is in 1919, when prominent leader of the time Doctor Filippo Sciberras, later Sir Filippo Sciberras, chaired the meeting of what was then known as the National Assembly which crystallised, drafted and negotiated the Amery-Milner Constitution. In 1921 therefore, there were already leaders who felt that they should settle for nothing less than full political independence.”

During the same session, the Leader of the Opposition Joseph Muscat also placed the 1921 Constitution within its historical context, and stated as follows:

“The movement to give the Maltese and Gozitans a greater say in the leadership of their homeland had started much before 1921. Ġużeppi Mattew Callus, Mikiel Anton Vassalli, Nicolo' Testaferrata, Camillo Sciberras, Giorgio Mitrovich, Sigismondo Savona, Fortunato

Mizzi and Manwel Dimech were all leaders who followed their beliefs in very difficult years to give our country those rights which today are amongst the most basic. It was however in February 1919 that the so called National Assembly started meeting, demanding a new and more liberal Constitution for our country. It was the uprisings of workers in the mire of poverty which served as the catalyst for the colonial Government to finally decide that Malta deserved this form of Parliament.”

The two leaders of the political parties currently represented in our Parliament did well to look back on our forefathers’ sacrifices, since as leaders of the two main political forces they also bear the responsibility, though not alone, of showing that we are deserving of our forefather’s hard fought contribution towards our country’s self-rule, our Parliament and the Institutions of the Maltese State. This is a responsibility whose weight I feel as President of this Parliament, an institution which is deeply cherished by all those who believe in a representative and pluralistic democracy based on free elections where each citizen’s vote is an expression of our people’s sovereign will in accordance with the Constitution which unites us all.

So much so, that I fully believe that this day should also serve as a tribute to all Maltese who throughout the years worked towards representative governance, even if the concept of representation might have been different to what we have today.

In its millenary history, this people has only experienced representative governance for the last 90 years plus, since the establishment of a Maltese Parliament in 1921. The journey of the Maltese people through history was a chequered one, swinging between achievement and loss of political rights, ranging from the redemption of their country and assurances of their political rights from the Monarch, to finding themselves handed over to new rulers. This range of experiences takes us back to the times of the *Università dei Giurati*, an autochthonous medieval municipal leadership, through the bloody struggles to regain the country from the clutches of foreign rule, up to 1799 when Malta enjoyed a brief moment of independence from any foreign power with a Maltese leadership for the Maltese.

Today, on the *Sette Giugno* we must also commemorate the apex of national awareness and expression which reached its culmination in the Declaration of the Rights of the Inhabitants of Malta and Gozo which was signed by the victorious rulers of the Maltese in 1802. On that day, the leaders of the Maltese people, in a Declaration of wide-ranging political implications, while voluntarily choosing to place the country under the protection of the British King, did so under the condition that the same Sovereign honours his covenant with them concerning the rights of the Maltese. They declared the following:

“Noi membri del Congresso delle Isole di Malta e Gozo e loro Dipendenze eletti per libero suffragio del Popolo durante l’assedio, per rappresentarlo nell’importante affare di assicurare I suoi native diritti e privilegi...e per I quali, quando furono usurpati, abbiamo sparso il nostro sangue per riacquistarli, e per stabilire una costituzione di Governo, che assicurerà a Noi, ed ai nostri discendenti in perpetuo la felicità della libertà, e dei diritti di una giusta legge, sotto la Protezione e Sovranità del Re di un popolo libero, Sua Maestà il Re degli stati uniti della Gran Bretagna ed Irlanda, dopo lungo e matura considerazione, facciamo la presente dichiarazione, obbligando Noi stessi, ed I nostri posteri per sempre, sotto condizione, che il Nostro or riconosciuto Principe e Sovrano dovrà da parte sua adempire, e mantenere inviolata questa convenzione con Noi.”

They went on to provide a list of the people's rights, which were to be binding also on the voluntarily chosen Ruler, *inter alia*:

- That no one except the people and its representatives could hand over Malta to anyone else as the people had the right to self-rule.
- That the right to legislate and impose taxes resides with the Popular Council and that the people would not be bound unless with the approval of that Council.
- That no person should wield any personal authority over the life, property and liberty of another person. "*Il potere risiede solamente nella legge*".

I had the personal satisfaction, while serving as Minister for Foreign Affairs of Malta, to commission the engraving of this Declaration on a marble plaque at Palazzo Parisio, so that all visitors at that Ministry would become aware of that moment of greatness of the Maltese people. I must however affirm, on this day of commemoration of a national uprising, that the text of this Declaration should be delivered to every house, every school, every library, and certainly in the new seat of the Maltese Parliament as this text bears witness to the everlasting democratic and liberal values which underpin parliamentary democracy and our rights as a people and as individuals.

How far removed was this Declaration of Rights from the words penned ten years later by Lieutenant-General Hildebrand Oakes in 1812, when he stated that "*the Maltese people were singularly unfit to enjoy any portion of political power*" or from those of the official of the Colonial Office, Walter Ellis, who described the award of Constitutions by the Colonial power as a policy of "*granting Malta from time to time more or less illusory constitutions and then withdrawing them as soon as the Maltese attempted to use their power in any way which does not approve itself to us.*" Luckily, even amongst the colonial power's ranks, not everyone shared that view!

Nonetheless, history surely teaches us that rights won must be safeguarded everyday, and that one must remain incessantly vigilant to ensure that they are not lost. This is our collective call today as a people, as servants of democracy, as guardians of the Constitutional Institutions, as civil society, as the press and the media, as citizens. Within this framework it is the duty of all of these to constantly protect and strengthen Parliament and the status of parliamentarians as representatives elected by the people. Failure to do this would amount to contempt for the value of the vote cast by the individual citizen in the ballot box, from which springs forth the people's free will.

In this context, on this day which also gives us the opportunity to reflect on the Parliamentary Institution of Malta, I am pleased to report a series of measures adopted last year, which have continued to contribute towards the strengthening of the parliament as an institution and its function in our country:

The rulings handed down between 1921 and 1924 have now been compiled by Professor Ray Mangion of the University of Malta, after this research was commissioned by myself as Speaker. This will now be sent for publication, leading to a process of publication of volumes, and the creation of a database, which cover the rulings of all Speakers of the Maltese Parliament from 1921 to the present day.

This year I also had the pleasure of seeing that the initiative that I launched last year has now materialised with the publication, which benefited from the full and financial support of APS Bank, of 30,000 copies of a workbook for secondary level students entitled '*Il-Parlament Malti, Kif Beda, X'Inhu u X'Jagħmel*' ('*The Maltese Parliament, Its Origins, What it Is and What it Does*'). This book gives an account of 90 years of history of the Maltese Parliament and explains how it works, and how it is placed within our country's Constitutional framework. This has been made available for distribution by the Ministry of Education in all public and private schools in our country. Our children will therefore have the necessary material to learn about, and understand better, this distinct institution of the Maltese Parliament and will be able to appreciate better its role as an institution which represents them and safeguards their rights.

This year we also finalised all the necessary infrastructure to provide live streaming on the Parliament's website of meetings of the Parliamentary Committees in preparation for the streaming of parliamentary debates in plenary session. The House Business Committee still has on its hands a proposal for guidelines on how these broadcasts should take place, a proposal which I put forward to this Committee some time ago. An approval is now due so that this last obstacle to regular video transmission of the Committee's proceedings can be overcome. A test transmission has already been carried out successfully. I note with satisfaction that our request to install equipment in the new Parliament building to allow realtime transmission of debates in the Parliament's plenary hall has been accepted.

This year, we sent for the first time in the history of the Maltese Parliament a representative to the European Institutions in Brussels, thus placing ourselves on the same level as National Parliaments from other European Union countries. This representative has started operating and is further consolidating, as truly required, the presence of the Maltese National Parliament amongst the European Institutions.

Also this year, approval was also received for the proposal I made to the same House Business Committee for the Maltese Parliament to establish a formal procedure for scrutinizing proposals made by the European Commission concerning respect for the principle of subsidiarity. Thanks to this, and in one case prior to this approval but by unanimous agreement, we exercised for the first time the rights reserved by the Lisbon Treaty to National Parliaments concerning respect for the principle of subsidiarity. This occurred on three occasions, and the Maltese Parliament raised objections with the European Institutions specifically in the following cases:

- Proposal for a Council Directive on a Common Consolidated Corporate Tax Base;
- Proposal for a Council Directive on a common system of financial transaction tax; and
- Proposal for a Council Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services.

Although in the first two proposals, the amount of votes required amongst the National Parliaments of the Member States in order to block the proposals separately was not attained, in the most recent one, the number of required votes was reached and exceeded. The European Commission is now always required to take on board the objections raised by the National Parliaments of the Member States, and where appropriate, to amend or even withdraw its proposal.

This not only shows that the National Parliaments are now an integral part of the European decision-making architecture, but also that our Parliament has started becoming more active in using the new powers granted to it by the Lisbon Treaty.

Naturally, much remains to be done to generally improve the scrutiny of all proposals emanating from the Commission, and to increase communication between our National Parliament and the European Parliament, as well as with our European institutions.

We have strengthened the Public Accounts Standing Committee through guidelines for witnesses appearing before it. I presented a proposal to the House Business Committee on how popular petitions presented in Parliament can be handled in a more structured and committed manner, and how we can learn from the experiences of other Parliaments, including those of the United Kingdom and Australia. I also intend to table a proposal to consider setting up a Committee on Economic and Financial Affairs, also in view of new developments within the European Union.

We must always be dynamic and address needs which develop over time within our country's legislative body and in its functions relating to debate, scrutiny and relevance to the country.

We continued with our programme of commitment towards civil society as well as the programme of workshops and conferences on current issues such as the meeting we hosted last year of Presidents of the Parliaments of Small European Countries, and the conferences co-organised with the European Public Law Organisation and with Johns Hopkins University in conjunction with the Euro-Med University which two latter conferences shall be held annually. This year Parliament also organised an evening commemorating the 50th anniversary of the death of National Poet Dun Karm Psaila.

It is important that in our daily efforts we do not lose the open vision required, that we do not disregard the historical backdrop while always looking forward. We must continue doing this in full respect of the memory of the victims of the *Sette Giugno*, of all those who strived for Malta to gain its sovereignty and for the Maltese people to achieve its liberties. This should instigate us to be faithful to our mission to uphold highly the reputation of our Parliament as a constitutional institution.

Against this backdrop, it is necessary that we seriously revise the standing orders of the House of Representatives so as to promote an increasingly higher standard of fair play, so as to ensure that Parliament does not result in a "winner takes all" experience and that more sophisticated safeguards are in place concerning the rights of the minority and the tabling and allocation of items for debate, while ensuring that the majority enjoys the necessary space to implement its legislative programme.

We must consolidate the work which has been carried to give parliamentarians access to more information by reaching the point where each parliamentarian will have a dedicated assistant and the necessary facilities and space to fulfil the duties arising from their responsibilities as Members of the House of Representatives.

The fact that the Maltese Parliament will have for the first time in our history, its own home is an important achievement for our democracy: this also provides an opportunity to implement these changes. This is also the right moment to ensure that the Maltese Parliament acquires its full autonomy. It is unsustainable that the Maltese Parliament is still considered as a Government Department from an administrative viewpoint, even though in practice it has already acquired a

certain operative space. In my opinion, a specific building for Parliament will lead to a marked change in the popular perspective of Parliament, in the identification of the nature and role of Parliament in our democracy. In order to change the current mindset, this important physical change must also be reflected in the legal infrastructure which grants our Parliament the autonomy enjoyed by Parliaments in all other European Union countries and, amongst others, in a state protocol which recognises that, in a democracy, those in elected office should always rank higher than nominated officials.

Please allow me to throw down the gauntlet to the political powers to go beyond talking about the autonomy of the Parliamentary Institution, and to commit themselves in their political programmes, unless this materialises before, to enact a law at the first opportunity in the next legislature which renders Parliament autonomous from a decisional, financial and recruitment point of view. This should be based on the same model as that already existing for the Office of the Ombudsman and the Auditor General, who are ironically both officials of Parliament but who are already autonomous and regulated by a specific law. This is in line with our Constitution, which chooses to deal with Parliament before any other Institution in recognition of the fact that this is the highest institution in our country.

We are all called to ensure that the future for our democracy remains always bright. We should all be proud that Malta is a country which has made a political and economical success of its sovereignty, despite difficult times we all had to go through. History has certainly not vindicated Lieutenant-General Hildebrand Oakes.

It is up to us all to continue working together in a spirit of national unity, so that through our common actions and achievements we can continue honouring the Maltese heroes of the *Sette Giugno* and of many other historical manifestations of courage and dedication to the *res publica* in our country's history.