

DEMOCRATIC VISION 2050

Truth. Memory. Freedom.

A REPUBLIC WORTH FIGHTING FOR

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Foreword

By the President of Repubblika

Repubblika is proud to present *Democratic Vision 2050* – a comprehensive proposal for Malta’s future that places democratic values, institutional integrity, and civic participation at the centre of national planning.

The government’s Vision 2050 focuses almost exclusively on economic growth, technological change, and environmental sustainability. While these priorities are important, a national vision cannot be built solely on economic indicators. It must also take account of the political, social, and cultural foundations on which a just and resilient society depends.

Democratic Vision 2050 responds to this imbalance. It argues that economic stability is indeed essential, but without democratic accountability, social justice, and public trust, stability alone cannot deliver freedom, equality, or human dignity. Prosperity is not only about what we produce, but about who we become.

This is not simply an alternative set of policy proposals—it is a necessary corrective. It exposes a fundamental truth that has too often been ignored: when democratic values are marginalised, public policy risks becoming a tool of expedience rather than a commitment to the common good.

Across the world, democracy is facing mounting pressure. Malta is no exception. If our country is to face the future with confidence, we must renew our commitment to the rule of law, transparency, justice, inclusive citizenship, and active participation by all. These principles are not abstract ideals. They are the conditions of a republic that works for everyone.

This vision is a call to action. It is a call to remember who we are—a democratic republic founded on the principles of freedom, equality, and respect for human rights. And it is a call to build the institutions, culture, and practices that will make those principles real in the lives of every person.

This document is part of that renewal. It is a call to remember what has been lost, to speak plainly about what must change, and to insist that justice be real, not someday, not for some, but for all.

Malta’s future democracy depends on the choices we make today. Let us choose to build a nation where democracy is not an afterthought, but the foundation of our shared life.

Vicki Ann Cremona

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Executive Summary

Malta's democratic system faces profound challenges that require urgent and comprehensive reform. This document presents a vision for a democratic republic grounded in constitutional values, institutional integrity, and active citizen participation. It emphasises that democracy is not merely a formal arrangement but a lived experience sustained by trust, transparency, and accountability.

At the heart of this vision are several interlinked pillars of democratic renewal. First, the rule of law must be reinforced through independent and well-resourced judicial and prosecutorial institutions that are shielded from political interference. Ensuring robust oversight and administrative justice is crucial to restoring public confidence and ensuring the equal application of the law.

Second, freedom of expression and media pluralism are fundamental to democratic accountability. The vision calls for strengthened legal protections for journalists, independent public broadcasting, and diverse media ownership to foster an informed and engaged public sphere.

Third, citizenship must be redefined beyond transactional or formal status to embrace inclusion, equal rights, and civic responsibility. Ending practices that commodify citizenship and expanding pathways for all residents to participate in democratic life are crucial steps toward a more just society.

Fourth, political culture and leadership require a transformative shift toward ethics, transparency, and public service. Political institutions must be held to higher standards of conduct, and citizens must be empowered to participate actively in the governance process.

Fifth, civil society is recognised as a vital partner in democracy. Legal frameworks, funding mechanisms, and participatory structures must support an autonomous and vibrant civic sector that makes meaningful contributions to policy-making and oversight.

Sixth, local government must be strengthened to ensure that democracy is not confined to national institutions but thrives at the community level. Local Councils require greater powers, financial independence, and constitutional protections to serve as true vehicles of self-government and social cohesion.

Seventh, a democratic society also depends on citizens who are culturally equipped to understand, exercise, and defend their rights and responsibilities. Civic education and democratic literacy must therefore be central to any long-term vision for Malta.

Finally, these reforms must be anchored in a modern, inclusive, and participatory constitutional framework that reflects Malta's European commitments and contemporary democratic aspirations. The process of constitutional renewal must be transparent, inclusive, and deliberative, engaging citizens directly in shaping their fundamental law.

This vision sets out a path toward a democratic republic where institutions serve the people, rights are effectively protected, and participation is not optional but fundamental. By embracing these principles, Malta can build a resilient democracy capable of meeting the challenges of the twenty-first century.



Summary of Key Recommendations

Theme	Key Proposals and Recommendations
Rule of Law and Justice	<ul style="list-style-type: none"> Adequate resources and autonomy for the judiciary Strengthen Chief Justice leadership and communication Insulate the Attorney General and the Police from political influence Establish oversight bodies for police and prosecution Empower regulators with investigative and sanctioning authority Enforce cooperation between agencies Expand administrative justice with FOI laws and administrative courts
Freedom of Expression & Media Reform	<ul style="list-style-type: none"> Strengthen anti-SLAPP laws beyond EU minimums Ensure media ownership transparency and diversity, and replace the ownership of political parties Reform PBS governance for editorial independence Support investigative journalism with public funding Improve legal response to online harassment Protect artistic, academic, civil society, and digital expression rights
Citizenship and Inclusion	<ul style="list-style-type: none"> End commodification of citizenship (investment schemes) Create inclusive citizenship pathways for long-term residents Guarantee equal access to public services Promote civic education and democratic participation
Political Culture & Ethical Leadership	<ul style="list-style-type: none"> Enforce codes of conduct and interest declarations Establish independent oversight and disciplinary mechanisms Promote leadership as a public service Encourage active civic participation Challenge the normalisation of patronage and abuse Introduce state funding of political parties to limit undue influence on public policy.
Civil Society & Participatory Democracy	<ul style="list-style-type: none"> Reform the NGO legal framework to guarantee autonomy Create sustainable, independent civil society funding Institutionalise civil society roles in policymaking and oversight Foster civic education, advocacy, and networking Protect civic space and train officials on rights-based engagement
Local Government	<ul style="list-style-type: none"> Expand Local Councils' powers (urban planning, social services) Provide financial autonomy, including local revenue powers Remove ministerial interference Promote citizen participation via assemblies and budgeting Constitutionally protect local self-government
Institutional Trust & Credibility	<ul style="list-style-type: none"> Rebuild trust via independence, transparency, accountability, participation, and ethics Fully implement public inquiry recommendations with independent monitoring Align institutions with public interest and service values
Constitutional Reform	<ul style="list-style-type: none"> Reduce executive dominance; strengthen parliament and the judiciary, and the independent constitutional oversight bodies. Enshrine modern, enforceable Bill of Rights. Constitutional guarantees for participatory rights Affirm EU values in the Constitution Reform via expert drafting, citizen assemblies, and referendum

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PART I

THE WOUNDS OF A DAMAGED REPUBLIC

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1. What the Official Vision Leaves Out

A national vision must begin with truth. It should recognise not only the hopes of the future, but the failures that shape the present. *Vision 2050* (Government of Malta, *Malta Vision 2050*, 2025), the government’s strategic document, outlines economic, technological, and environmental goals – but says nothing about corruption, institutional breakdown, or the erosion of the rule of law.

This silence is more than omission. It reflects an unwillingness to confront the political and institutional crises that have damaged public trust. A vision that ignores these realities risks repeating the very failures it refuses to name.

Democracy does not rest solely on prosperity or infrastructure. It depends on accountable institutions, equal justice, civic participation, and a culture of public responsibility. Without these, no economic plan can deliver a just society.

Over the past decade, Malta has faced the consequences of systemic failure. Journalists, whistleblowers, and civic actors have faced intimidation and harassment. Institutions have been bypassed or captured. Scandals have gone unpunished. At its worst, lives were lost to violence rooted in impunity, including Karin Grech, Raymond Caruana, and Daphne Caruana Galizia. These tragedies are not just personal losses—they are national reckonings.

Yet *Vision 2050* ignores any need for democratic renewal. By treating the future as a technical matter of targets and timelines, it evades the real political questions: who holds power, how it is exercised, and in whose interest.

Democracy cannot be built on selective memory or strategic silence. The future must be anchored in justice, accountability, and truth. To plan for 2050 without reckoning with the past is not vision—it is evasion.

1.1. Memory as Resistance

To remember is to resist. A democratic republic must carry its past honestly, not to dwell on wounds, but to learn from them. Malta’s history of political violence and democratic failure casts a long shadow. The murders of Karin Grech, Raymond Caruana, Daphne Caruana Galizia and others, perhaps less prominent victims of political crimes, were not just personal tragedies—they were attacks on truth and public service.

What connects these events is not only the violence, but the state’s failure to respond with justice, reform, or remembrance. The result is a culture of impunity and forgetting.

Vision 2050 offers progress without memory. It speaks of innovation and sustainability, but says nothing of the institutional and moral failures that have shaped Malta’s recent past. It ignores the dire need for accountability and the culture that allowed power to go unscrutinised.

But memory is not a distraction—it is the foundation of reform. To honour those who spoke truth to power is to uphold the courage democracy demands. It is also to ensure that the next generation inherits a republic capable of learning and protecting its citizens.



Daphne's death symbolises this challenge. Her work exposed systemic corruption, and her assassination triggered national and international reckoning. But she was not alone. To remember her is to remember all those who paid a price for civic courage.

A republic that forgets its failures will repeat them. Memory is not nostalgia—it is a demand for justice and a guide for renewal.

1.2. Truth Denied

Vision 2050 speaks of innovation and sustainability, but refuses to tell the truth about Malta's democratic condition. It presents a picture of smooth governance and forward momentum, while ignoring institutional collapse, media intimidation, politicised justice, and widespread public mistrust.

The truth is this: Malta has experienced serious democratic backsliding. Power has been concentrated. Oversight weakened. Corruption normalised. Justice is delayed and often denied. The murder of a journalist remains the clearest expression of a system that failed to protect the truth.

Truth is not just factual—it is the willingness to face reality. A vision that ignores the present condition of democracy betrays the very principles it claims to uphold.

1.3. A Future Without Citizens

Vision 2050 envisions a future built by planners and engineers, but says little about the citizens who will inhabit it. There is no vision of civic participation, democratic education, or public responsibility. No recognition that Malta's future depends on more than infrastructure and investment—it depends on people empowered to shape their republic.

A national vision that fails to acknowledge the collapse of political responsibility—especially in the face of violence and impunity—is not a plan for the future. It is a cover story for the past.

We reject this vision because it is incomplete and deceptive. It leaves no space for truth, memory, justice, or citizenship.

1.4. The Erasure of Justice

Justice remains elusive after Malta's most serious institutional failures. Inquiries confirmed that the state created conditions for grave harm, yet the chain of responsibility remains intact. Systems and individuals that enabled impunity are still in place.

Vision 2050 says nothing about justice. It does not mention legal reform, anti-corruption efforts, whistleblower protection, or equal treatment before the law. It does not even acknowledge the reality of impunity.

But a society that fails to promise justice cannot promise peace. A republic that ignores corruption cannot claim legitimacy. Malta's future depends not only on trials but on institutional reform, public ethics, and civic trust.

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1.5. A Technocratic Distraction

The government's vision replaces politics with administration. It treats the future as a technical project—infrastructure, AI, carbon targets—rather than a civic one. But democracy is not an app. Justice is not a performance metric. Corruption does not vanish just because it is ignored.

Technocracy is seductive because it suggests that political conflict can be managed away. However, in a genuine democracy, conflict is not feared—it is handled through fair institutions, open debate, and active participation.

By hiding behind innovation and efficiency, the government evades responsibility. It offers a future without truth, without memory, and without change. *Vision 2050* does not merely fail—it deceives.

1.6. Europe Forgotten

In recent years, Malta has come under scrutiny from European institutions for democratic failures. The European Parliament launched missions. The European Commission, the Venice Commission, and GRECO called for urgent reform. These were not abstract criticisms—they responded to real failures that shook trust across the EU.

Yet *Vision 2050* ignores this. It claims alignment with the Green Deal and digital transformation, but says nothing about the EU's democratic values, legal standards, or the institutions that demand reform in Malta.

Malta's future must be European, not just in terms of climate or technology, but also in its commitment to dignity, freedom, equality, and the rule of law. We are not just participants in the market—we are citizens of a union built on democratic values.

1.7. Memory Reclaimed, Future Redefined

Vision 2050 erases the truths that have shaped Malta's democratic decline. It replaces civic memory with slogans, and moral reckoning with economic optimism. But we reject this evasion.

Malta's institutional crisis did not begin eight years ago. Since independence, both major parties have colonised public institutions, weakened oversight, and prioritised loyalty over legality. The result is a republic where accountability is the exception.

We reclaim memory as a basis for renewal. We defend truth against distortion. We fight for freedom as a lived institutional reality. We remember those who exposed wrongdoing—not to sanctify them, but to honour the courage democracy requires.

In our vision, Malta's future is one of democracy. It is honest and resilient, because it is just, and free because its citizens are empowered. This is not simply a different future. It is a democracy worth fighting for.

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2. The Rule of Law in Crisis

When the state fails to enforce the law equally, protect the vulnerable, or hold the powerful to account, it becomes complicit in injustice. The rule of law is not a technical concept – it is the foundation of democracy. It means that no one is above the law, that institutions operate independently, and that justice is a right, not a privilege.

In Malta, this foundation has been steadily undermined. The collapse of legal and institutional safeguards has led to widespread impunity, weakened oversight, and eroded public trust (*Rapport tal-Inkjestra Daphne Caruana Galizia*, p. 121). The rule of law crisis is not over—it is ongoing. A national vision for 2050 that ignores this reality offers no credible hope for renewal.

2.1. The State That Looked Away

Malta's institutional breakdown has been most evident in the state's failure to respond to serious wrongdoing. Public authorities and regulators failed to act on credible allegations of corruption and abuse. Institutions that should have investigated and prosecuted—such as the police, the Attorney General, Parliament, and financial regulators—responded with inaction, retaliation, or complicity.

This failure was not accidental. It was enabled by political appointments, the blurring of public and private interests, and a culture that prioritised loyalty over legality. It created a climate in which impunity became normalised, and accountability the exception.

2.2. When Power Replaces Law

The erosion of the rule of law is not only a legal issue—it is a systemic shift in how power operates. Public authority has too often displaced legal restraint. Institutions meant to serve the public interest have been subordinated to partisan control.

Law enforcement repeatedly failed to pursue politically exposed persons, even when faced with clear evidence. Police commissioners came and went, prosecutions were delayed or dropped, and the public rightly perceived a system of selective justice.

The judiciary, though formally independent, has struggled to earn public confidence. Before the 2020 reforms triggered by a European court ruling, judicial appointments were lacking in transparency and vulnerable to political influence. Although procedures have improved, doubts about merit-based promotion and impartiality persist.

The Attorney General's office has also faced criticism for decisions that appear to be shaped by political sensitivity rather than legal standards.

Oversight institutions—such as the Standards Commissioner, the Ombudsman, and the Auditor General—have produced important reports but lack enforcement powers and are often ignored or dismissed. Recent efforts to delegitimise these offices signal hostility to independent scrutiny and deepen the crisis of democratic checks.



These problems reflect deeper constitutional flaws. Executive power is highly centralised in Malta. The Prime Minister appoints senior figures across government, law enforcement, and regulation. Checks and balances exist on paper, but not in practice. The result is a political system where power shields itself from accountability.

2.3. The European Warnings

Malta's rule of law crisis has attracted international attention. European institutions have repeatedly issued grave warnings:

The Venice Commission has called for constitutional reforms to reduce the power of the prime minister and strengthen judicial independence (CDL-AD(2018)028-e, 2018). GRECO has criticised the lack of effective mechanisms to prevent and punish corruption (GrecoEval5Rep(2018)6, 2018). The European Commission, through its Rule of Law Reports, has flagged Malta's persistent politicisation of institutions and a culture of impunity (SWD(2024) 818 final, 2024). The European Parliament has passed resolutions expressing concern over democratic backsliding (2023/2901(RSP), 2023).

Despite these interventions, reform efforts have often been superficial, designed to placate criticism rather than implement structural change. The government has framed these changes as significant. A closer examination of these legislative initiatives reveals a lack of substantive change or weakness in the initiatives introduced, rendering them nearly ineffective. The core problems—lack of independence, accountability, and enforcement—remain unresolved.

2.4. Justice Delayed, Justice Denied

Malta's justice system suffers from chronic dysfunction. Investigations into major scandals—such as the sale of public hospitals, the Electrogas deal, and the passport scheme—have dragged on for years. Prosecutions, where they occur, are often the result of external pressure rather than domestic initiative.

The system itself is plagued by delay and opacity. Evidence has been lost or compromised while in the custody of state institutions, including the courts and the armed forces. Certain members of the judiciary are still widely perceived to be aligned with political interests.

At the same time, ordinary people struggle to access justice. The system is slow, underfunded, and costly. Victims of environmental harm, discrimination, or abuse encounter enormous barriers, while the powerful often face no consequence at all.

This double standard corrodes the legitimacy of the entire system. Without timely, equal, and impartial justice, there is no rule of law—only a simulation of it.

2.5. Legal Architecture Without Moral Foundations

Malta has the formal institutions of democracy: a Constitution, a Parliament, courts, and watchdogs. But form is not function. When appointments are politicised, oversight is toothless, and public scrutiny is undermined, democratic institutions lose their meaning.

The more profound crisis is cultural. Patronage is normalised, power is personalised, and cynicism about justice is widespread. Many believe that the law primarily protects the wealthy, the well-connected, or those with strategic interests. And that belief is based not on theory, but on lived experience.

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Public trust in the judiciary has long been low. Only 34% of Maltese respondents described judicial independence as “good” in the European Commission’s 2024 Rule of Law Report, while 65% rated it “fairly bad” or “very bad” (EC, 2024, Malta Country Chapter, p. 10). Earlier Eurobarometer data found that just 35% trusted the justice system, 15 points below the EU average (Eurobarometer 470, 2017).

These concerns cannot be addressed solely by legislation. They require a cultural and political transformation grounded in transparency, merit, and public ethics.

2.6. A Democracy Worth Fighting For Requires Justice

Truth. Memory. Freedom. A democracy worth fighting for. These are not rhetorical flourishes—they are the foundations of citizenship. But none of them can exist without justice.

In the Malta of 2050 that we envision, the rule of law is not reserved for courtrooms. It is the lived experience of equal treatment, institutional accountability, and trust that wrongdoing is met with consequence.

Restoring this foundation requires a strong political will, moral clarity, and a public commitment to action. The judiciary must be independent, chosen based on merit, and free from political pressure. Prosecution must be impartial. Law enforcement leadership must be chosen for integrity, not loyalty. Senior public appointments must follow transparent procedures. Oversight institutions must be empowered in law and respected in practice.

Above all, democracy requires a culture of truth, not expediency; of service, not self-interest. These goals are challenging. But without them, Malta cannot claim to be governed by law.

This document is part of that renewal. It is a call to remember what has been lost, to speak plainly about what must change, and to insist that justice be real, not someday, not for some, but for all.

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3. The System of Corruption

Corruption in Malta is not the product of isolated misconduct. It is systemic. It is not a deviation from a functioning system – it is embedded within it. Corruption shapes how power is exercised, how decisions are made, and how public resources are distributed. It distorts our economy, weakens our democracy, and damages social trust.

This is not merely a crisis of governance. It is a threat to Malta's future. A society structured around corruption is built on the theft of trust, opportunity, and dignity. It takes from the many to benefit the few, breaking the bond between citizen and state.

This section argues that corruption in Malta is not occasional or peripheral; rather, it is pervasive. It is structural and existential. And yet *Vision 2050* does not acknowledge it. A strategy that claims to chart the country's future while ignoring this reality is not just incomplete—it is dangerous.

3.1. Corruption Normalised

What was once unthinkable has become routine. Public land is transferred through secretive deals. Hospitals are handed over to private interests with no track record. Millions are spent through direct orders. Political candidates openly promise favours. Citizenship is sold to individuals with no meaningful connection to Malta. Planning regulations are manipulated to benefit insiders.

These are not isolated incidents. They are symptoms of a broader system of corruption—tolerated, enabled, and often deliberately constructed. Political control over institutions shields the powerful from scrutiny and accountability. A culture of impunity protects them from consequences. The erosion of civic trust convinces people that change is impossible.

When corruption becomes normal, it is no longer seen as a scandal—it is expected. And that is how democracies decline: not with explosions, but through silence and resignation.

3.2. Theft from the Common Good

Corruption is not only a moral failure, but also an economic one. Every euro misappropriated through corrupt practices is a euro not invested in healthcare, education, infrastructure, or social equity. Every abuse of public office to favour insiders distorts markets, stifles innovation, and discourages fair competition. Every irregular permit damages the environment and lowers the quality of life for many.

Corruption deepens inequality and entrenches privilege. It replaces merit with patronage and weakens the belief that public service exists to serve the common good.

The privatisation of three public hospitals exemplifies the cost. Contracts were awarded under circumstances now declared fraudulent. Promised improvements never materialised. The result was not only financial loss, but also delayed care, unmet needs, and diminished public trust.

Yet despite clear findings, accountability remains out of reach.



3.3. The Corruption Pipeline

Corruption in Malta is not random—it is systemic, intentional, and sustained. It follows a recognisable pattern: exploiting legal loopholes, relying on patronage, and securing protection through institutional capture. This is not dysfunction. It is a deliberate model of governance—one where private interests override public duty, and state institutions are used to enable and shield abuse, not to prevent it.

At the core of this system is the strategic appointment of loyalists to key roles across government, regulatory bodies, and state agencies. These placements are not based on merit or evidence of competence but on control. Once installed, these actors facilitate decisions that favour a narrow circle—awarding contracts, concessions, and policy advantages behind closed doors.

Accountability within this structure is deliberately obstructed. Investigations are delayed or quietly abandoned. Oversight bodies lack the authority, resources, and political support to act decisively. Even when they publish damning findings, their work is often dismissed or buried due to procedural inertia. Or they are attacked for fulfilling their responsibilities.

Attempts to expose wrongdoing are met with resistance. Whistleblowers risk intimidation. Critics face legal harassment or reputational attacks. The cost of dissent is deliberately raised, not only to punish individuals, but also to silence others.

This is not accidental. It is a system of control that governs by secrecy and selective favour. And once embedded, it ceases to shock—it becomes routine.

This normalisation of abuse may be the most corrosive legacy of Malta's recent past. It weakens trust, distorts public life, and entrenches inequality before the law. Dismantling it will require not only institutional reform but a fundamental shift in political culture—one that reclaims the state for the common good.

3.4. The Cost of Exposure

Daphne Caruana Galizia's investigative journalism laid bare the financial networks, political connections, and institutional failures that enabled systemic corruption in Malta. Her reporting on the Panama Papers, the Electrogas deal, and the sale of citizenship exposed how state resources and power were being abused for private gain.

For this work, she was met with hostility, harassment, and isolation, not protection. Her assassination in 2017 was not only a brutal silencing of a journalist but a message: that exposing the truth comes at a cost.

Her murder revealed the extent to which the system was willing to go to protect itself. It was the outcome of a culture where corruption is not only enabled, but shielded—where the state fails not just by inaction, but by active complicity.

To speak of Malta's corruption crisis without acknowledging this reality is to overlook its most devastating consequence. The killing of a journalist for uncovering public wrongdoing is not just a tragedy. It is a democratic emergency—a moment that revealed just how deeply the system had failed.

3.5. The Failure of Remedies

Years after the assassination of journalist Daphne Caruana Galizia—and despite sustained public protest, international scrutiny, and a series of high-profile scandals—meaningful accountability remains elusive.

Some prosecutions have begun. Certain reforms have been introduced. But the deeper networks of influence and control remain largely untouched: the same people, the same culture, the same impunity.



Successive governments have showcased surface-level adjustments as signs of change. Yet whistleblowers still lack real protection. Public procurement remains opaque. The Planning Authority remains susceptible to manipulation. Law enforcement continues to act selectively and without urgency.

The official Vision 2050 document, in all its ambition, fails even to mention corruption.

That omission is not accidental. It reflects a deliberate strategy: to frame corruption as a resolved issue, a matter of the past, not as the ongoing threat to democracy, equality, and justice that it is.

3.6. Anti-Corruption as National Infrastructure

The fight against corruption is not just about exposing scandals or prosecuting offenders. It is about prevention. It is about building the foundations of a democratic society—one where integrity is embedded in public life and where trust in institutions is based on reason, not wishful thinking. Properly understood, anti-corruption is not a reaction to crisis. It is a form of national infrastructure, essential to the state's resilience and legitimacy.

To construct that foundation, Malta must move beyond symbolic actions and piecemeal reforms. It needs a coherent and enforceable legal framework that empowers independent institutions to investigate, prosecute, and deter wrongdoing without fear or favour. Anti-corruption laws must be strong, actionable, and insulated from political interference.

Public procurement must be fully transparent. Every contract, tender, and use of public funds should be transparent and accessible to the public in real-time. This is not just a technical reform—it is a condition for public trust. The routine use of direct orders and the manipulation of planning processes for private gain must end. These practices are not marginal—they are structural routes to institutionalised corruption.

Independent oversight is equally critical. Bodies such as the Auditor General and the Commissioner for Standards must have the authority not only to publish findings, but also to trigger consequences. Their reports must not disappear into silence; they must be followed by visible, accountable action.

Whistleblowers and investigative journalists play a vital role in protecting the public interest. Their work often involves personal risk and public backlash. They must be supported through robust legal safeguards, meaningful access to justice, and institutional recognition of their importance to democratic life.

The current system of political patronage in public appointments must also be dismantled. Key roles in the civil service, regulatory bodies, and state entities must be filled based on competence and merit, not party loyalty or private connections. A state cannot operate in the public interest if its institutions serve partisan ends.

These reforms are not aspirational. They are essential. They form the institutional backbone of a functioning democracy. A state that invests in integrity does more than reduce corruption—it becomes more effective, more just, and better equipped to meet the challenges of the future. A corruption-resistant republic is not only fairer; it is better governed.

3.7. A Republic That Does Not Forget

Corruption thrives on amnesia—on public fatigue and the belief that nothing can change.

But memory is resistance. We remember what was exposed. We recognise that behind every corrupt deal are real victims: patients, workers, families, and communities. We understand that democracy is not a slogan—it is a daily struggle for accountability, dignity, and justice.

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A national vision that ignores corruption is not only incomplete; it is complicit. Malta's future cannot be built on stolen land, hollow institutions, or suppressed truth.

We call for a republic that remembers—not selectively, but with integrity. A republic that insists on truth, protects freedom, and breaks the system of corruption not only through laws, but also by changing political culture and public conscience.

Because the only Malta worth building is a Malta that cannot be bought.

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4. Democracy Hollowed Out

Malta formally adheres to the principles and institutions of representative democracy. It holds regular elections, operates under a written Constitution, and maintains a parliamentary system of government. However, the mere existence of democratic structures is not a guarantee of democratic substance.

In practice, Malta's democratic system is increasingly characterised by concentration of power, erosion of checks and balances, weakening of deliberative institutions, and the degradation of citizen participation. While elections remain competitive, they function within a political framework that offers limited responsiveness, accountability, or pluralism. This section examines the structural and cultural factors that have contributed to the hollowing out of democracy in Malta, and the implications for long-term institutional sustainability and citizen engagement.

4.1. Executive Dominance

A profound imbalance of power marks Malta's parliamentary democracy. The executive branch, led by the Prime Minister, exercises near-total control over the political system, shaping government policy, the legislative agenda, public administration, and appointments to key institutions. This concentration of power is not incidental; it is embedded in Malta's constitutional framework and reinforced by political practices that exploit the advantages of incumbency. The result is a system where the executive dominates governance and systematically blurs the line between state and party.

At the heart of this dominance lies the electoral system. Although formally proportional, it disproportionately favours incumbents through district-level patronage, politicised media access, and the deployment of state resources for political ends. These distortions entrench overwhelming government majorities, rendering coalition politics practically unnecessary. The outcome is a binary political system with little room for pluralism or power-sharing.

Malta's constitutional model also produces a significant conflation between the executive and the legislature. Ministers are drawn from Parliament, and the Prime Minister's control over the parliamentary majority allows the executive to dominate the legislative process, determine scheduling, and control appointments across the public sector. Through this overlap, the executive extends its influence to areas that are meant to operate independently, including the judiciary, the Broadcasting Authority, the Standards Commissioner, and the Financial Intelligence Unit. The delegation of rule-making powers to ministers further blurs the separation between legislative and executive functions, raising serious concerns about accountability and institutional autonomy.

Party discipline exacerbates this dynamic. Government MPs are expected to adhere strictly to the party line, leaving little space for independent oversight or dissent. Parliamentary committees, rather than serving as genuine forums for scrutiny, are often steered by partisan interests. Efforts by the opposition to investigate wrongdoing or initiate legislation are routinely obstructed. Independent private members' bills—particularly those introduced by members outside the government—rarely progress beyond the proposal stage.



This consolidation of executive authority has profound implications for democratic governance. When Parliament primarily serves as a rubber stamp for executive decisions, public interest is often sidelined. Debate becomes symbolic, oversight mechanisms are weakened, and the autonomy of institutions is compromised.

Executive dominance in Malta thus poses a direct threat to democracy. It facilitates institutional capture, concentrates decision-making power, and diminishes accountability. A functioning democracy requires more than regular elections—it requires an adequate distribution of power, robust checks and balances, and independent institutions. Constitutional reform to recalibrate the balance between branches of government, depoliticise appointments, and protect institutional independence is essential if Malta is to restore democratic equilibrium.

4.2. The Shadow Power of Wealth

Malta's democratic deficit is not only a matter of executive overreach—it is also about where real power lies. The country is increasingly showing signs of a plutocracy, in which a small group of extremely wealthy individuals exerts disproportionate influence over public life. These actors, often operating behind the scenes, finance political parties, sponsor individual candidates, and fund campaigns or initiatives that align with their private interests. Their influence is typically exerted away from public scrutiny and without any form of democratic accountability.

This dynamic creates a dangerous illusion. Citizens may believe that elected officials are in control and, therefore, accountable. But too often, the real decisions are constrained by the interests of powerful backers—individuals whose only loyalty is to their wealth and influence. The result is a distortion of democratic governance, in which laws, regulations, and public investments are shaped more by private agendas than by the public interest.

Unchecked, this form of shadow governance corrodes the foundations of equality and representation. To protect democracy from being subverted in this way, Malta must adopt clear and enforceable rules on campaign finance, lobbying transparency, and conflict of interest. A republic cannot remain democratic if its direction is set by those who can afford to purchase silence, loyalty, or influence.

4.3. A Weak Parliament

A central pillar of any functioning democracy is a legislature capable of scrutinising government actions, holding the executive to account, and initiating legislation independently. In Malta, however, Parliament continues to operate under conditions that severely limit its ability to fulfil this role. The result is a legislative institution that is institutionally constrained, politically subordinated, and widely perceived as ineffective.

Members of Parliament are provided with minimal staffing and research support. Most lack access to the policy expertise and technical assistance required to develop legislation, evaluate government proposals, or conduct meaningful oversight. Without these resources, MPs are structurally disadvantaged when engaging with a powerful executive and a well-resourced civil service. They are also part-timers, and as such, are necessarily unable to focus their energies solely on their role as representatives and deputies of the people. Any role they may have in policy-making is consequently reactive and superficial, rather than proactive and informed.

Access to information is also a persistent challenge. MPs face difficulties obtaining documentation related to public contracts, procurement processes, and key government decisions. Transparency is often withheld under broad interpretations of confidentiality, frustrating efforts to interrogate government activity and increasing the opacity of public administration.

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The independence of parliamentary leadership is likewise compromised. The Speaker is traditionally appointed from among government members of parliament, and while expected to act impartially, the position is politically embedded. This weakens public confidence in the neutrality of parliamentary procedures and contributes to a perception that the legislature operates under executive influence.

Procedural limitations further curtail the quality of debate. Parliamentary time is dominated by government business, with limited space for opposition or private member initiatives. Time constraints and procedural rules often result in rushed discussions of complex policy matters, reducing parliamentary deliberation to formality.

These weaknesses are not simply technical—they are politically consequential. They degrade the quality of law-making, shield executive decisions from thorough scrutiny, and reinforce the image of Parliament as a rubber-stamp institution. The result is a diminished legislature that struggles to act as an effective counterbalance to the government or as a meaningful forum for democratic debate.

Calls for reform are not new. Proposals have included the establishment of an independent and sufficient parliamentary budget, strengthening committee systems, and improving access to independent expertise. Yet these reforms have rarely moved beyond discussion. Their repeated postponement reflects a broader reluctance on the part of the executive to empower the very institution tasked with holding it to account.

In the absence of reform, Malta's Parliament will continue to fall short of its constitutional role. Restoring its capacity requires more than procedural adjustment—it demands a political commitment to balance power, enhance transparency, and revitalise the democratic process at its core.

4.4. Institutional Capture

One of the most telling indicators of democratic decay is the degree to which state institutions are co-opted to serve the interests of those in power, rather than the public good. In Malta, this phenomenon—commonly referred to as institutional capture—has taken root across multiple layers of governance, fundamentally altering the function and perception of public bodies.

Appointments to positions of authority in regulatory agencies, public corporations, the judiciary, and supposedly independent commissions are frequently decided through processes that lack transparency and democratic oversight. While merit-based systems exist in form, they are often bypassed in practice. Political loyalty has become an unofficial yet persistent criterion for promotion within the civil service and public sector leadership. This pattern not only distorts recruitment and advancement but also conveys a broader message: that competence and integrity are valued less than allegiance to the party in power.

The effects of this capture are far-reaching. Regulatory authorities lose their autonomy, becoming reluctant to challenge the interests of government officials or their close associates. Oversight bodies may issue critical reports, but they do so under the shadow of potential political retaliation or marginalisation. The result is a public administration that is less willing—and in some cases, less able—to perform its role with impartiality.

This erosion of independence contributes to a steady decline in public trust. When citizens come to view institutions not as neutral guardians of the public interest, but as instruments of partisan power, the social contract begins to unravel. Civic engagement suffers as public confidence in state structures weakens, and the space for independent public service becomes increasingly narrow. Professionals who might otherwise serve with dedication and integrity find themselves demoralised, sidelined, or excluded altogether.

The consequences extend beyond public perception. Institutional capture produces a chilling effect on internal dissent. Public officials are discouraged from raising concerns, questioning decisions, or taking principled stands. Over time, this atmosphere of compliance drains institutions of their memory, weakens their capacity for policy innovation, and erodes the professionalism required for sound governance.

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Crucially, the politicisation of appointments has also hollowed out the public service's continuity, experience, and institutional memory—qualities that should remain stable and independent of any ruling party. As partisan appointees replace experienced professionals, long-term knowledge is lost, and the impartial stewardship of the state is weakened. This not only disrupts institutional effectiveness but also undermines the very principle of a professional public administration that serves the republic, not the government of the day.

Far from being a peripheral issue, institutional capture strikes at the heart of democratic resilience. It undermines the accountability of those in power, distorts public priorities, and impairs the state's ability to act in the long-term interest of its citizens. Reversing this trend is not merely a question of reforming appointment procedures—it is about restoring the principle that public institutions belong to the public, not to the party that controls them.

4.5. The Disfigured Public Sphere

Democracy requires not only formal institutions but also a vibrant public sphere in which ideas, critiques, and alternatives can circulate freely. In Malta, the public sphere is constrained by structural and cultural pressures that limit pluralism and encourage polarisation.

Public broadcasting remains under tight political control, and independent media outlets face significant commercial and legal pressures. The strategic use of public advertising, state-sponsored media platforms, and defamation suits—particularly strategic lawsuits against public participation (SLAPPs)—has further narrowed the space for independent journalism and critical discourse.

The situation is further complicated by the fact that Malta's two main political parties are also among the largest media owners in the country. Between them, they control major television and radio stations, newspapers, and online portals. This dominance skews the media market, crowding out independent or non-partisan voices and reducing the diversity of perspectives available to the public. It also blurs the line between political power and its critical scrutiny: the same actors who wield political authority also shape the narratives through which that authority is discussed, contested, or normalised. In this context, the media's capacity to hold power to account is structurally compromised. Editorial independence becomes increasingly difficult to guarantee when media ownership is politically aligned, resulting in a weakening of journalism's democratic function.

Civil society faces similar challenges. While NGO activity is legally permitted and constitutionally protected, administrative practices, funding mechanisms, and political rhetoric often create a hostile environment for advocacy groups. Recent legal reforms concerning the regulation of voluntary organisations have introduced new risks of bureaucratic interference in civil society operations.

Moreover, political parties maintain extensive control over the social, economic, and even cultural aspects of citizens' lives. This dominance weakens the autonomy of other social actors and discourages non-aligned civic engagement.

4.6. Electoralism Without Democratic Culture

Malta's political system exhibits the features of an electoral democracy, yet lacks a robust democratic culture. Voter turnout remains high, and party affiliation is strong. Yet these formal indicators mask deeper problems of political tribalism, patronage, and public disengagement from substantive democratic debate.

Electoral competition is often framed in terms of loyalty, identity, and reward, rather than policy vision, accountability, or civic duty. Public appointments, social services, and economic opportunities are frequently perceived—and too often experienced—as contingent on partisan allegiance.

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In such an environment, democratic norms are degraded. The opposition is viewed as an enemy, rather than a counterbalance. Criticism is treated as betrayal. Civic participation is limited to election-day rituals, rather than sustained engagement in the public good.

This condition is both a symptom and a cause of democratic hollowing. It breeds cynicism, fuels polarisation, and allows the manipulation of state power to go unchecked.

4.7. Toward a Culture of Constitutional Democracy

The restoration of democracy in Malta begins with institutional reform. Strengthening legal frameworks and procedural safeguards is essential to rebuilding the foundations of public trust and accountability. However, these reforms must be accompanied by a more profound cultural transformation. A genuinely democratic society depends on more than rules—it requires a political culture, an ethic of constitutional democracy, in which power is exercised with restraint, dissent is respected, and scrutiny and pluralism are embraced as vital to public life.

This cultural shift begins with a reimagining of Parliament not merely as an executive legislative tool, but as an independent and deliberative body. Parliamentary reform must strengthen institutional independence, enhance access to resources and expertise, and enable meaningful debate. A Parliament capable of resisting executive overreach is indispensable to the health of democratic governance.

Depoliticising public appointments is also critical. Transparent, independent selection processes must replace opaque systems of political patronage. Key roles in the civil service, regulatory bodies, and public authorities must be filled based on merit and professional competence, not party loyalty or clientelist ties. This is not just about fairness—it is about ensuring that the state functions in the public interest, not as an extension of partisan control.

Media freedom must be upheld as a cornerstone of democratic life. Journalists must be protected from political interference, economic pressure, and legal harassment. Defamation suits, regulatory threats, and advertising boycotts are tools of soft censorship that have no place in a democratic society. A free and independent press is essential not only for uncovering wrongdoing but also for creating an informed citizenry that can participate meaningfully in public affairs.

Civil society must also be recognised and supported as a vital actor in democratic governance. Non-governmental organisations, advocacy groups, and grassroots movements play a crucial role in representing diverse voices, holding institutions to account, and expanding civic space. Legal protections, financial sustainability, and respect for autonomy are necessary conditions for civil society to flourish without fear or favour.

Finally, the foundations of democratic culture must be laid through education. Civic education must go beyond abstract knowledge of institutions. It must engage citizens—especially young people—in questions of ethics, responsibility, and critical reasoning. A population that understands its rights and duties, that questions power, and that values public service is the strongest safeguard against democratic backsliding.

These goals are not aspirational luxuries. They are the necessary conditions of a constitutional republic. A democracy that cannot defend its institutions from capture, or its citizens from manipulation, is a democracy in name only. The path toward democratic renewal lies in reclaiming not just the structures of governance but the values and practices that give those structures meaning.

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5. Human Rights, Inequality, and Injustice

The protection of human rights, the reduction of inequality, and the delivery of justice are core commitments of any democratic state governed by the rule of law. In Malta, these commitments are formally enshrined in the Constitution, in the European Convention on Human Rights (ECHR), and in the Charter of Fundamental Rights of the European Union. However, the practical realisation of these rights remains uneven and, in several areas, structurally deficient.

This section examines the extent to which Malta's political and legal systems fulfil their obligations to respect human dignity, promote equality, and ensure justice. It focuses on the disjuncture between legal frameworks and lived realities, as well as how institutional weakness, political inertia, and social stratification perpetuate injustice across multiple domains.

5.1. The Gap Between Rights and Remedies

Malta's constitutional framework, along with its international obligations under European and human rights law, formally guarantees a broad range of fundamental rights. These include the rights to freedom of expression, privacy, equality before the law, and access to justice. On paper, the republic presents itself as a rights-respecting democracy. Yet in practice, the protection and enforcement of these rights are often inconsistent, delayed, or inaccessible, rendering many guarantees more symbolic than substantive.

One of the most persistent obstacles to the realisation of rights is the chronic delay in judicial proceedings. Rights violations that go unaddressed for years lose their meaning. Justice postponed is justice denied—not only for victims, but for the broader public, which sees the law as unresponsive and detached from lived experience.

The inadequacy of legal aid services further limits access to justice. For many low-income individuals, the cost of legal representation remains prohibitive, effectively placing the enforcement of fundamental rights out of reach. This creates a two-tiered system of justice in which the protection of rights depends on one's financial means.

Even when individuals can bring cases, enforcement mechanisms are often weak or incomplete. In critical areas such as anti-discrimination, environmental protection, and data privacy, institutions lack the authority, resources, or political backing to provide effective remedies. Laws exist, but enforcement is inconsistent or absent, leaving rights unprotected and wrongs unremedied.

Perhaps most damaging is the institutional reluctance to challenge executive power. Courts and oversight bodies have too often shown deference to government authority, particularly in politically sensitive cases. This hesitancy not only weakens the enforcement of individual rights but also creates a chilling effect on those who might otherwise speak out, protest, or seek redress. The rule of law is undermined when the institutions charged with its defence appear reluctant to act.

Legal guarantees are essential, but they are not self-executing. Without mechanisms for effective enforcement—without timely remedies, institutional independence, and equal access to justice—rights become aspirational rather than operative. A democracy cannot be judged solely by the rights it proclaims, but by the extent to which those rights are protected in practice, for all.

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5.2. Inequality in Practice

Despite sustained economic growth, Malta remains a society marked by deep and persistent inequalities—economic, cultural, social, and political. While aggregate indicators suggest prosperity, the distribution of its benefits has been uneven, and access to rights, services, and participation in public life continues to be shaped by structural disadvantage.

Low-income households are increasingly at risk of exclusion. Rising housing costs, inflationary pressures, and a patchy welfare system have made it increasingly difficult for many to meet their basic needs. Access to high-quality healthcare is uneven, with those on lower incomes more likely to experience delays, limited options, and lower standards of care. Economic growth has not translated into financial security for all.

Migrant communities often face administrative precarity, legal uncertainty, and social marginalisation. Policies governing residence, work, and integration remain inconsistent and opaque, leaving many migrants vulnerable to exploitation. In some cases, migrants face arbitrary detention or inhumane treatment, practices that are incompatible with the rule of law and human dignity.

Persons with disabilities continue to encounter multiple barriers to full inclusion in society. Education systems often lack the necessary resources to support inclusive learning environments. Employment opportunities remain limited, and public infrastructure still fails to meet basic accessibility standards. Legal protections exist but are rarely enforced with the rigour required to make rights effective in practice.

LGBTQI+ individuals have seen essential gains in formal legal recognition, particularly over the past decade. However, progress on paper has not always translated into equality in daily life. Discrimination persists. Social stigma and cultural resistance persist as obstacles to full acceptance and equal opportunities.

Children from underprivileged backgrounds face particular challenges that reinforce cycles of inequality from an early age. Beyond disparities in educational attainment, access to extracurricular opportunities, such as sports, music, the arts, language learning, and digital skills, remains highly unequal. These activities are not luxuries—they are critical to children's development, confidence, and long-term prospects. Yet, in many communities, families cannot afford the costs or do not have access to safe, inclusive programmes. The result is a two-tier system in which some children benefit from a rich developmental environment, while others are left behind. A just society must ensure that all children, regardless of socioeconomic background, are given the means to thrive.

Women continue to be systematically underrepresented in positions of political and economic power. They continue to bear a disproportionate burden of unpaid care work and are more frequently subject to gender-based violence. Gender equality laws have advanced, but implementation is slow and uneven, particularly in workplace policies and access to justice for survivors of abuse.

These patterns of inequality are not accidental. They reflect longstanding policy failures, underinvestment in social protection, and a broader reluctance to place social justice at the centre of Malta's development strategy. The focus on GDP growth and fiscal targets has overshadowed the need to address structural disadvantage and to affirm the principle that prosperity must be inclusive.

A democratic vision for the future must do more than promise opportunity—it must deliver fairness. This requires a deliberate and sustained effort to dismantle systemic barriers, invest in social infrastructure, and ensure that the rights enshrined in law are realised equally in practice for all members of society.

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5.3. The Criminalisation of Vulnerability

A just society can be measured by how it treats its most vulnerable members. In Malta, however, individuals who are already socially or economically marginalised often find themselves further penalised by the state's structures. One of the most visible—and troubling—manifestations of this injustice is the criminalisation of vulnerability, particularly within the context of migration policy and the wider criminal justice system.

Malta's approach to migration is characterised by legal ambiguity and coercive practices that international human rights monitors have repeatedly criticised. Asylum seekers and irregular migrants are frequently subjected to indefinite or arbitrary detention, often held in substandard conditions that fail to meet basic humanitarian standards. Detention is used not as a last resort, but as a default mechanism of migration control.

Procedural safeguards are limited. Access to legal representation is inconsistent, and avenues for appeal or review are often opaque or ineffective. Migrants are left in a state of uncertainty, unable to challenge their detention or assert their rights with any confidence in the system. These deficiencies reflect not only institutional failures but also a political environment that treats human mobility primarily as a threat to be managed, rather than a human reality to be addressed with justice and dignity.

The state's rhetoric has too often reinforced this framing. Migration is frequently portrayed as a threat to national security or cultural cohesion, fueling social stigma and political polarisation. This narrative not only dehumanises migrants but also legitimises a punitive approach that isolates them from broader society and diminishes public sympathy for their plight.

Beyond the migration system, Malta's broader criminal justice apparatus disproportionately affects individuals from disadvantaged backgrounds. Structural inequalities—such as poverty, homelessness, limited educational opportunities, and social exclusion—are rarely addressed as contributing factors to offending behaviour. Instead, the system relies heavily on incarceration, with little investment in rehabilitation, restorative justice, or social reintegration.

Prisons are overcrowded and under-resourced. Mental health services, addiction support, and educational programmes are insufficient. Former detainees are released into environments that offer little support and few opportunities, perpetuating cycles of marginalisation and reoffending. In this context, punishment becomes an extension of social exclusion, rather than a path toward accountability and reintegration.

The criminalisation of vulnerability is not an accidental byproduct of state policy—it is a systemic failure to distinguish between justice and control. A democracy committed to the rule of law must ensure that its institutions do not compound disadvantage or weaponise marginality. A fair society protects the rights of all—not just the powerful or privileged—but especially those who stand at the edges of public concern.

5.4. Environmental Justice

Environmental degradation and regulatory failure also raise serious human rights concerns. Access to a clean and healthy environment is increasingly recognised as a fundamental right under international and European legal frameworks, yet Maltese policy and practice continue to fall short.

The built environment is subject to high levels of overdevelopment, often driven by commercial interests at the expense of community well-being, biodiversity, and heritage conservation. Public participation in environmental decision-making is frequently tokenistic, with objections routinely dismissed and regulatory bodies perceived as aligned with developers.

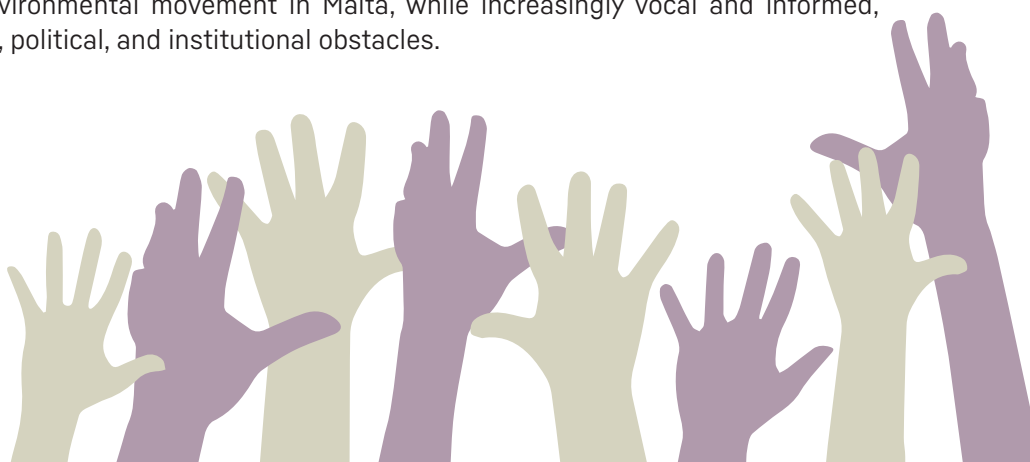
Marginalised communities—especially in urban areas—bear the brunt of poor planning decisions, air pollution, and lack of green space. The environmental movement in Malta, while increasingly vocal and informed, continues to face significant legal, political, and institutional obstacles.

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5.5. Beyond Formal Equality: Towards Substantive Justice

A functioning democracy cannot rely solely on formal equality. Legal recognition of rights is an essential foundation, but it does not guarantee that those rights are experienced equally or that they are meaningful in the lives of all citizens. Substantive justice requires that we look beyond the text of the law to the lived realities of those the law is meant to protect. It means asking not only whether rights exist on paper, but whether they are accessible, enforceable, and effective in practice.

In Malta, this shift from formal to substantive equality remains incomplete. Rights are frequently undermined by structural barriers—poverty, discrimination, lack of access to legal support, and institutional indifference—that render them fragile or inaccessible for many. Addressing this gap requires not only policy reform but also a reorientation of the state’s role: from a guarantor of minimal legal entitlements to an active enabler of justice.

Strengthening national human rights institutions is central to this effort. Bodies such as the long-needed Human Rights and Equality Commission must be genuinely independent, adequately resourced, and empowered to act decisively when rights are threatened or denied. Their credibility depends not only on legal mandates but on their capacity to confront power and champion the interests of those most at risk of exclusion.

Equal access to justice must also be made real. This requires expanded legal aid, simplified administrative procedures, and the removal of legal and practical barriers that prevent individuals—particularly those from disadvantaged backgrounds—from asserting their rights. Enforcement mechanisms must be robust and effective, capable of delivering timely and meaningful remedies.

Anti-discrimination policies must evolve to recognise the complex and intersecting forms of disadvantage that shape people’s experiences. A person’s identity is rarely defined by a single category—class, gender, race, disability, sexuality, and migration status often overlap in ways that intensify marginalisation. A serious commitment to equality must embrace an intersectional approach that reflects these lived complexities.

Justice must also be embedded in policy areas not traditionally framed as rights-based. Environmental policy, housing, healthcare, and social welfare must be grounded in principles of equity, dignity, and sustainability. These are not peripheral concerns—they are core dimensions of democratic life. A just society ensures not only legal protection but also material conditions that allow people to live securely, participate fully, and thrive.

Finally, those most affected by injustice must be centred in the policy process. Democracy is not merely representative—it must also be participatory. Affected communities must have a voice in shaping the policies that govern their lives, not only through consultation but also through meaningful influence in the design, implementation, and review of these policies. This can be achieved through participatory budgeting, citizen assemblies, community-led impact assessments, and the inclusion of civil society representatives in advisory and oversight bodies. These tools help translate democratic ideals into institutional practices that empower citizens and respond to real-world needs.

Without these measures, Malta’s rights framework remains primarily symbolic—a promise rather than a practice. The pursuit of substantive justice is what transforms legal guarantees into lived realities and what converts a democracy from an idea into an experience shared by all.

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5.6. Justice as the Foundation of Freedom

Justice is not simply a domain of legal expertise. It is the ground on which trust in democracy is built. When people believe that their rights are protected, that institutions are fair, and that grievances will be heard and addressed, they are more likely to engage as citizens.

Conversely, when injustice becomes normalised—whether through neglect, discrimination, or impunity—democracy loses its meaning.

Any credible long-term strategy for Malta must treat human rights, equality, and justice as foundational to every area of national development, encompassing education, healthcare, economic policy, planning, and infrastructure. These are not add-ons to be considered after the economy grows. They are the very purpose of collective prosperity.



PART II

PRINCIPLES FOR A DEMOCRATIC FUTURE

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6. Our Constitutional Commitments

The Maltese Constitution is the fundamental legal instrument establishing the authority of the state and the rights of its citizens. Yet, in public debate and too often in governance itself, its deeper meaning is frequently neglected. It is treated as an administrative document, rather than a moral and political contract. This section re-centres Malta’s constitutional text as a living guide to democratic renewal – not merely a relic of statehood, but a binding set of commitments we must take seriously.

In so doing, we affirm that the way forward is not to abandon or revise Malta’s constitutional identity, but to realise it fully. The Constitution’s founding principles—sovereignty, democracy, the rule of law, fundamental rights—must guide our vision for the future, not only in legal design but in policy, culture, and everyday governance.

6.1. Sovereignty Belongs to the People

The opening words of Malta’s Constitution are unequivocal:

*“Malta is a democratic republic founded on work and on respect
for the fundamental rights and freedoms of the individual.”*

[Article 1 (1)].

Since the democratic republic is predicated on the respect of the freedoms of the individual, it is inferred that any power exercised by a government of Malta emanates from that freedom. All the power of government derives from the people it governs.

These statements are not merely symbolic. They reflect the core democratic principle that public authority derives from the consent of the governed and must be exercised in their interest, openly, accountably, and with particular regard for those most affected by governmental decisions.

The reference to *work* is especially significant. It affirms that the republic is founded not on inherited privilege, patronage, or personal connections, but on equal contribution and shared responsibility. It stands for a system where advancement and access to power are earned through merit and service, not granted through favouritism, wealth, or insider status. It is a rejection of privilege in all its forms, and an affirmation that the state exists to serve the common good.

Yet in practice, Maltese sovereignty has often been compromised by private or partisan interests. Patronage networks, politically motivated appointments, and the centralisation of executive control have weakened the connection between popular sovereignty and public administration. The democratic ideal of citizen participation has been reduced to periodic elections, with limited space for ongoing civic deliberation or meaningful influence over decision-making.

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Restoring the principle that sovereignty belongs to the people requires more than electoral reform. It calls for structural changes that return real power over public institutions to citizens through transparency, decentralisation, and enforceable accountability. It also demands a democratic culture that values participation, pluralism, and dissent, not merely as tolerated features of democracy, but as essential expressions of it.

6.2. Democracy in Substance, Not Only Form

Malta's Constitution defines the country as a democratic republic. Yet it offers few concrete mechanisms to ensure that this democratic identity is not merely declared, but actively upheld. Democracy, in its fullest sense, is not a static status conferred by periodic elections—it is a living practice that requires continual renewal, vigilance, and structural support.

Elections are a cornerstone of democratic life, but they are not its sole expression. A functioning democracy must also enable informed citizen participation, foster open debate, protect dissent, and ensure that power is subject to scrutiny and limitation. These functions are as vital as the ballot box, and their absence can render democratic governance a mere procedural shell.

In Malta, these non-electoral dimensions of democracy are frequently underdeveloped or actively undermined. Access to public information remains patchy, with government decision-making processes often shrouded in secrecy. Media pluralism is constrained by economic dependence, political pressure, and a limited advertising market, reducing the space for independent journalism. While formal safeguards exist, they are often circumvented or neutralised by informal systems of control.

Public deliberation beyond the electoral cycle is rare. Civil society engagement is too often seen as adversarial rather than constructive. At least in part, this is due to deliberate misrepresentation of civil society perpetrated by political parties and their media. NGOs and academic institutions operate in a precarious space, tolerated rather than embraced as essential contributors to public debate. The absence of legal and cultural guarantees of autonomy stifles their potential to enrich democratic life.

Representation in state institutions also remains limited. Women, minorities, and marginalised communities continue to be underrepresented in legislative, executive, and judicial structures. Mechanisms to promote fair representation—whether through quotas, outreach, or structural reform—are underutilised or politically resisted. Without inclusive participation, the legitimacy of democratic institutions is weakened.

The Maltese political system, while preserving the formalities of the democratic process, often allows elected majorities to govern without adequate counterweights. Parliamentary scrutiny is limited, the executive dominates public administration, and institutions meant to provide oversight are weakened by political interference. This imbalance erodes the distinction between governance and control, undermining the democratic principle that power must always be accountable.

Democracy, as envisioned in the spirit—if not always the letter—of Malta's Constitution, requires more than periodic confirmation at the polls. It demands a careful balancing of majority rule and minority rights, efficiency and accountability, continuity and the possibility of change. These balances are not automatic. They must be safeguarded through thoughtful institutional design, sustained public engagement, and a culture that values disagreement as a vital component of democratic life.

To defend democracy is to insist that it be real, not just in name, but in substance.

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6.3. The Rule of Law: Foundation of Trust and Prosperity that Does Justice

The rule of law is not a peripheral principle—it is the foundation upon which Malta’s constitutional, democratic, and economic order must rest. It affirms a simple but powerful premise: that public power is limited by law; that laws apply equally to all; and that individual rights are enforceable in practical terms. Without it, citizenship is hollow, justice is arbitrary, and democracy is reduced to performance.

This principle is more than a legal abstraction. It is a precondition for prosperity that is inclusive, resilient, and just. As Robert H. Dam demonstrated in *The Law-Growth Nexus* (2006), the presence or absence of the rule of law is a determining factor in a country’s economic trajectory. Legal certainty, predictability, and impartial enforcement create the conditions in which markets can function, investment can flow, and development can take root. Where these are lacking, wealth is hoarded, opportunity is stifled, and growth is skewed toward the connected few.

In Malta, the erosion of legal integrity has not only undermined democracy but also imposed a significant economic cost. In the context of economic growth, that cost is often insufficiently perceived by the public’s opinion. However, corruption, institutional capture, opaque procurement, and regulatory manipulation have deterred ethical business practices, distorted market competition, and undermined long-term planning. Entrepreneurs operate in a climate of uncertainty.

Foreign and domestic investors weigh not only the tax code, but the risk that decisions will be arbitrary, delayed, or subject to political interference. When administrative processes are shaped by insider privilege—where appointments are based on loyalty rather than competence—efficiency suffers. Permitting, licensing, and regulatory approvals become unpredictable and slow, creating hidden barriers that frustrate investment and obstruct long-term planning. The perception that access and success depend on political connections rather than merit further undermines confidence in the business environment.

Ordinary citizens, too, face a system that privileges the well-connected and discourages merit. The cumulative effect is a drag on productivity, innovation, and fairness.

A just economy requires a just legal system. That begins with a judiciary that is independent, impartial, and insulated from political influence. Appointments must follow transparent and merit-based procedures, and judicial tenure must be protected from interference. Courts must not only be free to act—they must also be seen to act with consistency, integrity, and courage.

The same imperative applies to law enforcement. Police agencies must act based on evidence and the public interest, not on political directives. Independent oversight of police conduct is essential to rebuilding public confidence and preventing selective enforcement or neglect.

Administrative justice is equally vital to economic activity. From small business licensing to environmental regulation, citizens and companies must be able to expect fairness, consistency, and recourse. Decisions must be reasoned, reviewable, and made in accordance with law. Delays, arbitrariness, and procedural opacity have material economic consequences.

Legal certainty—the stability, clarity, and accessibility of the law—is a bedrock condition for economic development. Entrepreneurs need to understand the rules. Investors need confidence that commitments will be honoured. Workers and consumers need assurance that their rights are protected. When regulations shift with political expediency or are enforced inconsistently, it erodes trust, amplifies risk, and exacerbates inequality.

The rule of law, then, is not just the domain of courts and lawyers. It is the institutional infrastructure of a functioning and fair economy. It makes possible an environment where enterprise is rewarded, not connections; where value is created, not extracted; and where prosperity serves the many, not just the few.

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Malta's future depends on recognising this link. To rebuild trust in institutions is to restore the legitimacy of the state. To reestablish the rule of law is to lay the groundwork for sustainable and equitable development. And to invest in legal and institutional integrity is to invest in a future in which justice and prosperity reinforce one another.

To uphold the rule of law is not only to preserve liberty; it is to create the conditions for a Republic where dignity, opportunity, and fairness are not ideals, but daily realities.

6.4. Fundamental Rights: Beyond Formalism

Malta's Constitution proclaims a commitment to human dignity and freedom. Chapter IV enshrines an array of fundamental rights and freedoms, including personal liberty, protection from inhuman treatment, freedom of expression and assembly, privacy, non-discrimination, and the right to property. These provisions situate Malta within the global framework of democratic norms and human rights standards.

Yet in practice, the realisation of these rights is uneven, inconsistent, and in some cases, illusory. While the constitutional text affirms a vision of individual freedom and equal protection, the mechanisms for making those rights meaningful remain underdeveloped. The result is a system in which rights are formally acknowledged but often fail to shape lived experience, particularly for the most vulnerable.

One structural limitation is the narrow interpretive approach taken by national courts. Rights are often construed in a conservative and restrictive manner, with little regard for the broader social purposes they are meant to serve. Transformative interpretations—those that would require the state to redress systemic disadvantage or enable full inclusion—are rare.

The absence of a dedicated Constitutional Court with adequate human rights jurisdiction further compounds this problem. Malta's current judicial architecture does not provide a clear or accessible pathway for the consistent review of legislation or administrative action against constitutional norms. Legal redress, when available, tends to be slow, expensive, and unpredictable. For many, this effectively places constitutional justice out of reach.

Parliament, too, lacks meaningful mechanisms for proactively assessing legislation for compatibility with fundamental rights. This deficiency creates a gap between law-making and rights protection, leaving individuals dependent on post hoc judicial remedies rather than benefiting from a preventative approach grounded in legislative scrutiny.

Moreover, Malta's rights framework is still largely shaped by a logic of non-interference. While it prohibits certain forms of state action, it rarely imposes affirmative duties on the state to remove barriers, address inequality, or promote social inclusion. As a result, individuals and groups facing systemic disadvantage—such as migrants, children, persons with disabilities, or those living in poverty—often encounter state indifference, if not active exclusion. The gap between legal promise and institutional reality remains wide.

If Malta is to build a resilient and inclusive democracy, it must move beyond a minimalist conception of rights. A mature rights culture does not stop at prohibiting abuse—it actively ensures that all people can live in dignity, participate fully in society, and claim their entitlements without fear or favour. This requires not only judicial and legislative reform but also a cultural shift in the way public power is understood and exercised.

The future of constitutional democracy in Malta will be shaped not just by what rights are written into the law, but by how seriously the state takes its duty to realise them.

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6.5. The Constitution as Covenant and Civic Instrument

Malta's Constitution is more than a legal text—it is both a civic instrument and a democratic covenant. As the legal cornerstone of the republic, it articulates the principles of governance, the separation of powers, the protection of fundamental rights, and the rule of law. But it also represents a more profound commitment: a mutual undertaking between the state and its citizens to uphold justice, liberty, and the common good.

Yet despite its foundational role, the Constitution remains strangely absent from Malta's public life. It is rarely taught in schools, seldom discussed in the media, and typically invoked only during moments of political or institutional crisis. Its marginalisation from everyday civic discourse signals a wider democratic deficit—one in which citizens are expected to abide by the rules of a constitutional order they are neither familiar with nor engaged in shaping. Even within the state itself, constitutional literacy is often lacking: many civil servants are not adequately trained in the principles that should guide their work, and the Constitution is frequently treated as secondary to political expediency. In practice, its authority is vulnerable to gradual erosion through parliamentary manoeuvres that exploit procedural loopholes or sideline constitutional norms.

A democratic constitution must be more than an elite document—it must be claimed, understood, and reinterpreted by the people it serves. Its authority rests not only on legal force but on a shared public commitment to the values it enshrines. As a covenant, it binds the state to act within defined limits; as a civic instrument, it empowers citizens to participate in shaping those limits and to hold those in power accountable.

Realising this vision demands conscious and sustained effort. Constitutional education must be embedded across all levels of schooling—not as a technical subject, but as the foundation for active citizenship. Students should encounter the Constitution as a living framework that protects their rights, defines their responsibilities, and equips them to engage with public life.

Beyond the classroom, Malta needs public platforms for ongoing civic dialogue about constitutional questions—forums where issues such as judicial reform, institutional checks and balances, and fundamental rights are discussed not only by experts but also by citizens. Democratic legitimacy depends on public participation in the interpretation and application of constitutional principles.

Civil society, the media, and academic institutions play a crucial role in this process. Through legal literacy initiatives, public campaigns, and critical commentary, they can help bridge the gap between formal constitutional authority and everyday political experience. Demystifying the Constitution empowers citizens to recognise its relevance and to defend its principles.

Ultimately, the Constitution must be treated not as a relic of the past, but as a dynamic civic covenant—an agreement renewed through each generation's participation, and given life by their vigilance. Its legitimacy flows not only from the courts but from the trust, understanding, and engagement of the people themselves.

Revitalising the Constitution in this way is not just a legal task—it is a democratic one. It is how Malta can reclaim the republic not only in form, but in spirit.



7. Our European Commitments

Malta is a full member of the European Union, having acceded in 2004 through a democratic referendum and formal treaty process. This membership is not merely economic or administrative. It entails a binding commitment to a shared set of values and standards that shape the governance of all Member States.

Chief among these commitments is the principle articulated in Article 2 of the Treaty on European Union (TEU), which reads:

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.”

These are not aspirational goals. They are enforceable obligations. EU membership requires that national governments maintain democratic institutions, uphold human rights, and ensure the rule of law—not only in legal form but in institutional practice and political culture.

This section examines the implications of these commitments for Malta’s governance, the risks posed by ongoing deficiencies, and the opportunities for democratic renewal within a truly European framework.

7.1. Article 2 TEU and Constitutional Convergence

Article 2 of the Treaty on European Union (TEU) outlines the foundational values of the European Union, including respect for human dignity, freedom, democracy, equality, the rule of law, and human rights. These constitute binding commitments for all Member States and serve as benchmarks against which domestic legal and political systems are evaluated.

These values are reflected across multiple layers of EU law and governance. They adhere to the Copenhagen criteria, which establish the democratic, rule of law, and human rights standards required for accession to the Union. They are embedded in the Charter of Fundamental Rights of the European Union, which has the same legal force as the EU treaties and binds both EU institutions and Member States when implementing EU law. The jurisprudence of the European Court of Justice (ECJ) further elaborates these values, often through landmark decisions that clarify the obligations of national authorities to uphold fundamental rights and maintain judicial independence.

The European Commission, through its Rule of Law Framework and Annual Rule of Law Reports, monitors Member States’ adherence to these principles, providing both a diagnostic and preventive tool. At the more coercive end of the spectrum lies Article 7 TEU, which empowers EU institutions to respond to severe and persistent breaches of Union values, including the suspension of a Member State’s voting rights in the Council.

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By joining the EU, Malta accepted the expectation that its domestic legal and political systems would remain in dynamic and continuous alignment with these shared values. This obligation extends beyond formal legal harmonisation. It requires a substantive commitment to principles such as judicial independence, transparency, anti-corruption, media freedom, and the protection of civil society. In essence, it calls for a convergence not only of laws but of democratic culture and institutional practice.

This convergence is not optional. It is integral to the functioning of the Union as a community of law and values. Where national systems deviate significantly from these standards, the EU has both the mandate and the responsibility to intervene. While such interventions are often politically delicate and procedurally complex, they serve as vital safeguards against democratic backsliding and authoritarian tendencies within the Union's borders.

Malta's constitutional trajectory must therefore be understood not only in national terms but also in its European context. The country's credibility as a Member State—and its capacity to shape EU policy as an equal partner—depends in part on its fidelity to the values it pledged to uphold. In the context of the emergence of “illiberal democracies” within the EU, Malta's ambition should be to remain committed to democracy, fundamental rights, and the rule of law.

Democratic integrity, the rule of law, and fundamental rights are not only domestic imperatives—they are European obligations.

7.2. Current Areas of Concern

In recent years, Malta's legal and democratic frameworks have been subject to increasing scrutiny from European institutions, judicial bodies, and independent monitoring organisations. These concerns are not vague or episodic—they are consistent, specific, and well-documented across a range of assessments. Together, they paint a troubling picture of systemic vulnerabilities that threaten both the rule of law and the quality of democratic governance.

Transparency and oversight in public procurement and planning processes remain limited. Decision-making in these areas often occurs behind closed doors, with major contracts awarded through opaque procedures and significant exemptions granted without adequate justification. This lack of openness has created fertile ground for clientelism and corruption, undermining public trust and distorting economic competition.

Malta also continues to face serious deficiencies in anti-money laundering enforcement. While legislative frameworks have been updated and institutions restructured, implementation has proceeded at a sluggish pace. Enforcement is uneven, and regulatory authorities have struggled to respond effectively to complex financial crimes, particularly where politically exposed persons are involved.

Concerns about the selective application and chronic delay of justice remain prominent. High-profile cases involving political figures or influential business actors often stagnate or are deprioritised, fuelling perceptions of impunity and unequal treatment before the law.

The intimidation of journalists remains another area of acute concern. While Malta has made some progress in supporting media freedom, the continued misuse of SLAPPs (Strategic Lawsuits Against Public Participation) and the lack of comprehensive protections for investigative journalism suggest that the media remains exposed to legal harassment and financial pressure.

These issues have not gone unnoticed. They have been systematically recorded in the European Commission's Rule of Law Reports (2020–2024), as well as in the opinions of the Venice Commission, resolutions of the European Parliament, and judgments of both the European Court of Justice and the European Court of Human Rights. Additional monitoring by the Council of Europe's Group of States against Corruption (GRECO), the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE and the OECD has reinforced these findings, offering detailed critiques and recommendations for reform.

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Malta's responses to this scrutiny have varied. In some areas, limited reforms have been introduced, but these have often been implemented without meaningful consultation or effective implementation. In others, the reaction has been defensive, characterised by political rhetoric rather than structural change. This approach risks further erosion of credibility—both domestically and at the European level—and delays the more profound transformation required to align Malta's governance with its constitutional and treaty commitments.

Effective reform must begin with acknowledging the seriousness of these concerns. Only then can Malta build a democratic system that is not only formally compliant with European standards but also substantively worthy of public trust.

7.3. The ECJ Citizenship Judgment

One of the most significant recent developments is the ECJ judgment in Case C-181/23, concerning Malta's investor citizenship scheme. The Court held that Member States may not undermine the genuine link required for EU citizenship by granting nationality solely based on a financial contribution.

This judgment has implications far beyond passport sales. It confirms that citizenship is not a commodity, and that Member States must respect the integrity of the European legal order in determining access to EU rights.

More broadly, the judgment reinforces the notion that European citizenship entails mutual obligations—not only between citizen and state, but also between Member States. Each national government is the custodian of values and responsibilities that affect the Union as a whole.

Malta's challenge now is to show that it is capable of aligning its national policies with these principles—not through surface compliance, but through genuine democratic accountability.

7.4. EU Membership as a Democratic Resource

Since joining the European Union in 2004, Malta has gained access not only to a common market and shared economic policies but also to a broader legal and political framework designed to uphold democracy, the rule of law, and human rights. Yet too often, the tools and mechanisms offered by EU membership are framed in local discourse as external impositions or threats to national sovereignty. This is a misreading—one that obscures the Union's real potential as a partner in democratic renewal.

At its core, EU membership (and membership of the Council of Europe) provides an additional layer of legal protection and institutional accountability that complements national governance. Through the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR), individuals and organisations in Malta can seek redress when domestic remedies fail. These avenues are vital in smaller states, where institutional independence may be limited or compromised.

The EU also offers shared standards in justice, public administration, and anti-corruption, developed through decades of cooperation, comparative experience, and legal harmonisation. These standards form the basis for funding programmes, policy coordination, and peer review mechanisms aimed at strengthening the capacity and integrity of national institutions.

Notably, the EU offers financial and technical support for institutional reform and the development of civil society. European funds have contributed to judicial training, public sector digitisation, environmental regulation, and social policy, while also sustaining independent journalism, NGOs, and community organisations that underpin democratic life.

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Yet it would be naïve to view the EU as a flawless model. The Union itself faces serious democratic shortcomings—including the perceived distance between institutions and citizens, limited transparency in decision-making, and persistent inequalities in influence between Member States. The EU’s rule of law mechanisms have at times been slow or politically inconsistent, and its democratic legitimacy is often questioned, especially when economic or technocratic considerations outweigh citizen participation.

This reality does not diminish the value of EU membership. Instead, it underscores the importance of engaging critically and constructively—not only to benefit from the Union’s protections, but to contribute to their improvement. Europe’s democracy must also be strengthened and defended; Malta, as a full Member State, has a role to play in this process. Democratic integration is not complete; it is an ongoing political project that requires active participation from all its members.

For Maltese citizens, this means claiming the European dimension of their political rights. Instruments such as the European Citizens’ Initiative, participation in European Parliament elections, and access to EU legal mechanisms can expand civic agency and drive reform—if they are known, accessible, and supported by national institutions.

Too often, however, that potential remains underdeveloped. Civic education in Malta pays little attention to European rights and institutions. Legal literacy is low, and state bodies are frequently unresponsive when citizens invoke EU-based protections. European mechanisms are treated as symbolic rather than substantive.

To unlock the full democratic value of EU membership, a cultural and institutional shift is required. Public authorities must stop viewing EU standards as formalities to satisfy or resist. Civil society must be empowered to act as a conduit between national and European debates. And citizens must be equipped to exercise their European rights not only defensively, but proactively—as tools for democratic participation and institutional improvement.

EU membership is not a constraint on national sovereignty or democracy. It is an opportunity to deepen democracy at home and in Europe itself. But that opportunity will remain unrealised unless we claim it, not just as beneficiaries, but as democratic agents within the Union.

7.5. A European Malta

To take its role within the European Union seriously, Malta must go beyond formal compliance. It must embrace the EU’s foundational values not merely as external obligations but as guiding principles for domestic governance. Being European is not a matter of geography or treaty membership—it is a matter of democratic culture, institutional integrity, and civic orientation.

This begins with a clear and consistent commitment to the values outlined in Article 2 TEU: respect for human dignity, freedom, democracy, equality, the rule of law, and human rights. These values must not only shape Malta’s approach to legislation and policy but also inform the procedures through which those laws are created and enforced. Every reform—whether legal, administrative, or economic—should be assessed for its compatibility with these core principles.

A European Malta also requires constructive engagement with EU monitoring and recommendations. This means treating the findings of the European Commission and other EU bodies and agencies not as external critiques to be deflected, but as opportunities for self-improvement and institutional learning. Defensive responses and surface-level reforms do little to rebuild trust; genuine progress requires openness, accountability, and a willingness to confront structural flaws.

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National institutions tasked with protecting rights and upholding the law must be equipped—both in terms of mandate and resources—to do their work independently and effectively. This includes the judiciary, law enforcement, audit and oversight bodies, and independent regulators. It also contains a vibrant and autonomous civil society, capable of monitoring public power and representing the interests of diverse communities.

Citizens must also be empowered to use the tools of European democracy. Access to legal remedies at the European level, participation in transnational civic initiatives, and meaningful involvement in EU policy debates are all essential elements of a modern European public sphere. These opportunities must be made visible and accessible, not just to elites or specialists, but to the broader population.

Finally, Malta's economic development must be aligned with the Union's broader commitments to social cohesion, environmental sustainability, and democratic accountability. A narrow focus on GDP growth or competitiveness risks deepening inequalities and undermining democratic legitimacy. A European Malta must measure its success not only by what it produces, but by how fairly, sustainably, and transparently it governs.

To take its European identity seriously, Malta must look to the future. Democracy is not a fixed inheritance, but an evolving horizon—a project that must be renewed in each generation through commitment, vigilance, and shared effort. The standards set by the Union are not burdens to be endured, but aspirations to be pursued.

Malta's place in Europe is not guaranteed by law or history. It must be earned through the daily work of building a republic that lives up to the values it has pledged to uphold.

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8. The Rule of Law and Institutional Reform

A functioning democracy depends on more than elections and representative institutions. It requires that public authority be exercised according to law, under a system of rules that are stable, predictable, and applied equally to all. This principle – the rule of law – is not only a legal doctrine but a foundational element of good governance, public trust, and social peace.

In Malta, the rule of law has come under sustained pressure. Structural weaknesses in legal institutions, executive overreach, and persistent impunity have undermined legal certainty and accountability. Public confidence in state institutions remains low, particularly in areas such as law enforcement, public procurement, and judicial independence.

This section outlines the core components of a rule-of-law agenda for Malta, grounded in constitutional values, European standards, and empirical evidence. It calls for a programme of institutional reform capable of reversing the patterns of dysfunction and restoring the state's capacity to serve all citizens equally and lawfully.

8.1. What the Rule of Law Requires

The rule of law is not an abstract principle—it is a practical framework for democratic governance. As defined in international and European legal doctrine, it establishes the conditions under which public power can be exercised legitimately, reasonably, and in an accountable manner. It sets the boundaries within which both citizens and institutions must operate, ensuring that authority is constrained by law rather than shaped by discretion or political will.

At its core, the rule of law requires that laws be publicly accessible, clear in their meaning, and relatively stable over time. Arbitrary or retroactive legal changes undermine legal certainty, exposing individuals and businesses to unpredictability and potential abuse. For laws to serve their purpose, they must be intelligible, consistently applied, and rooted in a commitment to justice rather than expedience.

Equally essential is the existence of independent and impartial courts, capable of reviewing executive action and resolving disputes based on law rather than political favour. Judicial independence is not merely a matter of constitutional form—it must be realised in practice through transparent appointments, adequate resources, security of tenure, and a professional culture committed to fairness and integrity.

The rule of law also demands equality before the law. No one—whether politician, businessperson, or civil servant—should be above legal accountability. When laws are selectively enforced or political considerations drive prosecutions, the foundational principle that the law binds all is compromised. This erosion of legal equality is not only unjust, but it also corrodes public trust and fosters cynicism about the very concept of justice.

Moreover, a functioning legal order must guarantee effective remedies. Rights that cannot be enforced are rights in name only. Citizens must have access to timely, affordable, and impartial mechanisms for challenging violations of their legal entitlements. This includes protection from unlawful detention, administrative abuse, discrimination, and other infringements on personal or collective freedoms.

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Ultimately, the rule of law necessitates that public institutions operate within legally defined mandates and are subject to oversight. This includes not only courts but also audit bodies, ombuds institutions, parliamentary committees, and independent regulators such as the planning authority. Legal power must be constrained by procedural safeguards and subject to review and oversight.

Importantly, these requirements cannot be met solely through formal compliance. Legal codes and constitutional provisions are necessary, but not sufficient. The rule of law depends on the quality of institutions, the professional integrity of officials, and the presence of a civic culture that treats legality not as an obstacle to be circumvented, but as the very foundation of a just society.

Where the rule of law is strong, individuals have reason to trust that their rights will be protected and their disputes fairly adjudicated. Where it is weak, power fills the vacuum, and democracy is placed at risk.

8.2. Weaknesses in the Current System

Malta's legal and institutional architecture shows multiple vulnerabilities that undermine the effective implementation of the rule of law. These weaknesses are not isolated failures but reflect deeper structural and cultural deficiencies that require sustained reform. They affect the quality of justice, the accountability of power, and the credibility of public institutions.

One of the most persistent concerns involves the judicial appointments process. While recent constitutional reforms have introduced greater procedural clarity and reduced direct political discretion, the political control over the appointment of the Chief Justice and executive discretion in appointing retired judges to public office ensure that the system remains susceptible to executive influence. The judiciary has a limited institutional voice in shaping its composition.

Similarly, the performance of law enforcement authorities, particularly the police and the Attorney General, has been marred by inconsistency and perceived partiality. Cases involving politically exposed persons often proceed slowly, if at all. Communications with the public are limited and opaque, and domestic and international observers have repeatedly criticised the quality of evidence gathering and case preparation. A lack of institutional independence and insufficient external oversight compound these issues.

The role of public inquiries, while potentially powerful, remains constrained by the absence of any binding follow-up mechanism. The inquiry into the assassination of Daphne Caruana Galizia (Department of Information, *Rapport tal-Inkjestja Pubblika Daphne Caruana Galizia*, 2021) revealed profound institutional failures. Yet, its recommendations were left to the political discretion of the same actors implicated in the inquiry's findings. In the absence of a formalised system for implementation and monitoring, public inquiries risk becoming symbolic exercises rather than instruments of meaningful reform.

Malta also suffers from regulatory capture in several key sectors. Planning and environmental authorities, procurement bodies, and financial regulators are often perceived as serving private or partisan interests rather than the public good. Appointments to leadership positions are usually made without transparent selection procedures, and conflict-of-interest safeguards are frequently weak or poorly enforced. The result is a pattern of decision-making that favours the well-connected and undermines public confidence in regulatory fairness.

Perhaps most damaging of all is the persistent gap in accountability. In cases of corruption, maladministration, or human rights violations, the mechanisms intended to ensure redress are often ineffective or absent. Disciplinary proceedings are rare, sanctions are weak or inconsistently applied, and prosecutions are frequently delayed or abandoned. This contributes to a growing sense of impunity, reinforcing the perception that specific individuals or interests are effectively above the law.



Together, these weaknesses do not simply reduce the efficiency of public administration—they compromise the very foundations of democratic governance. Without robust institutions capable of enforcing legality, upholding rights, and delivering justice, the rule of law becomes fragile, and public trust in the state erodes.

8.3. Independent and Effective Judiciary

A cornerstone of the rule of law is the existence of a judiciary that is not only independent in theory but also impartial and effective in practice. The legitimacy of any legal order depends on public confidence that judges are guided solely by law and evidence, not by political influence, career incentives, or institutional weakness. While Malta's Constitution affirms the independence of the judiciary, constitutional guarantees alone are insufficient to ensure its autonomy. Absolute judicial independence necessitates robust institutional arrangements that foster autonomy, competence, and integrity throughout the judicial system.

One of the most urgent priorities is to ensure that judicial appointments and promotions are governed by processes that are insulated from political control and grounded in transparent, merit-based criteria. While recent reforms have introduced some procedural safeguards, concerns persist regarding the executive's influence and the lack of meaningful input from civil society. A robust appointments system must be anchored in institutional independence and guided by clearly defined professional standards.

Judicial effectiveness also depends on the resources allocated to the courts. Many of Malta's tribunals and judicial offices operate with limited financial and human resources, undermining their capacity to adjudicate complex cases in a timely manner. Courts require adequate budgets, qualified administrative personnel, and access to legal research tools to function correctly. Investing in the infrastructure of justice is not a luxury—it is a prerequisite for equal access to legal remedies and the efficient functioning of the state.

Leadership within the judiciary is another critical issue. The role of the Chief Justice must evolve from a largely symbolic office to that of a functional institutional leader, responsible for setting standards of performance, coordinating reform, and representing the judiciary in public and inter-institutional dialogue. Strong and respected judicial leadership can play a crucial role in safeguarding the autonomy of the courts and fostering their internal coherence.

Professional development also remains uneven. There is a pressing need to improve judicial training and specialisation, particularly in areas such as constitutional rights, administrative law, digital governance, and international legal obligations. Judges must be equipped to interpret the law in a changing legal environment and to respond effectively to new societal challenges. Alongside this, the judiciary should enhance its public communication to improve transparency and foster a deeper understanding of its role in a democratic system among the public.

Ultimately, the judiciary must be empowered to serve as a faithful guardian of the law. This includes the establishment of transparent and accessible systems for the judicial review of government decisions, as well as robust constitutional procedures for the enforcement of fundamental rights. These functions are essential for preventing the abuse of power and maintaining a balance among the branches of government.

A judiciary that is independent only on paper cannot sustain the rule of law. It must be visibly and operationally autonomous, professionally equipped, and institutionally respected. Only then can it fulfil its constitutional mandate and serve as a foundation of democratic trust.



8.4. Prosecutorial and Police Independence

For the rule of law to function effectively, the institutions responsible for investigating and prosecuting crimes must be structurally independent, operationally competent, and impartial in their operations. In Malta, these conditions have not been consistently met. Public trust in law enforcement and prosecutorial bodies has eroded due to well-documented instances of inaction, selective prosecution, and a perceived reluctance to pursue politically sensitive cases. The legal system cannot command legitimacy if its core institutions are seen as serving power rather than justice.

A central concern is the position of the Attorney General, who holds wide-ranging authority over criminal prosecutions but whose office remains structurally vulnerable to executive influence. While reforms have formally separated the roles of the Attorney General and State Advocate, the prosecutorial function continues to operate in a legal and political environment that lacks sufficient internal safeguards against arbitrary or selective decision-making. To guarantee independence in both form and substance, the Office of the Attorney General must be equipped with professional autonomy, protected from undue political pressure, and held accountable through transparent standards and oversight mechanisms.

Similar issues affect the Malta Police Force, particularly within its Economic Crimes and Homicide Units, which have come under scrutiny for delayed investigations, inconsistent casework, and a pattern of inaction in high-profile matters. These shortcomings are not simply individual failures—they reflect systemic weaknesses in recruitment, training, and institutional culture. Law enforcement personnel require not only technical capacity but also the ethical foundations and institutional independence necessary to pursue cases without fear or favour.

To address these challenges, Malta must establish or strengthen independent oversight bodies tasked with monitoring the performance and integrity of prosecutorial and police functions. An enhanced Police Complaints Board, equipped with investigatory powers and public reporting duties, could provide meaningful redress for allegations of misconduct. Likewise, a National Prosecution Oversight Authority, independent from both the executive and the Office of the Attorney General, could introduce transparency and accountability in prosecutorial decision-making without compromising operational autonomy.

Public perceptions of prosecutorial bias or inertia are reinforced by the absence of clear criteria for case prioritisation and by a general lack of transparency in decisions not to prosecute. These gaps must be addressed through the publication of prosecutorial guidelines, regular performance reporting, and mechanisms for review or appeal in cases of inaction.

Ultimately, a credible and effective legal system must operate on the principle that no one is above the law—not those in political office, not those with economic power, and not those within the justice system itself. To uphold this principle, Malta must ensure that its prosecutorial and law enforcement bodies are not only formally independent but also perceived to act swiftly, credibly, and impartially in all circumstances.

8.5. Strengthening Regulatory Bodies

In a functioning democracy governed by the rule of law, regulatory and oversight institutions serve as the connective tissue between legislation and enforcement. They are responsible for ensuring that regulations are not merely aspirational but are implemented, monitored, and upheld with consistency and integrity. In Malta, however, the performance of such bodies has frequently been compromised by structural weaknesses, limited mandates, and political interference.

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Key institutions—including the Planning Authority, the Financial Intelligence Analysis Unit (FIAU), the Public Contracts Review Board, the Commissioner for Standards in Public Life, and the Office of the Ombudsman—occupy critical positions in Malta’s legal and administrative architecture. Each has the potential to safeguard legality, accountability, and public trust. Yet too often, they are under-resourced, subject to political pressures, or constrained by narrow legal mandates that limit their ability to act independently or effectively.

The credibility of these institutions depends primarily on their institutional independence. Appointments to senior regulatory roles must be governed by transparent, merit-based procedures, insulated from partisan influence. Moreover, these institutions require independent and adequate funding, free from discretionary control by the executive, to carry out their mandates without fear of reprisal or budgetary constraint.

To ensure integrity and effectiveness, external performance review mechanisms should be introduced, including peer evaluation, public reporting obligations, and benchmarks for responsiveness and enforcement. These assessments should be designed not only to evaluate performance but also to identify structural obstacles to effectiveness, such as gaps in investigatory powers or procedural bottlenecks.

Regulatory effectiveness also depends on inter-institutional cooperation. Currently, regulatory bodies in Malta often operate in silos, lacking clear legal obligations to share information or coordinate action. This fragmentation weakens enforcement, delays responses, and allows misconduct to fall through institutional cracks. A reformed system must impose legal obligations of cooperation and data sharing between agencies, supported by a secure and accountable framework for inter-agency collaboration.

Ultimately, regulators must be equipped with clear and enforceable powers. This includes the authority to compel evidence, initiate investigations, impose administrative sanctions, and refer cases for criminal prosecution when appropriate. Without these tools, regulatory institutions are reduced to advisory bodies, incapable of compelling compliance or deterring misconduct.

Such reforms are not merely technical adjustments—they are prerequisites for both compliance with European Union standards and the restoration of public trust in the rule of law. Citizens must be able to see that rules are not applied selectively, that regulators are not captive to political or private interests, and that wrongdoing—wherever it occurs—is met with consequence.

8.6. Transparency and Administrative Justice

In a constitutional democracy, public administration must be guided not only by efficiency but by legality, transparency, and accountability. The legitimacy of government action depends on whether decisions are made in accordance with the law, whether they can be scrutinised by those affected, and whether they can be challenged through fair and effective procedures. In Malta, however, the current administrative framework falls short of these democratic expectations.

A central concern is the concentration of discretionary power, particularly in the hands of ministers. From planning and procurement to licensing and appointments, decision-making processes are often opaque, discretionary, and shielded from meaningful review and oversight. Internal controls are inconsistent and underdeveloped, while external oversight mechanisms remain fragmented or politically constrained.

At the same time, mechanisms for public access to information and administrative remedies are weak or underutilised. The existing Freedom of Information framework is limited in scope and effectiveness, frequently undermined by broad exceptions, delays in disclosure, and the absence of meaningful enforcement. Citizens and civil society organisations often encounter significant barriers when attempting to obtain information about public contracts, regulatory decisions, or internal government communications.

A robust commitment to administrative justice would require a comprehensive reform agenda.



First, Malta must adopt a modernised Freedom of Information regime, built around a presumption of disclosure. Information held by public authorities should be understood as a public asset, and refusals to disclose must be justified by narrowly tailored exceptions subject to independent oversight.

Second, the law must guarantee structured and enforceable procedures for public consultation, particularly in sectors with significant social and environmental impact, such as urban planning, infrastructure, and environmental policy. Consultation should not be treated as a formality but as an integral part of decision-making, enabling citizens to influence outcomes before they are finalised.

Third, effective judicial or quasi-judicial review of administrative decisions must be available. Malta would benefit from establishing dedicated administrative courts or tribunals, equipped with the necessary expertise to adjudicate disputes between citizens and the state efficiently and fairly. The right to contest government action is a core component of the rule of law; without timely and accessible remedies, legal guarantees become hollow.

Fourth, the systematic publication of administrative data is essential for meaningful oversight. Public access to contracts, tenders, planning applications, and regulatory approvals should be standardised and provided in machine-readable formats, enabling both public scrutiny and journalistic investigation. Likewise, transparent records of public appointments, lobbying activity, and discretionary spending are indispensable tools for ensuring accountability.

These reforms are not technical luxuries—they are necessary protections against arbitrariness and corruption. Administrative justice ensures that the law governs not only in courts, but in the everyday exercise of state power. It is a condition for equality before the law, and for a political culture in which citizens are treated not as clients or adversaries, but as rights-bearing participants in public life.

8.7. Reforms with Public Confidence at Heart

Rebuilding the rule of law is not simply a matter of legal compliance or alignment with international benchmarks. It is a national imperative, rooted in the need to restore public confidence in the institutions of the state. When citizens believe that rules are applied unevenly, that enforcement is selective, and that justice is delayed or denied, the foundations of democratic legitimacy begin to erode.

A sustainable reform agenda must therefore place public confidence at its centre. This requires more than technical fixes or formal legal changes. It demands a transformation in the experience of governance—a shift toward institutions that are not only independent and competent, but visibly consistent, fair, and accessible to all.

To be effective, institutional reforms must be developed through inclusive processes. Civil society, legal practitioners, and academic experts should be engaged not merely as consultees but as partners in the design, monitoring, and evaluation of reform.

Where public institutions are shaped behind closed doors, even the best-intentioned reforms risk being viewed with suspicion or resistance.

Equally important is the long-term orientation of reform. Institutional development requires continuity, stability, and insulation from the pressures of partisan competition. Reforms undertaken for short-term political advantage—whether to neutralise opponents, deflect criticism, or generate headlines—are unlikely to build lasting institutional capacity or credibility.

Public communication also plays a crucial role. Reforms must be accompanied by sustained efforts to inform and engage the public, explaining not only what changes are being made but why they matter. Trust is not built solely through legal amendments—it is cultivated through transparency, responsiveness, and the consistent demonstration of fairness in practice.

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Finally, reforms must ensure that justice is not only done, but seen to be done. The visibility of fair procedures, the transparency of decisions, and the accessibility of remedies are all essential to the democratic legitimacy of the legal system. When citizens see that even the powerful are subject to the same rules, that complaints are heard and acted upon, and that law is not a tool of the privileged, public trust begins to return.

The rule of law is not a technical ideal. It is a civic practice, sustained by the belief that law can be a shield against abuse and a framework for shared life. Malta cannot credibly claim to be a republic in the constitutional sense without a legal order that embodies these principles. The path to democratic maturity runs through the rule of law, not as an abstraction, but as a lived reality in the daily experience of its people.



9. Free Expression and a Plural Public Sphere

A healthy democracy requires more than periodic elections or the formal right to speak; it also necessitates a robust system of checks and balances. It demands a plural, informed, and protected public sphere where ideas can be debated, power can be questioned, and citizens can participate in shaping public life. The right to freedom of expression is the cornerstone of such a space. Without it, all other rights are diminished, and democratic governance is hollowed out.

In recent years, Malta has witnessed both significant advances and growing threats to this essential freedom. Constitutional protections and international treaties remain in force, and civil society continues to play a vibrant role. Yet journalists, academics, artists, and activists operate under mounting pressure. Legal intimidation, concentration of media ownership, and politicised broadcasting have narrowed the boundaries of permissible critique. At the same time, dependence on government funding on activities empowers the authorities to turn the screws or even merely threaten to turn the screws on critical thinking creating a chilling effect. Increasingly, public funds are mobilised for social media advertising campaigns designed not just to inform, but to shape or deflect public narratives. These are often accompanied by coordinated trolling, fake profiles, and online harassment tactics that intimidate dissenting voices or derail discussion through distraction, disinformation, or manufactured outrage. Together, these strategies distort the public sphere and weaken the conditions for genuine democratic debate.

This section outlines the legal foundations, current threats, and necessary reforms to secure freedom of expression and media pluralism as central pillars of democratic life.

9.1. The Legal and Democratic Foundations

The right to freedom of expression is protected under:

Article 41 of the Maltese Constitution;

Article 10 of the European Convention on Human Rights (ECHR);

Article 11 of the EU Charter of Fundamental Rights.

These provisions guarantee not only the right to hold and express opinions, but also the right to receive and impart information through any medium. European jurisprudence makes clear that this right is particularly vital in matters of public interest and that press freedom is a core component of democracy.

Malta, as a signatory to these instruments, is obligated to ensure that legal, administrative, and cultural conditions permit robust and independent expression.

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9.2. Threats to Free Expression in Malta

Freedom of expression is a cornerstone of a democratic society, underpinning public accountability, informed participation, and the contestation of power. While Malta's legal framework formally upholds this right, recent developments have exposed significant and growing threats to its meaningful exercise.

One of the most pernicious and persistent threats is the use of Strategic Lawsuits Against Public Participation (SLAPPs). These lawsuits, filed by influential individuals or entities, are not aimed at seeking redress for genuine harm but at intimidating journalists, activists, and critics through costly and time-consuming legal proceedings. The financial and psychological burden of such lawsuits can be enough to deter investigative reporting or silence critical voices, even before any judgment is issued.

In 2024, Malta formally transposed the EU Anti-SLAPP Directive into its national legislation. However, the scope of this transposition remains extremely limited. The Directive itself applies only to cross-border cases, meaning that the vast majority of SLAPPs—those filed and pursued entirely within Malta—remain unaffected. Moreover, the protections implemented reflect only the minimum standards the European Commission is empowered to enforce. This leaves significant gaps in legal protection for journalists and civil society actors. Maltese courts continue to provide an open avenue for vexatious litigation targeting critical reporting, particularly in cases involving independent anti-corruption journalists.

The concentration of media ownership amplifies the chilling effect of these lawsuits. A small number of actors—particularly the political parties and the government—control most of Malta's traditional media outlets. This consolidation limits editorial independence and restricts the diversity of viewpoints in the public sphere. Journalists working within these structures often operate under significant informal constraints, while those outside them face economic precarity and institutional isolation.

The national broadcaster, PBS, has long been criticised for systematic bias in its news coverage. Rather than serving as a neutral forum for democratic debate, it operates as a mouthpiece for the government of the day. Opposition perspectives and voices from civil society are often marginalised, reinforcing a narrow narrative in state-funded media.

Finally, online harassment and coordinated abuse, particularly targeting investigative journalists and women, have become a prominent feature of Malta's digital public sphere. While civil society has taken steps to document and counter these attacks, institutional responses remain weak and fragmented. Victims often find little support from law enforcement or the judicial system.

These threats are not isolated. They form part of a broader political and institutional ecosystem marked by executive overreach, polarisation, and weak oversight. In this context, the right to free expression—though legally guaranteed—remains vulnerable in practice. True media freedom requires more than formal protections: it demands a resilient public sphere in which dissent is respected, journalism is independent, and legal safeguards are adequate and enforceable.

9.3. Journalism as a Public Good

Independent journalism is not merely one facet of freedom of expression—it is a foundational element of democratic life. It plays a critical role in exposing wrongdoing, holding power to account, informing citizens, and sustaining civic debate. Where journalism flourishes, public scrutiny becomes possible; where it is suppressed or weakened, the possibility of meaningful democratic participation withers.

In a functioning democracy, journalism serves as a public good. Its value lies not only in the individual right to speak or publish freely, but in the collective benefit it offers: a better-informed public, a more transparent government, and a political culture that tolerates scrutiny and debate.

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The assassination of investigative journalist Daphne Caruana Galizia in 2017 was a moment of profound rupture. It underscored the risks faced by those who seek to expose entrenched power and revealed the extent to which Malta's democratic institutions had failed in their most basic obligations. The Public Inquiry into her murder reached a stark conclusion: that the Maltese state had created a climate of impunity—an environment in which powerful actors operated above the law and critical voices, especially those of investigative journalists, were left vulnerable and unprotected.

The Inquiry's recommendations were clear. They called for legal and institutional reforms to guarantee the safety of journalists, ensure transparency in public administration, establish independent oversight mechanisms, and embed the protection of the press into the architecture of democratic governance. The recommendations made it explicit that the state carries a duty not only to refrain from infringing on press freedom, but also to safeguard it actively.

Yet, years after the Inquiry concluded, these recommendations remain largely unimplemented. While a handful of legislative amendments have been introduced, Malta still lacks a comprehensive framework to promote and protect press freedom as a matter of public policy. No independent oversight body has been created to monitor media pluralism or the safety of journalists. Public funding for journalism remains limited and ad hoc, with no structured support, at arms' length from political influence or control, for independent outlets that play a vital role in investigative reporting and democratic accountability.

This failure reflects a deeper issue: the reluctance to treat journalism as a systemic safeguard of democracy. Instead, journalism is often perceived as antagonistic, as a challenge to authority rather than as an essential partner in democratic life. This perception is reinforced by political discourse that vilifies critical media, by state institutions that offer minimal protections, and by a media landscape marked by financial precarity and ownership concentration. It is further compounded by the government's persistent efforts to frustrate legitimate requests for information that should be publicly accessible. Officials routinely avoid interviews with critical journalists, refuse to answer questions, and withhold information even when disclosure is legally required. Justifications under the Freedom of Information Act are frequently stretched or misused, transforming a right meant to ensure transparency into a tool of evasion. These practices not only marginalise the press—they hollow out the democratic obligation of public accountability.

In the broader European context, where concerns about disinformation, democratic backsliding, and declining institutional trust are on the rise, the need to protect and strengthen independent journalism is more pressing than ever. Malta's democratic future depends not only on legal guarantees and institutional reforms, but on a genuine commitment to uphold the press as a pillar of public life.

To do this requires more than rhetoric. It requires structures of support, mechanisms of accountability, and a cultural shift that recognises journalism not as a threat, but as a democratic necessity.

9.4. Toward a Plural and Protected Public Sphere

A democratic republic requires more than elections and institutions. It requires a vibrant, pluralistic public sphere in which citizens can speak, question, criticise, and participate freely. In Malta, this space remains fragile, constrained by legal threats, political interference, ownership concentration, and insufficient institutional safeguards.

To create a public sphere worthy of its democratic aspirations, Malta must pursue a series of legal and institutional reforms that go beyond minimal compliance and reflect a commitment to genuine pluralism and public accountability.

First and foremost, Malta needs robust legislation against Strategic Lawsuits Against Public Participation (SLAPPs).

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Equally urgent is the need to address media pluralism. A separation should be made at law between the activity of a political party and ownership of the media. While political parties should have access to the media to broadcast their views, these should be presented as opinions in a democracy. The activity of producing and delivering news, current affairs analysis, and debate should be independent of any specific affiliation or control. In addition, pluralism should be encouraged through targeted public funding for independent outlets, tax incentives for media start-ups, and sustained investment in community-based media that reflect the voices of underrepresented groups.

Public broadcasting, too, demands transformation. The Public Broadcasting Services (PBS) has long functioned under political influence, with its editorial line often aligned with the interests of the government of the day. A credible reform must overhaul PBS governance and editorial policy, establishing a system of multi-stakeholder oversight that ensures independence, professionalism, and a commitment to diverse viewpoints. This includes appointing a reconstituted board insulated from partisan control and guided by public interest standards.

Investigative journalism—the backbone of accountability reporting—requires active protection and support. Public funding mechanisms and independent foundations should be developed to sustain long-form investigations, support journalistic training, and establish protection protocols for reporters facing threats or intimidation. Such measures are essential not only for media professionals but for the integrity of democratic oversight.

Finally, the growing threat of online harassment—particularly against women journalists and activists—must be met with institutional seriousness. Law enforcement and prosecutorial authorities must be adequately trained and equipped to investigate digital threats effectively. At the same time, civil society organisations that monitor and respond to online abuse should receive institutional support and recognition for their role in protecting civic space.

These reforms are not simply about shielding journalists from harm. They aim to create an environment where all citizens can speak and participate without fear—where the public sphere is a site of engagement rather than intimidation. A republic cannot thrive without the free exchange of ideas, dissenting voices, and shared access to truth. Protecting and pluralising this space is not an optional task—it is a democratic imperative.

9.5. Freedom of Expression Beyond the Press

The right to freedom of expression extends well beyond journalism. A democratic public sphere is not confined to the newsroom—it encompasses artistic, academic, civic, and digital spaces where individuals and communities give voice to their experiences, challenge orthodoxy, and imagine alternative possibilities.

Artistic freedom is a vital component of this broader ecology of expression. Through literature, visual arts, performance, and other forms of cultural production, artists provoke debate, question dominant narratives, and open new spaces for critical reflection. In Malta, however, artistic freedom has too often been constrained by institutional conservatism, self-censorship, or political backlash. A robust democracy must protect the autonomy of artists and cultural institutions, even—and especially—when their work is uncomfortable or disruptive.

Academic freedom is equally essential. Universities are not just centres of credentialing but of inquiry, dissent, and knowledge production. This requires that researchers and educators be free to pursue critical lines of investigation, publish without political interference, and engage in public debate without fear of reprisal. Safeguards must be in place to shield higher education from partisan capture or commercial manipulation, and to ensure that intellectual independence is recognised as a public good.

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Civil society organisations also play a foundational role in democratic discourse. NGOs, advocacy groups, trade unions, and community leaders must be able to speak, organise, and campaign without undue restrictions or suspicion. In recent years, civil society in Malta has faced legal uncertainty, administrative obstacles, and rhetorical delegitimisation from political actors. Protecting civil society's voice requires explicit legal protections, supportive regulatory frameworks, and a political culture that recognises pluralism as a strength rather than a threat.

Digital expression now constitutes a major frontier of democratic life. Online platforms are essential venues for political participation, mobilisation, and information exchange. Ensuring digital freedom involves protecting net neutrality, securing online privacy and security, and preventing censorship or surveillance that chills speech. At the same time, democratic governments must address the risks of online disinformation, algorithmic manipulation, and hate speech without resorting to overbroad or punitive measures that suppress legitimate dissent.

Each of these domains—artistic, academic, civil, and digital—requires tailored legal and policy frameworks to ensure that freedom of expression is not merely formal but functional. Expression must be protected not only from direct censorship but also from more subtle forms of control, such as bureaucratic inertia, economic pressure, or political intimidation. A democracy worthy of the name fosters a rich and varied public sphere in which all forms of expression are not merely tolerated but actively enabled.

9.6. Expression as Democratic Infrastructure

Freedom of expression is not an ornament of democracy—it is its infrastructure. Without the ability to speak, write, publish, and protest, citizens cannot engage as equals in shaping the rules that govern them. Without a plural media landscape, power goes unchecked, and information becomes a tool of manipulation rather than a resource for public reasoning.

For Malta to become the democratic republic promised in its Constitution and affirmed in its EU membership, it must ensure that the public sphere is open, plural, and protected.

This is not a luxury. It is the foundation of everything else that a democracy seeks to achieve.



10. Citizenship, Belonging, and the Public Interest

At the heart of any democratic society lies the idea of citizenship, not merely as a legal status or a passport, but as a shared commitment to the common good. In a republic, citizenship is both a bond between individuals and the state, as well as a relationship among citizens themselves. It implies mutual responsibility, equality before the law, and active participation in public life.

In Malta, as elsewhere, this concept has often been reduced to its narrowest legal dimensions: eligibility for documentation, access to services, or voting rights. Yet if the country is to move toward a deeper, more inclusive democracy, it must reclaim citizenship as a democratic practice, grounded in belonging, recognition, and public purpose.

This section explores how Malta's approach to citizenship—and its understanding of who belongs, who counts, and what the state is for—shapes the quality of its democracy. It advocates for a renewed conception of citizenship that prioritises the public interest over private or partisan gain, and that regards every person as a political agent with equal dignity.

10.1. Citizenship as a Democratic Relationship

In a democracy, citizenship cannot be reduced to a legal status or the possession of identity documents. It is a living relationship—one that binds individuals to the state, connects them, and grounds them in a shared normative commitment to the public good. True citizenship is both a right and a practice, encompassing vertical, horizontal, normative, and participatory dimensions.

Vertically, citizenship defines the relationship between the individual and state institutions. It requires that all persons be treated not as subjects of power but as rights-bearing participants in governance. This means access to justice, protection under the law, and inclusion in the mechanisms through which collective decisions are made. The state is not simply a service provider; it is the institutional expression of a civic community, and its legitimacy depends on how it treats those it claims to represent.

Horizontally, citizenship fosters a sense of equality and mutual recognition among citizens. It affirms that all members of the political community are co-equals—entitled not only to vote or pay taxes, but to have their voices heard, their dignity respected, and their differences negotiated through democratic processes. Citizenship, in this sense, is the opposite of clientelism or factionalism. It rejects hierarchies of worth and affirms that democracy means government by peers, not patrons.

Normatively, citizenship involves a commitment to the common good. It is not simply a bundle of individual entitlements, but a framework of shared responsibilities and civic values. These include respect for the law, care for the vulnerable, fidelity to democratic principles, and a willingness to engage in the difficult work of public reasoning. A mature democracy does not ask its citizens to agree on everything—it asks them to recognise that their disagreements are part of a common project.



Finally, citizenship is participatory. It is enacted not only in elections, but also in everyday forms of civic engagement, such as attending public meetings, joining associations, protesting injustice, initiating policy proposals, or simply staying informed and speaking out. Participation is not an optional extra—it is the heartbeat of a democratic society. However, for it to be meaningful, citizens must have access to the resources, knowledge, and institutional pathways that enable them to take action.

A republic that takes citizenship seriously must therefore build the structures that enable and sustain democratic engagement. These include equal access to political participation and public services; civic education that nurtures democratic literacy and ethical commitment; and institutions that are responsive, transparent, and open to citizen input. Without these conditions, citizenship becomes hollow—a matter of form rather than substance.

The challenge, then, is to reimagine citizenship not as a passive status but as a dynamic relationship rooted in equality, mutual responsibility, and democratic agency. Only by doing so can Malta renew its republican foundations and cultivate a democratic culture that extends beyond the ballot box.

10.2. The Commodification of Citizenship

Few policies have so starkly contradicted the foundational ideals of Malta's constitutional order as the sale of citizenship through investment schemes. These programmes allowed individuals—often with no tangible connection to the country—to acquire Maltese citizenship in exchange for financial contributions. In doing so, they also acquired European Union citizenship, bypassing the deeper commitments and responsibilities typically associated with belonging to a democratic polity.

The practice of commodifying citizenship did more than provoke legal controversy. It struck at the heart of what citizenship is meant to signify. As confirmed by the European Court of Justice in *Case C-181/23*, such schemes violated not only the requirements of EU law but also the constitutional principle that citizenship derives from a relationship of civic belonging, rather than from a transaction. Reducing citizenship to a purchasable asset distorts its meaning and transforms a democratic bond into a private good available only to the wealthy.

The consequences of this policy have been far-reaching. Public trust in the integrity of Maltese identity was eroded, as citizens witnessed their own legal and civic status treated as a market commodity. The policy also deepened perceptions of structural inequality, offering access and privilege to global elites while ordinary residents continued to struggle with barriers to participation and recognition. Most profoundly, it decoupled the link between contribution and belonging, suggesting that political membership could be bought rather than earned, and that loyalty to the republic could be measured in monetary terms.

Rebuilding a meaningful conception of citizenship requires a clear break from this logic. Malta's future as a democratic republic depends on reaffirming that citizenship is not for sale. It must be rooted in shared history, mutual obligation, and active participation. It must reflect a moral, not merely legal, relationship between the individual and the community. It must also be protected from the influence of private wealth and political expediency.

A democratic state cannot treat its core legal identity as a tool of fiscal policy. Citizenship must be recognised not as a commodity, but as a covenant—an expression of collective self-government, equality, and inclusion. Only then can it serve as the foundation for a republic that all its members genuinely share



10.3. Inclusion and Belonging

Citizenship is more than a legal designation. It is a lived experience shaped by recognition, participation, and the ability to contribute meaningfully to the collective life of a society. In Malta, this experience remains inaccessible to many who reside and work within its borders. Migrants, long-term foreign workers, stateless individuals, and others without full citizenship continue to face barriers to rights, services, and representation, despite their active contributions to the country's social and economic fabric.

This exclusion is not merely a humanitarian concern—it strikes at the heart of democratic legitimacy. A system that governs people without granting them a voice or protection, that extracts labour and taxes without offering representation or redress, fractures the very foundations of republican democracy. Political belonging cannot be limited to those who possess formal status while ignoring the realities of shared life and mutual dependency.

Addressing these democratic deficits requires a deliberate shift toward inclusion. Malta must establish transparent and equitable pathways to citizenship, based on residence, contribution, and family ties, rather than on exceptional discretion or financial capacity. Access to fundamental services and legal protections must be guaranteed to all residents, regardless of immigration status. Social policies should foster intercultural understanding and cohesion, recognising diversity not as a threat but as a defining feature of the republic.

Equally important is the inclusion of all communities in the decision-making process. Political institutions must actively seek out and engage voices that have been historically marginalised. Policy processes must be designed to reflect the complexity of Malta's contemporary population, ensuring that no one is invisible to the state.

Belonging is not an abstract ideal. It is a political and moral imperative. A republic worthy of the name must create the conditions for all who live within it to be seen, heard, and valued—not as guests or outsiders, but as full participants in a shared democratic life.

10.4. Public Interest over Private Gain

At the heart of the republican tradition lies a foundational principle: that the state exists to serve the public interest, not the private enrichment of individuals or political factions. This principle, however, has been repeatedly undermined in Malta's political culture, where clientelism, corruption, and the instrumentalisation of state institutions have blurred the distinction between public service and partisan advantage.

The entrenchment of such practices corrodes public trust. When public sector employment and procurement are driven by personal connections or political allegiance rather than merit and need, the legitimacy of government decisions is called into question. The result is a system in which resources are distributed unequally, oversight is weakened, and accountability becomes selective or non-existent.

Reclaiming the primacy of the public interest requires more than technical reform. It calls for the implementation of transparent, rules-based processes in the management of public resources, particularly in hiring and procurement. The civil service must be insulated from political interference, grounded in professionalism, and empowered to act independently of shifting political agendas. Mechanisms such as open data portals and participatory budgeting can enhance both transparency and public engagement in the allocation and expenditure of resources.

Equally important is the role of independent institutions in upholding ethical standards. Oversight bodies must be granted genuine autonomy, legal authority, and public credibility to enforce norms of integrity across the government and public administration.

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Yet no set of rules or institutions can succeed in isolation. What is ultimately required is a cultural transformation: a shift from viewing political loyalty as a route to personal advantage to restoring a public ethic in which governance is seen as a vocation of responsibility, duty, and service to the common good. Without this more profound normative realignment, reforms will remain vulnerable to reversal, and democracy itself will continue to be compromised by the logic of private gain.

10.5. Educating for Democratic Citizenship

Democracy is not self-sustaining. It must be actively taught, learned, and renewed across generations. Civic education, therefore, is not a luxury or an afterthought—it is a prerequisite for any republic that hopes to remain both functional and just.

In Malta, however, the education system offers few opportunities for students to develop the knowledge, skills, and dispositions required for democratic participation. The Constitution is rarely studied. Rights and institutions are treated as distant abstractions. Critical thinking about political life is underdeveloped, and formal structures for student engagement in civic decision-making are limited or absent. As a result, public discourse remains vulnerable to misinformation, partisanship, and disengagement.

Reversing this trend requires a deliberate and sustained investment in democratic education. Civic learning should be introduced systematically across all levels of schooling, not only as a subject of study but as a mode of engagement. Students should be encouraged to question, to deliberate, and to participate—to see themselves as actors in shaping the society they inhabit.

This effort cannot be confined to classrooms alone. A culture of democratic citizenship must be supported by a broader ecosystem: NGOs that model civic responsibility; youth councils and participatory processes that bring young people into contact with real decision-making; libraries, schools, and universities that act as hubs for critical dialogue; and a media environment that fosters literacy, pluralism, and public debate.

Citizenship is not a status that is passively held—it is a relationship that must be actively cultivated. A society that neglects civic education leaves itself vulnerable to apathy, polarisation, and authoritarian drift. A democratic Malta must therefore begin by teaching democracy: early, inclusively, and with conviction.

10.6. Belonging to a Democratic Republic

The measure of a democracy is not only how it treats its most potent, but how it recognises, includes, and empowers its least visible. Citizenship is the shared experience of belonging to a political community committed to equality, justice, and the rule of law.

For Malta to thrive as a democratic republic, it must move beyond legal formalism and embrace the lived, relational, and ethical dimensions of citizenship. This is not only a matter of rights—it is a matter of who we are, and who we want to become together.

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PART III

FROM VISION TO ACTION

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11. Political Culture and Public Ethics

Institutions alone do not make a democracy. No constitution, however well-designed, can function without a political culture that supports its principles. The values, attitudes, and unwritten rules that govern political behaviour are just as important as formal structures. When these values deteriorate, no legal system can prevent the corrosion of democratic life.

In Malta, many of the problems affecting governance—corruption, clientelism, impunity, partisan polarisation—are rooted in patterns of behaviour and expectation that have become entrenched over time. A sustainable democratic transformation cannot be achieved without also transforming the culture of politics and the ethical standards by which public life is conducted.

This section examines the relationship between political culture and democratic institutions, proposing strategies for fostering a public ethic that prioritises the common good over factional gain.

11.1. Lessons from Malta’s Democratic Resilience

The regeneration of Malta’s democracy must begin not only with critique, but with memory. Our republic has experienced multiple episodes of democratic strain since independence, but it has also witnessed moments of resilience and renewal that merit both recognition and study. These episodes are not merely historical artefacts—they are sources of civic knowledge and political inspiration. Understanding how democracy survived in the past helps us know how it can be rebuilt for the future.

In the decades following independence, Malta faced deep ideological divisions, violent political unrest, and contested institutional legitimacy. What prevented a complete collapse into authoritarianism was not a fully formed democratic culture, but the regeneration of certain key institutions. The two main political parties, especially the Nationalist Party in the 1980s and 1990s, reoriented themselves toward democratic norms, European alignment, and internal accountability. While far from perfect, this evolution enabled a partial recalibration of public life. At the same time, the Catholic Church—through the efforts of both hierarchy and laity—mounted a principled defence of a vital public good: the independence of schools. That struggle served not only to preserve educational pluralism but to maintain a space for civic resistance against authoritarian encroachment.

These were imperfect but real achievements. They demonstrate that democratic life in Malta has often depended on the ability of particular actors—religious, political, or civic—to defend public goods in times of institutional weakness.

In the current phase, especially since the assassination of Daphne Caruana Galizia in 2017, civil society has emerged as the primary site of democratic defence and renewal. As earlier institutions faltered, it has been civic actors who have carried forward the republic’s democratic potential. This continuity of resistance demands recognition, not to romanticise the past, but to learn from it.



11.2. The Problem of Normalisation

Perhaps the most insidious threat to democratic life is not scandal or crisis, but routine. In Malta, some of the most corrosive practices undermining public trust have become not exceptions, but expectations. The exchange of favours for political support is no longer shocking—it is assumed. Public appointments based on loyalty rather than merit are treated as the norm. Personal attacks and misinformation have become standard features of political discourse, not deviations from it. Rather than serving justice, the legal system is often perceived as a tool of political convenience.

This process of normalisation is deeply damaging. It dulls civic outrage, erodes institutional credibility, and entrenches cynicism. Over time, it convinces citizens that integrity is naïve, that reform is futile, and that politics is irredeemably corrupt. The result is not only disengagement but resignation—a quiet collapse of democratic spirit.

Reversing this dynamic demands more than new laws or regulations. It requires a shift in public consciousness: a renewed sense that politics can and must serve the common good. That shift must be nurtured through civic education, cultural renewal, and the visible leadership of those willing to act with principle rather than convenience. Institutions must not only be reformed—they must be made to earn the public's trust through transparency, consistency, and accountability.

The fight against normalisation is not about idealism. It is about survival. No democracy can thrive if its citizens no longer believe in the possibility of change.

11.3. Partisanship and the Erosion of the Public Sphere

Democratic politics depends on disagreement. But when partisanship becomes a totalising logic—when every institution, appointment, and public gesture is filtered through the lens of political loyalty—it corrodes the foundations of democracy itself.

In Malta, hyper-partisanship has come to shape far more than electoral contests. It distorts the role of public broadcasting, which often reflects the priorities of the governing party rather than the diversity of public opinion. It influences civil service appointments and career progression, where merit too frequently takes a back seat to political affiliation. It warps the allocation of public resources, favouring districts or communities aligned with those in power. And it defines the tone of political discourse, transforming disagreement into hostility and undermining the possibility of constructive debate.

In such an environment, politics ceases to be a shared effort to solve everyday problems. It becomes a zero-sum game, where victory means control, not just of policy, but of institutions, narratives, and even identities. Those outside power are not just challenged—they are sidelined, discredited, or ignored.

Repairing this damage requires more than institutional safeguards. It demands a shift in political culture: an ethic of pluralism rooted in the recognition that disagreement is not a threat to democracy, but its lifeblood. Democracy is not the rule of one party, but the coexistence of many voices. It requires a willingness to listen, to engage in debate, and to share space, even and especially with those with whom we disagree.

11.4. The Hidden Power of Political Financing

A significant contributor to Malta's distorted political culture is the influence of money in politics. While formal party finance regulations exist, enforcement is weak, and party financing remains opaque. Political parties rely heavily on private donations, much of which is undisclosed, and a significant portion of it is provided by the same business interests that span the political divide. In practice, this gives a narrow elite disproportionate influence over national policy.

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Major donors strategically fund both political parties, not out of ideological alignment, but to secure access, influence regulation, and shield themselves from accountability, regardless of who wins elections. This dynamic undermines the possibility of meaningful democratic contestation. It neutralises the adversarial function of opposition, hollows out policy debate, and creates a convergence of silence on issues that threaten donor interests.

Few areas illustrate this problem more clearly than those related to construction and development policy. Despite growing public outrage and clear environmental limits, Malta continues to suffer from aggressive overdevelopment, poorly regulated planning, and the erosion of its natural and cultural heritage. This is not merely the result of poor decision-making—it is a direct consequence of a political system in which both parties are structurally beholden to the same financial backers.

The absence of a plural, public-facing policy dialectic on land use, housing, and sustainability reflects this captured consensus. Institutions nominally responsible for environmental protection, urban planning, and heritage are politically subordinated, while community voices are marginalised. The public interest is routinely sacrificed to short-term profit.

To break this cycle, we propose introducing public funding for political parties. State support should be allocated transparently, conditioned on strict requirements of internal democracy, financial disclosure, and civic engagement. Parties must be incentivised to raise funds from members and the wider public, not from hidden benefactors seeking influence. Public funding should not entrench the status quo, but rather help democratise party structures, reduce dependence on elite interests, and foster more open political debate.

Without tackling the structural influence of money on politics, democratic reform will remain incomplete. Malta cannot become a republic governed by the public interest while its parties remain financed by private interests.

11.5. Political Leadership as Public Service

At the heart of democratic renewal lies a more profound transformation in the way political leadership is understood and exercised. In a constitutional republic, leadership is not a form of ownership. It is not about dominance or entitlement. It is a responsibility—an act of public service that must be held to the highest standards of integrity, transparency, and accountability.

Restoring this vision means building clear and enforceable ethical frameworks. Elected officials must be bound by codes of conduct that define not only what is legal, but what is right. Public declarations of interests and assets must be routine and subject to verification. Misconduct must be investigated by independent authorities, and disciplinary processes must be conducted in a timely, impartial, and credible manner.

But reform also requires a cultural shift. The symbols and practices of leadership matter. Political life must reward honesty, humility, and respect for institutional norms, not performative aggression or opportunism. A healthy democracy requires leaders who can acknowledge mistakes, engage with critics, and prioritise the public good over personal or partisan gain.

Ethical leadership is not a luxury for better times. It is the condition that makes democratic government possible. Without it, institutions lose legitimacy, citizens lose trust, and democracy itself begins to unravel.

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11.6. The Role of Citizens in Shaping Political Culture

Political culture is not the exclusive product of leaders or institutions. It emerges from the expectations, habits, and choices of the citizenry. What people tolerate, what they reward, and what they are willing to challenge all help define the moral and democratic climate of a country.

A culture of public ethics depends on an engaged and informed public—one that expects integrity, refuses to excuse wrongdoing, and participates in democratic life not only at the ballot box, but through continuous civic involvement. It is citizens who must demand higher standards from those in power, insist on accountability, and create space for dialogue, dissent, and reform. It is citizens who must support independent journalism, defend civil society, and speak out when abuses occur.

Of course, the weight of repeated political disappointment breeds understandable fatigue. Apathy, cynicism, and resignation are not irrational—they are the legacy of betrayal. But they are also obstacles to democratic recovery. Rebuilding trust and legitimacy requires more than institutional reform; it requires a revitalisation of civic confidence and collective purpose. Only then can political culture shift from passive endurance to active stewardship of the republic.

11.7. Cultivating Habits of Integrity and Civic Virtue

Transforming political culture is not achieved solely through legislation. It requires a sustained effort to embed values of honesty, responsibility, and public service across all levels of society. This means educating for integrity, leading by example, and creating systems that reward ethical conduct and expose wrongdoing.

A national strategy for integrity must begin with education—embedding ethics into school curricula, university programmes, and professional training across the public and private sectors. Public awareness campaigns can help citizens understand their rights and responsibilities, as well as the tools available to combat corruption and uphold accountability.

Equally important is the recognition of integrity in action. Celebrating ethical public service—through awards, honours, and public storytelling—can shift cultural norms and make virtue visible. Supporting watchdog institutions, protecting whistleblowers, and ensuring that those who speak out are heard and safeguarded are all part of creating a climate where wrongdoing is not hidden but addressed.

Ultimately, creating spaces for civic dialogue—such as citizen assemblies, town halls, and deliberative forums—can help cultivate habits of respectful engagement and shared responsibility. These may seem like modest steps, but they are the soil in which democratic reforms take root. Without a culture of integrity, laws remain hollow. With it, even flawed institutions can be made to serve the public good.

11.8. Democracy as a Way of Life

A democracy is more than a system of government. It is a way of life—one grounded in equality, participation, honesty, and mutual respect. Laws and institutions are necessary, but insufficient, without a political culture that sustains them.

Malta's democratic challenges are not only structural—they are cultural. And so too must be its solutions.

To build a democratic republic that endures, we must reimagine public life not as a contest of loyalties but as a common project of shared purpose and ethical commitment.

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12. Strengthening the Role of Civil Society

A democratic society depends not only on government institutions but on the vitality of its civic life – the web of associations, movements, and independent voices that act as watchdogs, advocates, service providers, and democratic educators. This is the domain of civil society.

Civil society is where democracy is lived: in schools, trade unions, voluntary organisations, protest movements, parishes, and professional bodies. It is through civil society that people organise around shared concerns, develop collective agency, and hold power to account.

In Malta, civil society has been a key driver of democratic resilience. It has mobilised against corruption, defended media freedom, supported vulnerable communities, and enriched public discourse. But the civic space remains fragile, undervalued by institutions, underfunded, and at times subject to political or regulatory pressure.

This section argues for a reimagined public role for civil society, not as an auxiliary to government but as a pillar of democratic infrastructure in its own right.

12.1. Civil Society in a Democratic Republic

Civil society is not a monolith. It encompasses a wide range of actors, each playing distinct but complementary roles in the democratic ecosystem. Advocacy organisations work to promote causes, influence policy, and raise public awareness. Service providers deliver essential social, cultural, and humanitarian support, often reaching communities overlooked or underserved by the state. Watchdog groups investigate abuses of power, demand accountability, and monitor the performance of institutions. Local community associations foster grassroots engagement, build networks of solidarity, and strengthen the social fabric. And social movements give voice to collective demands, challenge unjust structures, and keep public life open to transformation.

Together, these varied forms of civil society defend the pluralism and participation that democratic institutions depend on. They give institutional voice to citizens and communities that are often excluded from formal political channels, particularly in contexts where public institutions are weakened by clientelism, incumbency abuse, or capture by partisan interests. They create platforms for deliberation and dissent, allowing diverse viewpoints to shape public discourse. And they cultivate values of solidarity, trust, and mutual responsibility that are essential for democratic resilience.

A healthy democracy does not treat civil society as an adversary to be managed, marginalised, or co-opted. It guarantees civil society's autonomy in law and practice, safeguards it from political retaliation, and actively creates enabling conditions for its work. Civil society must be recognised not only as a vital partner in governance but also as a bearer of democratic rights, entitled to organise, advocate, and hold power to account. In a democratic republic, civil society helps to keep power accountable, ideas alive, and the promise of democracy within reach.

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Yet civil society's role cannot be taken for granted. In Malta, civic actors often operate in a climate of legal uncertainty, financial vulnerability, and political hostility. Regulatory frameworks treat NGOs as subjects of state permission rather than democratic actors. Public funding remains fragmented, non-transparent, and susceptible to political discretion. A genuine democratic republic must ensure stable protections and long-term support for independent civic life, including legal reform, sustainable funding mechanisms, and guaranteed participation in public decision-making.

Malta's civil society today stands in a lineage of democratic guardianship. In earlier periods, it was institutional actors—the political parties, the Church, professional associations—who held the line against authoritarian drift or institutional failure. Today, that role has decisively shifted. Since the killing of journalist Daphne Caruana Galizia, it has been civil society that has assumed the mantle of resistance: exposing wrongdoing, defending constitutional values, and demanding justice when institutions have proved incapable or unwilling to act.

This is not an accident of circumstance, but a structural transformation in how democratic life is sustained. As traditional institutions have become increasingly captured, weakened, or discredited, the burden of democratic renewal has fallen on citizen-led organisations, grassroots movements, and independent voices. These actors have not only protested but also proposed. They have not only reacted, but organised—drafting policy, monitoring institutions, contributing to legal reforms, and educating the public. In doing so, they have demonstrated that civil society is not auxiliary to democracy. It is essential democratic infrastructure.

However, this transformation also carries risks. Civil society cannot—and should not—replace the state. It cannot substitute for institutional responsibility or assume the functions of governance. Nor can it survive without adequate legal protections, sustainable funding, and a political culture that recognises its autonomy. The lesson of recent years is not that civil society can do everything, but that without it, little would have been done at all.

Malta's democratic future depends on consolidating this civic energy into a permanent feature of public life. Civil society must be empowered not as a contingency plan, but as a co-architect of the republic. It is time to institutionalise what has so far been improvised: to move from resistance to renewal through enduring civic partnership.

12.2. Challenges Facing Civil Society in Malta

Malta enjoys a long tradition of voluntary action and civic engagement, but civil society organisations today operate in an environment marked by significant structural obstacles. The legal and regulatory framework remains cumbersome and often opaque. NGOs face complex administrative requirements, unclear registration procedures, and a regulatory approach that frames civil society less as an expression of democratic rights than as an object of permission and control.

Institutional support is similarly limited. Public funding for civil society tends to be fragmented, short-term, and vulnerable to political discretion. There is little sustained investment in the long-term capacity of organisations to build stable, independent institutions. Without such support, many NGOs are forced to operate on a project-by-project basis, undermining their continuity and strategic development.

Participation in decision-making is often more symbolic than substantive. While government consultations do take place, they frequently lack transparency, depth, or demonstrable impact. Civic actors are rarely engaged in the early stages of policy formulation or included in agenda-setting processes, reducing their role to that of passive responders rather than active partners in governance.

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Civil society also faces a form of cultural marginalisation. In political and media rhetoric, NGOs are often portrayed as partisan, obstructive, or unrepresentative. Such characterisations diminish public trust in civil society and shrink the space available for independent civic activity. Significant inequalities within the sector itself compound this effect. Larger, well-connected organisations tend to dominate access to resources and visibility, while smaller grassroots groups and marginalised communities struggle to make their voices heard or sustain their work.

Together, these challenges constrain the potential of civil society to function as a democratic counterweight, a space of solidarity, and a generator of public value. Addressing them is essential to revitalising the republic's civic foundations.

12.3. A New Framework for Civic Empowerment

To foster a vibrant and resilient civic ecosystem, Malta must develop a shared, strategic commitment to democratic participation—one that recognises civil society as a cornerstone of public life and as a primary engine of reform. By “Malta,” we do not mean the government alone. We mean the democratic community of which we are all part, and in which civil society has both the responsibility and the opportunity to lead.

Civil society itself must take the initiative to build this framework. Based on the lessons of the past seven years, organisations like Repubblika and others must work to persuade political institutions, fellow civic actors, and the broader public that a stronger, fairer, and more participatory democracy is both possible and necessary. Change will not be handed down from above; it must be claimed, cultivated, and co-created from below.

This begins with a vision for legal and institutional reform, crafted and advocated by civil society. The Voluntary Organisations Act and its associated regulations must be revised to ensure that they enable, rather than constrain, civic activity. Oversight must be proportionate and respectful of autonomy, with safeguards to prevent political or bureaucratic interference. The powers of bodies such as the Office of the Commissioner for Voluntary Organisations must be clearly defined, and their operation subject to independent checks to ensure that registration and compliance processes support, rather than stifle, civic work.

Civil society must also lead the call for sustainable and independent funding mechanisms. A national civil society fund, administered by a multi-stakeholder board, should be created to provide transparent and depoliticised support for non-governmental organisations. This funding must go beyond short-term project grants to cover core operational needs and long-term institutional development, particularly for youth-led initiatives, community-based organisations, and underrepresented or marginalised groups who are often excluded from traditional funding frameworks.

Equally crucial is the reimagining of public participation. Civil society must assert its role not only as a stakeholder to be consulted, but as a partner in shaping policy. We must push for the creation of collaborative mechanisms for agenda-setting, legislative deliberation, and the monitoring of implementation and public spending. Tools such as civic impact assessments, participatory oversight structures, and public hearings must become standard practices that embed civic voices into decision-making processes.

At the same time, civic actors must invest in their capacity. A culture of empowerment depends on education, training, and solidarity. Programmes to strengthen skills in governance, advocacy, and organisational development should be widely accessible. Networks of mutual learning—across sectors and communities—must be fostered to build resilience and shared purpose. Public recognition of civic contributions can help to transform cultural attitudes and anchor civic engagement in Malta's democratic identity.

This new framework for civic empowerment will not emerge spontaneously. It must be built through sustained effort, strategic collaboration, and moral conviction. It is not simply a matter of institutional reform—it is a democratic project that civil society must lead. Only by doing so can we build a Malta in which citizens are equipped, encouraged, and enabled to shape the future of the republic.

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12.4. Protecting Civic Space

A functioning democracy depends on a protected civic space. In this legal and cultural environment, individuals and groups can organise, associate, and express themselves freely, without fear of harassment or retaliation. In Malta, this requires more than rhetorical support; it demands concrete legal and institutional action.

The state must ensure that the rights to freedom of association, assembly, and expression are actively safeguarded through legislation and practice. This includes preventing the misuse of administrative, legal, or financial mechanisms to intimidate or restrict critical voices, whether through burdensome regulations, arbitrary inspections, or punitive funding decisions. Protection must be rooted in international standards, such as those articulated in the UN Declaration on Human Rights Defenders, which affirm the right of individuals and groups to promote and protect human rights without undue interference.

Public officials, regulators, and law enforcement officers must be trained in rights-based approaches to civil society, ensuring that their engagement supports rather than suppresses democratic participation. Such training should emphasise proportionality, non-discrimination, and the legitimacy of dissent in public life.

Protecting civic space is not about privileging any ideology or group. It is about preserving the essential conditions for pluralism, accountability, and inclusive governance. Without it, democratic life becomes brittle, and the voices needed to challenge, correct, and enrich public policy are silenced.

12.5. From Consultation to Co-Governance

If Malta is to fulfil its potential as a truly democratic republic, it must evolve from a model of episodic consultation to one of sustained co-governance with civil society. This shift requires a fundamental rethinking of how civic actors are viewed—not as outsiders or critics to be placated, nor as mere contractors delivering services on behalf of the state, but as legitimate co-creators of public policy.

Co-governance entails the establishment of permanent, structured dialogue platforms at both local and national levels, where civil society organisations can engage meaningfully in agenda-setting, deliberation, and decision-making. Their expertise should be systematically integrated into public institutions through roles on advisory councils, ethics boards, and oversight bodies, ensuring that policies are informed by diverse perspectives and grounded in lived experiences.

Moreover, mechanisms must be developed to allow for shared ownership and monitoring of national strategies across key policy areas, including environmental protection, social justice, and anti-corruption. Civil society should be empowered not only to contribute ideas but also to track implementation, evaluate impact, and hold institutions accountable.

This vision of co-governance does not imply uniformity or consensus. On the contrary, it recognises that democratic life is inherently pluralistic and often contentious. But it affirms that conflict need not preclude collaboration—and that democracy is strongest when responsibility is distributed and power is exercised with, not merely over, the people.

12.6. Civil Society as Democratic Infrastructure

Civil society is not an optional accessory to democratic life. It is part of its foundation—an expression of citizens' capacity to act collectively, defend rights, and imagine alternatives.

For Malta to become the republic it aspires to be, it must nurture, protect, and partner with its civil society, not merely tolerate it.

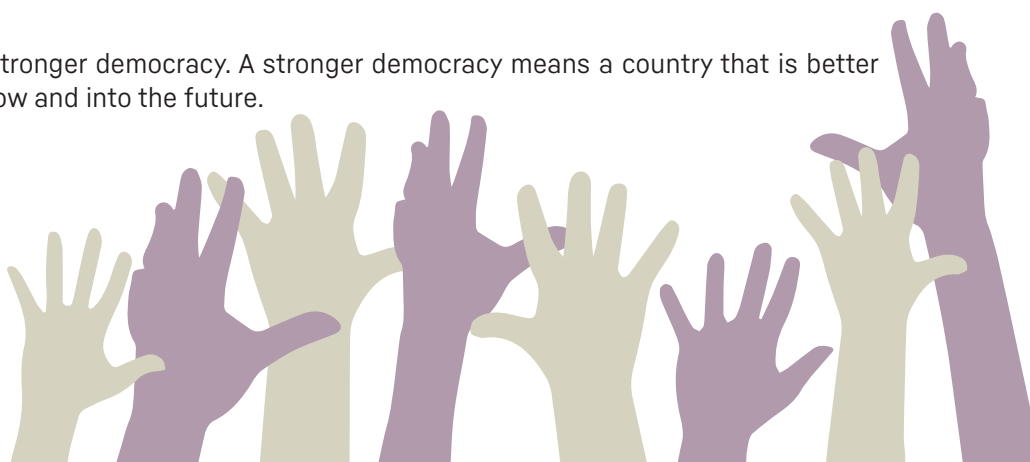
A stronger civil society means a stronger democracy. A stronger democracy means a country that is better equipped to serve all its people, now and into the future.

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13. Democratic Decentralisation and Local Governance

A democracy cannot be fully realised if it is experienced only at the national level. For most people, daily interactions with the state occur in their neighbourhoods, towns, and villages – through the condition of local streets, the availability of services, and the responsiveness of local officials. Local governance is the first and often most tangible layer of democratic life.

Malta's Local Councils were introduced in 1993 as a significant democratic reform. For the first time, citizens had access to elected representatives closer to home, with a mandate to address local needs and concerns. Yet three decades on, the promise of local governance remains largely unfulfilled. Local Councils operate with limited powers, insufficient budgets, and minimal autonomy. In practice, they function more as decentralised administrative units of the central government than as vehicles of participatory democracy.

This section proposes a renewed vision of democratic decentralisation—one that empowers local communities, strengthens civic participation, and transforms local governance into a cornerstone of Malta's democratic future.

13.1. Local Governance as a Democratic Principle

Democratic decentralisation is more than an administrative convenience—it is a principle of democratic justice. At its core lies the idea that people should have the right to shape the decisions that most directly impact their daily lives. Local governance offers the promise of proximity to citizens, anchoring public decision-making in the lived realities of communities. It enhances the responsiveness of institutions to the diverse needs of different localities, opening space for direct participation, civic learning, and democratic innovation.

Across Europe, decentralisation has empowered communities to experiment with solutions, build trust in institutions, and foster a sense of shared responsibility. Local authorities have become engines of inclusion, sustainability, and democratic renewal.

In Malta, however, this promise remains largely unfulfilled. Despite the formal existence of local councils, central government retains strict control over financial resources, legal competencies, and administrative oversight. Local authorities often lack the autonomy, capacity, or mandate to act as genuine vehicles of self-government. The result is a system that frustrates participation and impedes the development of vibrant, accountable local democracy.

If Malta is to realise the democratic potential of decentralisation, it must commit to local governance not as a rhetorical gesture, but as a substantive principle of political organisation.

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13.2. The Hollowing of Local Democracy

Although Malta's Local Councils exist in formal terms, their capacity to function as meaningful democratic institutions is severely constrained. Their powers are limited, with key areas that directly affect communities—such as urban development, education, health, and environmental management—remaining under tight central control. Local Councils are thus unable to make substantive decisions on matters most relevant to their constituents.

Financial autonomy is also lacking. Councils depend almost entirely on central government allocations, which are often earmarked for narrow operational purposes such as street cleaning or minor infrastructure, leaving little room for strategic planning or responsive policymaking.

This institutional weakness is compounded by burdensome regulatory oversight. Councils face excessive reporting obligations and are subject to ministerial discretion in ways that undermine their independence. Initiatives that deviate from centrally prescribed functions are frequently discouraged or delayed by bureaucratic obstacles.

The result is a steady decline in both political engagement and public trust. Turnout in local elections has fallen, and many citizens view Local Councils as irrelevant or ineffective. Formal avenues for community participation are minimal, and active civic engagement in council affairs is rare. Instead of being seen as instruments of grassroots democracy, Local Councils are often perceived as little more than caretakers of routine services.

To revitalise local democracy in Malta, it is essential to address these structural deficiencies and reimagine Local Councils as dynamic arenas for public participation, innovation, and community leadership.

13.3. Reimagining Local Government: Principles for Reform

To revitalise local governance, Malta must move beyond a model of administrative delegation and toward a framework grounded in democratic empowerment and local autonomy. This transformation cannot be imposed from above. It must be claimed from below by local councillors, residents, and civil society working together to reclaim local government from the grip of centralised partisan control.

Currently, Malta's Local Councils operate under tight constraints, with limited competencies, precarious funding, and frequent ministerial interference. The Local Government Association (LGA) has, instead of serving as a platform for local advocacy, become a tame institution, dominated by the two major parties and largely acquiescent to central authority. Councils themselves often refrain from asserting their rights or contesting this imbalance, which has left them politically weakened and administratively diminished. In practice, many have become little more than instruments of centralised control—"soviets" in all but name.

Reform begins with a clear and expanded definition of Local Council competences. Councils must be granted autonomous authority in well-defined domains that directly affect community life, such as community development, urban and environmental planning (within the bounds of national frameworks), local social services, and cultural programming. Such clarity would empower local governments to act proactively, rather than merely implementing decisions made elsewhere.

Equally critical is financial independence and operational capacity. Councils should receive predictable and equitable funding through a formula-based share of national revenue, and they must be allowed to raise their income through local taxes, service fees, or other mechanisms. To manage this effectively, investment in financial management training and administrative support is essential.

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But these structural reforms are only part of the solution. Local democracy will only flourish when local politicians and councillors begin to assert their rightful authority and free themselves from party political dependency. The centralisation of power in Malta's political system will not be undone unless local leaders reclaim their legitimacy as elected representatives of their communities, rather than merely as functionaries of party machines.

Civil society plays a vital role in this process. Resident associations, local clubs, cultural groups, and civic networks must engage directly with local councillors and push for more ambitious, participatory, and accountable local governance. Reform will not succeed unless local actors are persuaded that liberty and democracy are not gifts to be received, but responsibilities to be exercised.

Participation must be at the heart of this renewal. Local Councils should not only represent their communities—they should actively engage with them. Neighbourhood assemblies, participatory budgeting, civic planning forums, and consultative committees can transform councils into genuine laboratories of democratic practice. Such structures would give residents a meaningful voice in the decisions that shape their everyday lives and help rebuild trust in local institutions.

A democratic republic depends not only on central government reform but on local self-government. If local leaders step forward, and if civil society stands with them, local government can become a site of democratic renewal—one rooted in proximity, responsiveness, and public empowerment.

13.4. Local Governance and Social Cohesion

Local Councils hold a unique position in the nation's democratic fabric, with a distinctive capacity to build community bonds and promote social inclusion. Their proximity to citizens enables them to identify vulnerable populations more effectively than national authorities, tailoring support to local needs with greater sensitivity and responsiveness. Councils are also well placed to foster integration and intercultural dialogue, promote local heritage, language, and identity, and mobilise volunteer networks and community-led initiatives that strengthen civic trust and solidarity.

However, to fulfil these roles meaningfully, Local Councils must be recognised and supported as non-partisan democratic institutions rather than extensions of national party structures. The prevailing political culture—characterised by strong party patronage and polarisation—must not be replicated at the local level. Achieving this transformation requires a combination of electoral reform, strengthened civic education, and the introduction of safeguards against clientelism and politicisation. Only then can local governance become a foundation for social cohesion and democratic renewal, rooted in the lived realities and aspirations of Malta's diverse communities.

13.5. Reconsidering the Constitutional Status of Local Government

Malta's Constitution, through Article 115A, formally recognises Local Councils as elected bodies responsible for administering defined localities. This provision obliges the State to establish a system of local government, with the number, boundaries, and operation of Local Councils determined by law. At first glance, this recognition affirms the importance of local democracy and community representation.

Yet the wording of Article 115A reveals critical limitations. By placing the structure and powers of Local Councils entirely within the purview of ordinary legislation, the Constitution leaves local government vulnerable to shifts in political will and administrative discretion. It grants Parliament broad authority to define the scope, competencies, and functioning of Local Councils without embedding explicit constitutional guarantees of autonomy or protection against central interference.



In practice, this constitutional framework has resulted in Local Councils possessing limited decision-making powers, constrained financial resources, and minimal political independence. While the Constitution acknowledges local government, it stops short of ensuring that Local Councils operate as robust democratic institutions consistent with principles of subsidiarity and proportionality. Nor does it elevate Local Councils to a position of equal constitutional stature alongside the executive, legislative, and judicial branches.

To advance local democracy in Malta, a constitutional reform is necessary—one that moves beyond symbolic recognition toward substantive empowerment. The Constitution should explicitly affirm local self-government as a fundamental principle, guaranteeing Local Councils autonomy in administrative, fiscal, and political matters. Such guarantees would help shield local authorities from arbitrary interference and reinforce their capacity to respond to community needs effectively.

Furthermore, Local Councils should be constitutionally established as a distinct branch of governance, endowed with protected powers and functions. This would formalise their role not merely as administrative units but as democratic entities with a legitimate claim to share governance responsibilities.

We urge the embedding of principles of subsidiarity and democratic oversight in the constitutional text. This means prescribing a defined jurisdictional sphere for Local Councils—one that can only be altered or overridden by a qualified parliamentary majority. Such a safeguard would protect against excessive centralisation and ensure that local decision-making genuinely reflects the preferences and interests of communities. By constitutionally limiting the central government's power to dissolve or bypass Local Councils except through due process and broad legislative consensus, Malta could reinforce local agency and rebuild public trust.

Such reforms would mark a decisive step in distributing power more equitably across Malta's governance landscape, recognising that the health of the republic depends not only on national institutions but also on the vitality of its towns and villages.

13.6. Local Democracy, National Renewal

Democracy must be experienced to be believed. Local government offers citizens one of the most direct and meaningful opportunities to participate in shaping public life. If designed and appropriately supported, it can serve as a school of democracy, a site of inclusion, and a source of innovation.

The future of Malta's democracy depends in part on how seriously it takes local self-government. To move from vision to action, decentralisation must be more than a slogan—it must be a constitutional commitment, a policy priority, and a cultural shift.



14. Rebuilding Institutional Trust

No democracy can survive without public trust in its institutions. Trust is not blind loyalty or passive obedience – it is the reasoned belief that institutions act lawfully, fairly, and in the best interest of the public. When that belief collapses, the legitimacy of governance erodes, and cynicism, disengagement, or authoritarian alternatives gain ground.

In Malta, institutional trust has suffered significant damage over the past decade. Revelations of corruption at the highest levels of government, failures of law enforcement, and the abuse of regulatory power have weakened citizens' confidence that public institutions can protect their rights or serve the common good. High-profile scandals have too often gone unanswered, reinforcing the perception that justice is selective and accountability elusive.

This section examines how democratic institutions can regain public trust, not through superficial rebranding or procedural compliance, but through substantive reform grounded in transparency, independence, and a commitment to serving the republic.

14.1. Trust as the Foundation of Democratic Legitimacy

Trust in democratic institutions is not a demand for perfection, but a requirement for consistent fairness and integrity. It depends fundamentally on procedural fairness—decisions must be made according to clear, well-known rules that are applied consistently and without arbitrariness. Equally essential is accountability: when misconduct occurs, it must be thoroughly investigated and appropriately sanctioned to demonstrate that no one is above the law.

Transparency plays a critical role in building trust. Information about government actions and decisions must not only be available, but also accessible and understandable to the public. This openness enables citizens to hold institutions accountable and participate knowledgeably in democratic life. Alongside transparency, responsiveness is vital. Institutions must actively listen to legitimate public concerns, provide explanations for their decisions, and be willing to adapt when justified.

Underlying all these conditions is integrity. Public officials must prioritise the common good over private interests or partisan advantage, embodying a commitment to serve rather than exploit the institutions entrusted to them.

When these foundational elements are missing, mere formal legality is insufficient. Institutions may comply with the letter of the law while violating its spirit, existing on paper but failing in practice. Without trust, the legitimacy of democratic governance erodes, leaving the republic vulnerable to cynicism and disengagement.



14.2. The Crisis of Credibility in Malta

Several key institutions in Malta have faced sustained criticism, both domestically and internationally, for failing to meet democratic standards and eroding public trust. Law enforcement and prosecution, for instance, have repeatedly been criticised for the slow, incomplete, or sometimes abandoned investigations into political corruption. The reluctance of senior officials, including the Police Commissioner and Attorney General, to pursue cases involving high-ranking figures has fed perceptions of selective justice and impunity.

Judicial reform efforts have introduced improvements in the process of judicial selection. Yet doubts persist about the judiciary's independence, particularly regarding the politicisation of appointments before 2020. Public confidence remains undermined by widespread perceptions of bias, inertia, and inadequate accountability.

Independent regulatory bodies, such as the Commissioner for Standards in Public Life and the Financial Intelligence Analysis Unit (FIAU), have likewise struggled to maintain their credibility. Limited statutory powers, political interference, and selective enforcement have weakened their effectiveness, contributing to a sense that oversight mechanisms are insufficiently robust or impartial.

Within Parliament, oversight committees often operate more as extensions of partisan strategy than as arenas for genuine scrutiny. Opposition members face barriers to accessing crucial information and participating meaningfully in appointment processes, further weakening the system of checks and balances.

These institutional failures are not merely technical problems to be rectified with procedural adjustments. They reflect deeper ethical and cultural deficiencies rooted in a political system that prioritises loyalty over integrity and control over transparency. The crisis of credibility that afflicts Malta's democratic institutions is thus a symptom of a broader challenge: rebuilding a political culture founded on openness, accountability, and genuine public service.

14.3. Principles for Restoring Trust

Rebuilding public trust in Malta's institutions requires embracing a republican model of public administration—one grounded in the principle that these institutions belong to the people, not merely to the government of the day. Achieving this vision demands comprehensive reform across several interconnected dimensions.

First, institutional independence must be reinforced. Key bodies—such as the prosecution service, regulatory agencies, and media oversight authorities—need robust protections from executive or partisan interference. Appointment processes should be strengthened through transparent procedures that incorporate input from multiple political parties, independent experts, and civil society representatives, thereby enhancing legitimacy and insulating institutions from capture.

Transparency is equally vital. Laws governing access to information should be expanded to eliminate unjustified secrecy, ensuring that citizens can scrutinise government decisions and actions. Public bodies must proactively publish details on their decisions, funding allocations, and performance metrics. This information should be made readily accessible through digital platforms that simplify engagement and enhance public understanding.

Accountability mechanisms must be clearly defined and enforced. Institutions should provide accessible complaint and redressal channels and commit to following up on recommendations arising from inquiries and audits. Regular performance reviews and independent evaluations of major public bodies will promote a culture of responsibility and continuous improvement.

Participation is another cornerstone. Institutionalising citizen involvement through structured consultations, citizen panels, and ombudsman mechanisms can enrich policy design and regulatory rulemaking. Genuine stakeholder engagement ensures that governance reflects diverse perspectives and strengthens democratic legitimacy.

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Finally, a culture of ethical standards must permeate public service. Codes of conduct should not only be promoted but also meaningfully enforced, with protections in place for whistleblowers who expose wrongdoing. Ethical leadership needs to be supported through recruitment policies and professional training that embed integrity at every level.

Together, these principles provide a roadmap for restoring trust by transforming institutions into transparent, accountable, participatory, and principled pillars of democratic governance, responsive to the people they serve rather than the transient interests of power.

14.4. Implementing Recommendations from Public Inquiries

The 2021 Public Inquiry into the assassination of Daphne Caruana Galizia laid bare a disturbing reality: the State's failures created conditions that fostered impunity and allowed a culture to flourish in which investigative journalism became not only difficult but dangerous. The inquiry identified a series of legal, regulatory, and political shortcomings that collectively undermined the rule of law and democratic accountability.

The 2023 Public Inquiry into the death of Jean Paul Sofia further exposed the consequences of a state apparatus that fails to enforce its standards. The inquiry highlighted serious regulatory shortcomings, including inadequate oversight of construction practices, insufficient coordination among public authorities, and a culture of indifference to safety and accountability. As with the Caruana Galizia inquiry, it revealed a pattern in which institutional weakness and political convenience take precedence over the protection of life and the public interest. The Sofia inquiry underscored the urgent need to move beyond declarations of sorrow and toward meaningful structural reform. Its findings reinforce the broader lesson that democratic renewal in Malta requires a state that acts, not only after tragedy, but to prevent it.

Despite the clarity of this roadmap for reform, most of the inquiry's recommendations remain unimplemented or have been only partially addressed. This failure undermines public confidence and signals a reluctance to confront the systemic issues at the heart of Malta's democratic crisis.

Any credible vision for Malta's democratic future must begin with a firm and public commitment to fully implementing these recommendations. This requires not only legislative action but also the allocation of sufficient budgetary resources to support institutional reform. Crucially, the process must be transparent and subject to independent oversight, with regular public reporting on progress and challenges.

Restoring trust cannot be achieved solely through rhetoric. It demands sustained, demonstrable action, underpinned by accountability and an unwavering commitment to breaking the cycle of impunity.

14.5. Institutions as Servants of the Republic and of the People

Public institutions do not exist for their preservation or prestige. They are created to serve the republic—and, through it, the people. Their legitimacy flows from the trust placed in them by citizens, and their purpose is to uphold democratic values, protect rights, and promote the common good.

To meet this standard, institutions must embody a transparent, visible, and measurable commitment to public service. This means not only delivering on their mandates efficiently and equitably, but also confronting past failings with honesty and demonstrating a willingness to learn and improve. Institutions must operate in the interest of citizens, not in defence of partisan agendas or internal hierarchies.

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Such a transformation is not only legal or procedural—it is deeply cultural. Institutions that act with arrogance, opacity, or detachment undermine democratic life. Those who communicate transparently, admit mistakes, and serve with integrity can earn public trust and become anchors of civic engagement.

To serve the republic and the people is not a slogan. It is a standard by which all public bodies should be judged—and held to account.

14.6. From Cynicism to Confidence

Restoring institutional trust is not about shielding institutions from criticism—it is about making them worthy of public confidence. This will not happen overnight. But it will not happen at all unless leaders choose transparency over secrecy, accountability over impunity, and service over self-interest.

For Malta to move forward as a democratic republic, it must rebuild the social contract between its citizens and its institutions—not through vague assurances, but through a measurable, principled commitment to integrity and reform.



15. Constitutional Renewal and the Future of the Republic

The Constitution is the supreme expression of a nation’s political will. It defines the structure of the state, guarantees fundamental rights, and sets the parameters of democratic life. But a constitution is not a sacred relic. It is a living instrument – one that must evolve with the society it serves. When political, institutional, and social realities change, so too must the foundations that govern them.

Malta’s Constitution, adopted in 1964 and revised in 1974, provided the framework for achieving independence and establishing a republican form of government. It was a historic achievement. But six decades later, it shows signs of functional fatigue and democratic insufficiency. Provisions have been patched over time, but key weaknesses remain: excessive executive dominance, insufficient checks and balances, gaps in rights protection, and a lack of genuine citizen involvement in constitutional governance.

This final section advocates for a comprehensive, participatory process of constitutional renewal, one that reaffirms Malta’s republican values and equips its democracy to meet the challenges of the 21st century.

15.1. The Limits of the Current Constitution

While Malta’s Constitution has provided a foundation of legal stability since independence, it is burdened by significant structural limitations that constrain the country’s democratic development. A central concern is the dominance of the executive branch. The Prime Minister wields concentrated power with little effective parliamentary or judicial oversight. Many of the Constitution’s key functions—such as appointments, public inquiries, and commissions—ultimately rest in the hands of the executive, diminishing the separation of powers that is essential for a healthy democracy.

Parliament itself remains institutionally weak. It lacks the autonomy, resources, and capacity necessary to check executive authority effectively. Its composition and operational dynamics reflect tight party control rather than a deliberative, independent legislature. As a result, Parliament often functions more as an extension of executive will than as a forum for robust democratic debate and oversight.

Despite efforts to reform the judiciary, doubts persist regarding its independence and susceptibility to political influence. This judicial vulnerability undermines public confidence in the rule of law and weakens institutional checks on power.

The Constitution enumerates fundamental rights, but their scope is narrow, and enforcement mechanisms remain weak. Emerging areas of rights protection—such as data privacy, environmental safeguards, and socio-economic rights—are notably absent, leaving critical gaps in Malta’s human rights framework.

Finally, the Constitution’s language and institutional design retain vestiges of Malta’s colonial past, failing to fully reflect the country’s current status as a member of the European Union, a pluralistic society, or the aspirations of modern democracy.



Perhaps most importantly, the Constitution lacks a shared sense of ownership among citizens. Its content is little known beyond legal and political circles, and few Maltese have ever been genuinely invited to participate in shaping its evolution. Without popular engagement and renewal, the Constitution risks becoming a distant legal text rather than a living foundation for democratic governance.

15.2. Why Constitutional Reform Matters

A constitution is far more than a legal text; it is a democratic covenant—a foundational agreement that defines how power is exercised, rights are protected, and collective life is organised. Reforming this covenant is crucial for a functioning democracy, as it offers an opportunity to strengthen institutions against abuse, modernise the framework of rights, and rebalance power among the branches of government.

Constitutional reform can also clarify the public ethos that guides the state, making explicit the values and principles that underpin governance and civic life. Furthermore, it serves as a powerful signal of a nation's commitment to democratic renewal and its willingness to adapt to contemporary challenges.

However, reform must go beyond cosmetic changes or symbolic gestures. Its true purpose is to rebuild legitimacy by crafting a constitutional order that genuinely reflects the aspirations, values, and active participation of the people it binds. Only then can the constitution serve as a living foundation for a just and vibrant republic.

15.3. Principles for a New Constitutional Settlement

A renewed Constitution for Malta must be firmly grounded in principles that reflect the realities and aspirations of a modern democratic republic. At its core, it should embody republican democracy, ensuring that all power is derived from and accountable to the people. This means establishing robust checks and balances to prevent the dominance of any single branch or political party. Institutions must serve the public interest through transparent reasoning and dedicated service, rather than through loyalty to factions or the concentration of control.

Fundamental to this vision is the protection of human dignity and rights. The Constitution should include a comprehensive and enforceable Bill of Rights that extends beyond civil and political liberties to encompass social, economic, environmental, and digital rights. These rights must be justiciable, accessible, and upheld in practice, not merely enshrined as abstract principles.

The separation of powers and the independence of key institutions require clear constitutional affirmation. The roles and autonomy of Parliament, the judiciary, regulatory bodies, and the Presidency must be enhanced and explicitly defined to safeguard democratic governance and prevent undue influence.

Local self-government must also be constitutionally recognised, with Local Councils granted defined powers and safeguarded against arbitrary central interference. This would enshrine the principle that democracy thrives not only in the capital but throughout all communities in Malta.

Moreover, the Constitution should embed mechanisms for civil society participation and governance. Citizens must have guaranteed rights to information, consultation on legislation, and avenues to challenge state action. Participatory democracy must be a living reality, not an occasional formality.

Ultimately, Malta's renewed constitutional framework should reaffirm its commitment to the shared values of the European Union, as articulated in Article 2 of the Treaty on European Union. Respect for human dignity, freedom, democracy, equality, the rule of law, and human rights must be integral pillars of the republic's identity and legal order and these principles must be enforceable by Maltese courts.

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15.4. The Process of Constitutional Reform

Repubblika advocates for a formal, multi-phase constitutional reform process rooted in legality, transparency, and public participation. The first stage must be the establishment of a Constitutional Convention by law, with a clearly defined mandate, composition, and timeline. The Convention should include constitutional and legal experts, representatives of civil society, social partners, and political actors, appointed through a publicly accountable process. Its task would be to produce a coherent draft text, based on national values, fundamental rights, and comparative constitutional standards.

In the second stage, this draft text would be submitted to structured citizen assemblies, modelled on deliberative democracy practices as used by the European Commission. Citizens would be selected at random from the population, like jury duty, to ensure demographic balance and social inclusion. These assemblies would study the draft, deliberate collectively, and submit proposals for refinement and amendment, giving voice to the broader public in a meaningful and informed way.

The third stage must be democratic ratification. The revised draft would undergo full parliamentary scrutiny, followed by a national referendum. This ensures that the new Constitution is not the product of any government or elite group, but of the people themselves.

The entire process must be embedded in law, not merely announced by the government. It must be insulated from political capture, transparent in its workings, and subject to public reporting at every stage. Only such a process can deliver a constitutional settlement that commands democratic legitimacy and expresses the collective will of the Maltese people.

15.5. A Constitution for the Next Generation

Constitutional reform is not merely an exercise in correcting past mistakes; it is a deliberate act of preparing Malta for the future. A renewed constitutional order must equip the country to address long-term challenges, including climate change, digital transformation, and shifting demographics. These pressing issues require a framework that is flexible, forward-looking, and grounded in resilience.

Beyond structural reform, the Constitution must help foster a political culture rooted in ethics, equality, and mutual respect. It cannot be treated as a patchwork of amendments added in response to short-term interests or partisan advantage. Working on the Constitution piecemeal—or undermining it through so-called reforms that weaken accountability—risks hollowing out its democratic purpose. Instead, constitutional renewal must be approached as a principled, inclusive, and forward-looking endeavour. It should inspire a democratic system that resonates with young people—one they can trust, believe in, and actively help to shape.

A future-oriented Constitution must transcend legalese and political jargon. It must speak directly to every citizen, including those yet to be born. It should embody not only the identity we hold today but also the aspirations we share for the republic we seek to build—a society committed to justice, inclusion, and collective flourishing.

15.6. From Renewal to Responsibility

The future of Maltese democracy depends on more than electoral cycles or policy programmes. It depends on reimagining the constitutional foundations of the state, with a view to justice, accountability, and democratic inclusion.

The Vision 2050 we propose is not just about economic targets or digital plans. It is about democratic renewal—about building a republic that honours its citizens, protects their rights, and invites them to shape their common future.

Such a republic will not be built overnight. But it begins with a single, fundamental choice: to believe that democracy is worth deepening, defending, and passing on, stronger than it was before.

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Conclusion: Democracy Is Ours to Build

Malta's democracy, though flawed and often tested, has proven resilient in dangerous times. In 1957, amid deep division, political leaders united to pass the Break with Britain resolution – an act of shared vision that transcended partisan loyalty. In the turbulent years leading to independence, party leaders made choices that served the nation, even at the cost of their political fortunes. In 1987, during a period of political violence and democratic breakdown, opposing forces came together to chart a peaceful path forward. And since the assassination of Daphne Caruana Galizia in 2017, the state – slowly, haltingly, and often despite itself – has taken steps toward justice and reform.

These turning points remind us that Malta is capable of moral clarity, institutional courage, and democratic renewal. They offer proof that our democracy, even when battered, has not been broken. That legacy must now be entrusted to the next generation—not as a finished inheritance, but as a living task.

This document has not shied away from hard truths. It has been critical—sometimes painfully so—because we cannot afford illusions. Democracy is not guaranteed. It is not a default setting. It survives only when citizens insist on its survival, when they demand truth over propaganda, justice over impunity, and service over self-interest.

But we do not end with despair. We end with hope grounded in memory and purpose. A democratic Malta in 2050 is within reach—not as a return to some imagined golden age, but as a leap forward, animated by the energy, creativity, and civic spirit of a new generation.

Young people should not have to wait to inherit democracy—they have the right to shape it now. That is the promise of a republic. That is the invitation of this vision.

Let us rise to meet it.

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Glossary of Terms

Accountability

A fundamental democratic principle requiring public officials and institutions to be answerable for their actions and decisions. It involves transparent reporting, justification of conduct, and acceptance of consequences—including legal sanctions or removal from office—when responsibilities are neglected or abused. Accountability mechanisms include elections, judicial review, parliamentary oversight, and independent watchdog bodies.

Anti-SLAPP (Strategic Lawsuits Against Public Participation)

Legal provisions aimed at protecting individuals—especially journalists, activists, and civil society actors—from lawsuits intended to silence or intimidate them through costly and protracted legal proceedings. Anti-SLAPP laws aim to dismiss frivolous cases swiftly, facilitate cost recovery, and deter abusive litigation practices that undermine freedom of expression and public debate.

Bill of Rights

A constitutionally or legislatively enshrined set of fundamental rights and freedoms guaranteed to all individuals within a state. These rights typically include civil and political rights such as freedom of expression and fair trial, as well as economic, social, cultural, environmental, and digital rights. A Bill of Rights is enforceable through courts and serves as a safeguard against state and private abuses.

Civic Space

The legal, social, and political environment that enables people to associate freely, express their opinions, assemble peacefully, and participate in public life without fear of censorship, harassment, or repression. A protected civic space is essential for democratic governance, pluralism, and social accountability.

Civil Society

The diverse array of non-governmental organisations, community groups, advocacy organisations, professional associations, and social movements that operate independently from the state and the market. Civil society contributes to democracy by promoting citizen participation, holding government accountable, advocating for rights, and fostering social solidarity.

Constitutional Convention

A formal assembly or process convened to draft or revise a constitution, typically involving legal experts, representatives from civil society, political actors, and sometimes randomly selected citizens. The convention operates transparently and inclusively, aiming to produce a constitutional text reflecting broad public interests and democratic principles.

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Deliberative Democracy

A democratic approach that prioritises informed, respectful, and reasoned discussion among citizens or their representatives as a foundation for collective decision-making. It emphasises dialogue, consideration of diverse perspectives, and consensus-building over adversarial politics or simple majority rule.

Democratic Legitimacy

The acceptance and justification of political authority is based on adherence to democratic principles such as free and fair elections, the rule of law, respect for rights, and inclusive participation. Legitimacy underpins the stability and effectiveness of democratic institutions.

Executive Dominance

A condition where the executive branch—often the Prime Minister and Cabinet—holds disproportionate control over the legislative and judicial branches, weakening checks and balances and undermining democratic accountability and separation of powers.

Independent Judiciary

A judicial system structurally and functionally insulated from political or other improper influences, capable of impartial adjudication based solely on law and evidence. Judicial independence is crucial for safeguarding rights, upholding the rule of law, and fostering public confidence in the justice system.

Local Councils

Sub-national elected bodies are responsible for governing localities, managing community services, and representing the interests of residents. Effective local councils operate with autonomy, adequate resources, and participatory mechanisms, embodying the principle of subsidiarity and promoting grassroots democracy.

Participatory Budgeting

A democratic innovation that enables citizens to directly decide on the allocation of a portion of public funds. This process fosters transparency, empowers communities, and enhances trust by allowing people to influence spending priorities and monitor outcomes.

Partisan Patronage

The practice of allocating public resources, jobs, contracts, or benefits based on political loyalty or affiliation rather than merit or public need. Patronage undermines fairness, breeds corruption, and weakens democratic institutions by prioritising factional advantage over the common good.

Rule of Law

The principle that all individuals and institutions, including government actors, are equally subject to and bound by publicly known and fairly enforced laws. It requires legal certainty, independent adjudication, accountability, and protections against arbitrary or abusive exercise of power.

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Subsidiarity

A governance principle holding that decisions should be made at the most immediate or local level capable of addressing them effectively. Higher levels of government intervene only when tasks cannot be performed sufficiently at lower levels, thus promoting efficiency, participation, and democratic responsiveness.

Transparency

The quality of government openness ensures citizens have access to information about decisions, policies, finances, and institutional operations. Transparency enables public scrutiny, informed participation, and accountability, reducing opportunities for corruption and abuse.

Whistleblower Protection

Legal and institutional safeguards that enable individuals who expose wrongdoing, corruption, or threats to public interest within organisations to do so without fear of retaliation, harassment, or dismissal. Effective protection is critical to promoting integrity and accountability.

European Union (EU) Values

Fundamental principles articulated in Article 2 of the Treaty on European Union include respect for human dignity, freedom, democracy, equality, the rule of law, and human rights. These values guide the political and legal frameworks of member states and serve as essential benchmarks for democratic governance.

Civil Society Space

The scope within which civil society organisations can operate freely and effectively, encompassing legal protections, access to funding, freedom from harassment, and the ability to engage in public dialogue and advocacy without undue interference.

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