

Will the assassination of Daphne Caruana Galizia lead to wholesale institutional reform in Malta?



Journalist Daphne Caruana Galizia was killed in a car bomb attack in Malta on 16 October. Her death prompted widespread international condemnation and has refocused attention on the need for institutional reforms within Malta to protect the rule of law and freedom of the press. [Roderick Pace](#) writes that with the recent Paradise Papers leak also portraying off-shore financial centres like Malta in a poor light, there is now impetus for genuine reforms to take place, but questions remain over whether the state has the capacity to implement them.



Flowers, candles and tributes to Daphne Caruana Galizia in Valletta, Credit: [Zugraga \(CC BY-SA 4.0\)](#)

On 16 October, a massive car bomb killed Daphne Caruana Galizia, Malta's leading journalist who had for years tormented the powerful by her revelations. As a journalist, Mrs Caruana Galizia was both a regular columnist in one of Malta's leading newspapers and also a blogger. Her blog often attracted more than 500,000 views, which by far surpassed the combined circulation of Malta's leading newspapers.

It was in February 2016, two months before the International Consortium of Investigative Journalists (ICIJ) revealed the first batch of 'Panama Papers', that Mrs Caruana Galizia hinted that a cabinet Minister and the Prime Minister's Chief of Staff had set up trusts in New Zealand and companies in Panama. The owner of a third company, Egrant, remained a mystery until she charged that it belonged to the Prime Minister's wife – which was strongly denied by the Prime Minister.

The opposition Nationalist Party turned Mrs Caruana Galizia's revelations and allegations into its war horse. Several court cases and judicial inquiries resulted from the revelations and as the pressure mounted, the Prime Minister, Joseph Muscat, called a snap election which was held on 3 June 2017 and which the Labour Party (LP) went on to win by a wide margin as it had done in 2013.

Mrs Caruana Galizia spared nothing which crossed certain 'red' lines: unruly politicians and professionals, the escapades of magistrates and high profile personas on social media or in their social lives, allegations about a cabinet minister's botched visit to a brothel, and questionable business behaviour, particularly that linking businessmen and politicians. Her main thrust was to expose misgovernance and corruption.

The bomb which killed Mrs Caruana Galizia was not a first for Malta. Up to October 2017, no fewer than six car bombs had occurred over a period of less than two years, leaving four people killed (including Mrs Caruana Galizia) and two seriously injured. However, Caruana Galizia's murder was of a different category because it was directed at a journalist of undoubted ability and influence. It was seen by the public as an assassination intended to silence her and cow the free press.

Mrs Caruana Galizia's death was well publicised by the international media and it raised a lot of concern about Malta in the international community, not least in the European Union. The President of the European Parliament, Antonio Tajani, attended her funeral on 3 November which was declared a national day of mourning, and the religious ceremony was led by Malta's Archbishop. But the President of the Republic, the Prime Minister and the Leader of the Opposition were told by the family not to attend the funeral.

The Labour Party and some of its more prominent acolytes had for years been denigrating Mrs Caruana Galizia for daring to speak her mind and for exposing misbehaviour. Her own criticism was often biting but well within the borders of what one would read in a satirical magazine. Certainly and emphatically not a reason for her assassination. The new leader of the opposition, elected last September, launched no fewer than five libel suits against her – which were withdrawn after her assassination – after she accused him of having facilitated the offshoring of earnings from prostitution.

The assassination of Mrs Caruana Galizia has refocused attention on the domestic front to the long-felt need for institutional reform. Not everyone thinks that institutional reform is needed. The basic message of the reformers is that Daphne would not have been killed had the institutions been working properly, since they would have provided her with the necessary protection. However, civil society organisations which have been clamouring for a 'return' to the rule of law are calling for the dismissal of the Attorney General and the Police Commissioner as a pre-condition for participating in any constitutional reform.

This is probably lessening the chances of the much-desired institutional changes when there is a growing need for putting heads and ideas together if these reforms are to go ahead. Observers of the Maltese political scene would probably agree that we have been here before and nothing happened. There is a huge probability that the opportunity will be lost again.

The main problem that needs to be tackled is Malta's political system and its political culture where the post-independence evolution has turned the 'rule of law' into the 'rule of the party'. The political system is influenced by the Westminster model, but without its written and unwritten rules: namely, the political culture that has evolved in Britain from the Magna Carta right down to the Glorious Revolution, the Chartist movement and subsequent reforms, and which have instigated the gradual strengthening of intricate constitutional checks and balances on the executive as enshrined in its unwritten constitution.

Unlike Britain, Malta has a written constitution which was approved by the Maltese parliament and the people in a referendum before independence in 1964. But the constitution and the political institutions have evolved very slowly since then. According to Judge [Giovanni Bonello](#), a former member of the European Court for Human Rights and certainly Malta's most eminent constitutional expert, the Constitutional Court has abandoned its role as the defender of the constitution and has accepted that parliament – not the constitution – is the supreme power of the land. So the most obvious first step in the reform process is to reaffirm the constitution as the supreme law of the land.

The operation of Montesquieu's tripartite 'distribution' or separation of powers between the judiciary, the executive and the legislature is in its most underdeveloped stage and may have receded – not advanced – since Malta became independent. It is on this issue that the Maltese need to come up with more imaginative solutions, particularly regarding the independence of important statutory positions including the appointment of members of the judiciary, the Police Commissioner, the head of the Army, the heads of the civil service and the independent authorities such as those overseeing financial services, environmental regulations, transport and public broadcasting to mention a few.

Malta's party system, described by Arend Lijphart as a 'perfect two party system', may also be playing tricks on its most ardent supporters. It has given Malta stable governments led by a single party which normally last their full five-year term. But the Labour Party and Nationalist Party, which between 1966 and 2017 were the only ones to win parliamentary seats, may be exercising more influence than is healthy for Maltese democracy and inclusiveness. This is because the electoral law makes it almost impossible for smaller parties to win parliamentary seats and the two-party system and bipartisan rivalry has been strengthened excessively almost to the point of tribalism.

Voter turnout in national elections (ballots cast as a percentage of registered voters), was as high as 92.1% in the 2017 election, a staggering level of participation, though it has declined from the 95.7% reached in the 2003 election which decided Malta's EU membership. It is certainly much higher than the average attained in national elections in the EU-28, which in 2014 stood at 68%.

This level of voter mobilisation makes the body politic appear very healthy, but in the end the winner is decided by minority interests which switch their vote and support from one party to the other. Minority interests are crucial to the final result unless an overwhelming issue takes command and the Maltese political parties have tended to present themselves as 'everything to everyone'. The motor of this voter activism is often pique, which has its roots in Malta's small society where 'everyone knows everyone else'. Clientelism is rife and is encouraged by politicians in the competition for votes. Wants and needs constantly struggle to command resources and gratification.

The reform of the institutions must also cover those which oversee financial operations and particularly the fight against money laundering and the financing of terrorism. Malta is a small, open economy which has built a strong financial services sector. Openness is not a choice for Malta, but a necessity imposed by its smallness. Maltese legislation is meant to counter shady operations and money laundering, but when the financial agencies which oversee the sector experience political meddling, their effectiveness declines and rogue operators come in. The Panama Papers and the more recent Paradise Papers have put off-shore financial centres – among them Malta – in a bad light. But not all operations and operators in the financial sector are tossing aside the obligation to maintain the highest legal and ethical standards.

Institutional reform has become a necessity for this reason as well, to rid the country of rogue behaviour and help it repair its reputation, which takes a long time to mould but which can be lost in a flash. The lingering doubts are whether the state has the strength to do this or whether we are simply confronting a 'deeper state'.

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Note: This article gives the views of the author, not the position of EUROPP – European Politics and Policy, the London School of Economics, or the University of Malta.

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