

24th October 2017

Chamber of Advocates To Commission Study On How Best To Strengthen Rule of Law

The Chamber of Advocates refers to the current situation in Malta, and the apparent perception formulated by a number of people, including some of its own members, that the rule of law is under unprecedented pressure.

The Chamber believes that it is critical in a democracy, that all the country's citizens, without exception and without any shadow of doubt, should have the firm belief that there exist within the state the necessary checks and balances to ensure the supremacy of law. Any doubts or perceptions that this may not be the case are a serious concern to the Chamber and cannot be easily dismissed. These doubts and perceptions can be the product of a number of factors, not least that the infrastructure of checks and balances intended to safeguard the rule of law are outdated and need to be strengthened to meet today's new challenges; a mentality where anything goes; where profit or pecuniary advantage have priority over other values, such as respect of the law.

It is against this backdrop that the Chamber will be commissioning a study to analyse any structural deficiencies in the legal framework and the checks and balances intended to create the right balance between and within the different organs of the state. The 21st century and modern society has brought about new challenges, and the existing controls and checks may well not be sufficient to ensure an effective safeguard of the rule of law. The chamber will also be reviewing existing proposals, yet to be implemented, in this area.

The Chamber of advocates believes that it ought to contribute in a substantial manner to the debate about the rule of law. Such contribution should be the product of serious consideration and serene deliberation rather than an instinctive reaction to what is currently being stated publicly. It is in this vein that as a professional body, it shall first examine the position of the current legal infrastructure in some detail and then make concrete proposals on how the rule of law can be further strengthened to be able to meet the challenges of a modern society, in the foreseeable future. The Chamber plans to publish its study on the matter and then launch a national conference to debate its proposals. The Chamber believes that it should take the initiative to promote a serious national debate on how the rule of law can be further strengthened.

It is expected that after publishing its study, the national conference will be organised in the first half of the year 2018.

The Chamber wishes to advise that this is the only statement that sets out the formal position of the Chamber of Advocates