

Executive summary

Public integrity is a cornerstone of democracy. The steadfast commitment of elected representatives and appointed officials to a culture of integrity is key to bolster trust in institutions and secure their legitimacy. Malta has introduced several reforms to strengthen integrity for elected and appointed officials. The 2017 Standards in Public Life Act marked a significant milestone, with the law setting standards of conduct for elected and appointed officials, and establishing a Commissioner for Standards in Public Life as the authority responsible for reviewing the conduct of these officials in terms of their statutory and ethical duties as persons in public life.

These efforts have helped implement an integrity framework for elected and appointed public officials in Malta, placing integrity, accountability and transparency at the forefront. However, challenges remain in terms of raising ethical awareness amongst officials, and effectively enforcing these new integrity standards through consistent procedures for monitoring, investigating and sanctioning wrongdoing.

This report reviews Malta's efforts to strengthen the integrity frameworks for elected and appointed officials, analysing the Standards in Public Life Act and the Commissioner for Standards in Public Life. It also provides recommendations to design the most feasible transparency and integrity in lobbying regulation in accordance with the *OECD Recommendation on Principles for Transparency and Integrity in Lobbying*. Finally, this report reviews the codes of ethics for elected and appointed officials, and provides recommendations for improving asset and interest declarations.

Strengthening the institutional and procedural set-up of the office of the Commissioner for Standards in Public Life

The Commissioner has been proactive in using the findings of investigations to issue guidance on emerging risks. To strengthen integrity awareness and capacity integrity, the Commissioner could develop workshops and training for officials covered under the Standards Act. The Commissioner could also enable anonymous complaints and ensure that cases are handled in a timely manner.

To provide credible integrity leadership, the Commissioner and its office should operate in a way that is above reproach. To that end, the Commissioner could strengthen merit-based recruitment processes for the office's staff and establish an internal Code of Ethics as well as guidance on managing and preventing conflicts of interest.

Strengthening the legislative and institutional framework for public integrity

While the scope of the Standards in Public Life Act is broad – covering Members of the House of Representatives, ministers, parliamentary secretaries and assistants, and persons of trust – it could be expanded to cover local authorities, members of the boards of Directors of public organisations and enterprises. In addition, the legal framework could also address the incompatibilities of secondary employment for elected officials. To ease implementation, Malta could also clarify definitions in the Act,

including “persons of trust” and “misconduct”, and add new definitions on “abuse of power and privileges”, “conflict of interest”, and “gifts” to create a common understanding of expected conduct and behaviour.

Some weaknesses remain concerning the independence of the Commissioner and necessary scope of responsibility to carry out his functions. The process of appointment, role and functions of the Commissioner could be included in the Constitution of Malta to ensure the stability of the public integrity system.

To strengthen the independence of the Committee for Standards in Public Life, Malta could consider including lay members into the Committee, outlining the basic requirements for members of the Committee, and setting clear, transparent appointment procedures to ensure the right people are selected.

Strengthening the Codes of Ethics for Ministers, Parliamentary Secretaries and Members of the House of Representatives

The current Codes of Ethics, which were introduced in the early 1990s, regulate the behaviour of Members of the House of Representatives, as well as Ministers and Parliamentary Secretaries. Three decades after adoption, the Codes present several shortcomings, including the lack of standards to address some of the key risk areas for corruption and misconduct. The Codes could be strengthened to include all relevant terms and definitions, and feature a limited number of values developed with key stakeholders to make them more memorable, create ownership and ensure a common understanding.

The Codes could also include clear provisions on the proper use of information; on how to engage with lobbyists and third parties, manage and prevent conflicts of interest, receive and give gifts and other benefits; and on post-public employment restrictions.

Improving the system of asset and interest declarations

To strengthen the collection and verification of asset and interest declarations, the categories of persons whose data is to be disclosed could be expanded to include persons of trust. Moreover, the scope of information reported could include intangible assets (patents, brands, trademarks, or copyrights) and outside sources and amounts of income. Declarations of assets and interests could be separated into two distinct forms to help elected officials better understand the purpose of each.

To streamline the submission of declarations, the government of Malta could amend the Standards Act to allow declarations to be submitted directly to the Commissioner and provide the Commissioner with the necessary tools to access and verify relevant information. The Commissioner could also establish a system of electronic submission and develop a risk-based methodology for the review of declarations.

Improving transparency and integrity in lobbying

Malta currently lacks the necessary guardrails to ensure that lobbying practices are transparent and conducted with integrity. To advance on this front, the Commissioner has prepared a Consultation Paper with proposals to regulate lobbying, including through two complementary registers: an online open “Register for Lobbyists” and a “Transparency Register” with disclosure obligations for public officials – both managed by the Commissioner.

These proposals are in line with international best practices. Adopting a dedicated law regulating lobby could be central to help stakeholders fully understand the scope and depth of these activities. Malta could also adopt cooling-off periods for elected officials and appointed officials in at-risk positions, as well as a Code of Conduct for Lobbyists.



From:

Public Integrity in Malta

Improving the Integrity and Transparency Framework for Elected and Appointed Officials

Access the complete publication at:

<https://doi.org/10.1787/0ecc469e-en>

Please cite this chapter as:

OECD (2023), "Executive summary", in *Public Integrity in Malta: Improving the Integrity and Transparency Framework for Elected and Appointed Officials*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/c39511b6-en>

This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area. Extracts from publications may be subject to additional disclaimers, which are set out in the complete version of the publication, available at the link provided.

The use of this work, whether digital or print, is governed by the Terms and Conditions to be found at <http://www.oecd.org/termsandconditions>.