

Introduction

A Successful Small Country Presidency

Malta assumed the presidency of the Council of the European Union in the first half of 2017, almost 13 years after joining the Union. The Institute for European Studies of the University of Malta thought that it would be appropriate to assess some of the aspects of this presidency and to do so from a small state perspective. To set the basic conceptual context, it is important to highlight what Anders Wivel observes in his chapter to this volume, that lacking the resources to pursue power politics, small states have to rely on their diplomatic resources. Since the presidency's main role is that of an "honest broker", requiring untiring efforts to achieve concord between the member states on often difficult and divisive dossiers, it calls for attentive and patient diplomacy, an approach that fits well with a small state's preferred methods in world politics.

The resources of small states are inherently limited in many aspects: fewer information sources, a small pool of personnel qualified to take part in the Presidency's work, including in-depth analysis of the issues on the table and, ultimately, restricted financial resources. At the start of the Presidency, Malta's Minister of Finance was reported to have told journalists that the financial provisions to cover the Presidency's expenditure had been set aside in two tranches in two annual budgets approved by Parliament. Notwithstanding these drawbacks, at the end of the Presidency *Politico* was able to report that Malta had been praised for its diplomatic prowess in managing to broker agreement on a range of issues. This is not a small achievement by the EU's smallest member state.

How did Malta manage to achieve this success? We attribute this success to a number of factors. Firstly, decision-makers in small states tend to have a much more holistic view of the process than those in large states who rely on the effort of several bureaucratic layers and narrowly specialized administrators. This advantage compensates in no small way for the disadvantages just mentioned. The space or distance separating decision-makers in small states is much smaller than it is in large states. For this reason, they tend to be appraised of evolving situations directly and almost immediately, in the end enabling them to take quick decisions. Secondly, the political leadership from the Prime Minister down to several key ministers involved in the Presidency – and the running of the country – had a clear idea of how the EU operates and possessed a sense of what was feasible and which methods and approaches were likely to work in achieving the desired goals.

The third element was that the small and tenacious Maltese diplomatic corps and support staff who were summoned to action two years before the start of

the Presidency also impacted positively on the final outcome. By and large they were able to successfully deal with the multitude of issues and Council meetings. But it will be wrong to overlook that behind this frontline of diplomats in the “battle field” stood a support army of administrators working from within the line ministries in Valletta most of whom travelled to Brussels almost every week. Similarly, one cannot ignore the services of the EU institutions and the support provided by the three presidency (trios) structure.

In discussing Malta’s Presidency, we need to factor in that up to 2009, member states played a much bigger role in it than they do now. However, since the Lisbon Treaty came into effect in 2009, the EU presidency has lost some of its importance mainly for three reasons: the trios obliges three member states to work together in an 18-month long programme which means that while each will have its six-month term in the presidency, their ability to take new initiatives is reduced considerably; the second point is that foreign affairs has been shifted to the Foreign Affairs Council (FAC) chaired by the High Representative of the Union for Foreign Affairs and Security and thus the presidency’s role has been reduced considerably; and thirdly the European Council has its own president appointed for a period of two and a half years, renewable once. Previously, the country holding the Presidency of the Council of the EU presided over the European Council meetings which took place during its tenure. In short the “agenda-setting” opportunities afforded by the rotating EU presidency have decreased since the Lisbon Treaty.

The changes affected by the Lisbon Treaty as just pointed out, which effectively stripped the presidency of many of its most highly political roles, in particular the chairing of the European Council as well as Foreign Affairs, has led some to see it as a more ‘technical’ exercise and that running the presidency has become a low-key enterprise that can hardly go wrong. We disagree. The presidency can still fail to deliver and undermine the country’s reputation amongst its peers and this might be a consequence of a lack of preparation and also the reality of a presidency having to deal with events beyond its control. At its starting point Malta’s Presidency looked as if it was going to face strong turbulence. The EU was deeply divided on migration, as it still is, populism was on the rise across Europe and looming national elections in three key member states – The Netherlands, France and Germany – further heightened tensions between the member states. Additionally, the UK electorate had recently voted to leave the EU with the formal notification to start the BREXIT process being scheduled to be delivered by the UK government at the end of March 2017, as indeed happened, in the midst of Malta’s EU presidency. Beyond Europe’s shores, the Maltese presidency coincided with the inauguration of the Trump Administration in Washington with Trans-Atlantic relations set to deteriorate rapidly. It was truly a formidable set of events which the Maltese Presidency saw unravelling

before it as it sought to provide leadership of the Council in the first six months of 2017.

All these events could have had two possible effects on the presidency: the optimistic scenario was that they could provide it with additional opportunities that would show in sharper contrast its leadership qualities; the pessimistic scenario was that these events could prove to be too big for the Presidency and derail its best laid plans. In the end the pessimistic scenario never materialized and Malta was able to carry out its programme up to the end and notwithstanding a surprise national election held on 3 June, in the last month of the Presidency.

Turning once more to the objectives and agenda of this book, we need to stress that the intention was not to provide a comprehensive assessment of all the presidency's actions and achievements. At its inception, it was decided to focus on the most important issues. Hence, in order to compile the work, the Institute for European Studies issued a general call for abstracts, following which the submissions were sifted in accordance with the criteria of quality and relevance to the priorities of Malta's EU Presidency. Briefly, Malta's priorities were:

- Migration – with the twin objectives to swiftly implement previously agreed measures and to maintain migration's importance at the top of the political agenda.
- The Single Market – with emphasis placed on exploiting the single market, developing the Digital Single Market, completing the Internal Energy Market and giving due importance to the Capital Markets Union.
- Security – centred on the aim to contribute towards concrete progress on proposals that addressed regional and global challenges.
- Social Inclusion – where Malta hoped its experience would 'rub off' on its European partners so as to advance gender equality and the rights of minorities and vulnerable groups.
- Europe's Neighbourhood – with a focus on EU engagement which stabilises the Union's neighbourhood with the EU Global Strategy being an important reference point.
- Maritime – with an emphasis on the sustainable development of the maritime sector within the framework of the EU's Integrated Maritime Policy.

All six areas were key issues for the government and the sequence did not imply a hierarchy of priorities with migration being *primus inter pares*. That said, and to ensure continuity, the chapters of this book are arranged so as to follow the sequence listed above.

By way of an introduction, the first chapter focuses on small states in the EU and after briefly tracing the treaty changes that have taken place in the EU

since the Maastricht Treaty, Anders Wivel asks a very provocative question as to whether the Presidency of the Council is making the small member states even smaller? Wivel shows that indeed small states run more risks in holding the presidency than do larger states. However, for small EU member states, the Council presidency offers a good chance for maximizing influence despite the challenges following from the nature of the presidency and the general developments of the EU.

Migration, which has been the cause of much dissonance in the EU, is the focus of Berta Fernandez and Kristiina Lilleorg's chapter on the EU's Migration and Asylum policy in the aftermath of the 2016 migration crisis. It is also touched upon in the chapter on external relations by Roderick Pace. Berta Fernandez and Kristiina Lilleorg provide compelling evidence that the EU has still not been able to institute legal measures to protect refugees and asylum seekers in most need of protection. Though some progress was registered during the Maltese Presidency, there is still a long way to go. What is lacking in the efforts to manage migration are additional safe and legal pathways to the EU for persons entitled to international protection (as well as those seeking other forms of protection), i.e. humanitarian admission and private sponsorship. As noted in their chapter, "the Valletta Summit between the EU and Africa was an important first step towards meeting migration challenges" while "the five clusters of the Valletta Action Plan taken together presented a blueprint for strengthening cooperation between both continents".

The single market was covered in the chapter written by Ivan Sammut who wrote a comprehensive overview of the legislative programme of the Maltese presidency laying special stress on the digital single market which was high in the Maltese agenda. Malta made satisfactory progress on this front as well by continuing where previous presidencies had left off, but also by ensuring that a number of dossiers were completed and closed. Linked to Sammut's chapter we find Claire Ciantar's analysis focusing on the effects of unjustified geo-blocking on the functioning of the single market and how it affects cross-border trade over the internet. Although Malta failed to close the issue during its presidency, it nevertheless gave the legislative process a good push forward so it could then be concluded under the subsequent Estonian Presidency.

The third priority of the Maltese Presidency of the EU Council was social inclusion. As Mark Harwood points out, this was the only Presidency objective in which Malta intended to lead the rest of the EU through its own experience with inclusion, particularly on LGBTIQ rights. Harwood says that the Maltese Presidency was in a way helped by The Netherlands' activism in favour of LGBTIQ rights since 2013 and this has added relevance considering that The Netherlands formed part of the trio-presidency. From this angle the Maltese Presidency was helped in reaching its objective, but at

the same time it was hampered by the fact that the Commission's attention was focused on other matters which led the Maltese government to adopt a more restrained agenda on LGBTIQ equality.

Three chapters then focus on the Maltese Presidency's aims in the Neighbourhood Policy. The first by Francesco Biagi dwells on constitutional developments in North Africa since the Arab Spring. North Africa and the Middle East constitute a vital aspect of the southern dimension of the EU's neighbourhood Policy. To understand the constraints that the EU faces in the region, Biagi assess an important factor of stabilization namely the existence or lack of a political process leading to it – namely constitutional progress. His analysis focuses on Libya, Syria and Tunisia three countries that are constantly under the EU's watch due to their impact on relations in the region and the Union itself. Biagi analyses the EU's engagement in constitution-making in these countries but cautions about the dangers that this poses, particularly premature constitution writing which might condemn such charters to oblivion.

Roderick Pace then provides an assessment of the EU's external relations during Malta's EU presidency. The analysis shows that although the importance of external relations in the EU's rotating presidency has diminished since the Lisbon Treaty reforms, Malta managed to play an important role particularly by chairing a scheduled meeting of the crucial EU-Tunisia Association Council. The chapter provides a comprehensive purview of all the main events that occurred on the external relations front during Malta's presidency – and Malta's role in them.

Finally, Milan Pajic's chapter assesses one of the most important successes of the Maltese Presidency namely the signing of the EU's New European Consensus on Development (NCD) in the final days of the presidency. The fact that Malta held the Presidency, gave it considerable influence in driving the process forward as the Chair of CODEV and penholder of the document. This is surprising considering that in the past, development policy had been neglected and Malta lacked expertise in the matter. This lacuna was filled by the high quality and competence of the negotiators.

Maritime policy, another main objective of Malta's EU Presidency was treated in a separate chapter by Pace. Noting that Malta has long had a keen interest in maritime policy, having itself proposed the Law of the Sea Convention at the United Nations in 1967, Pace goes on to discuss the Blue Economy, especially within the context of the Western Mediterranean. As noted by Pace "as a maritime state, an island state, Malta was able to transmit clearly, diligently and successfully its sensitivities toward the sector and using its first-hand knowledge of the issue it was able to overcome the drawbacks of smallness and lead".

We conclude our book with two chapters which stand outside the context of the Maltese Government's six priority areas but which help ensure a more holistic appraisal of the Presidency. The first, by Kenneth Curmi, analyses the parliamentary dimension of the Presidency. Surprisingly the parliamentary dimension is often side-lined in the rapportage on the presidency because the media focuses on the meetings of the heads of government and their ministers. This is rather odd considering the importance which national parliaments have gained since the Lisbon Treaty came into effect particularly because of their role as scrutinizers of draft EU law to establish whether it respects the principle of subsidiarity. According to Curmi, national parliaments have their own trio structure mirroring the trio-presidency as well as a programme encompassing the three presidencies of the Council of the EU. Parliamentary activity during the presidency brought together national members of parliament from the EU member states and the European Parliament to discuss the salient Presidency objectives. Meetings were also held of the chairpersons of some key national parliamentary committees.

The second, by Petra Bishtawi, addresses an issue which has been at the forefront of Maltese efforts in the area of migration, namely the promotion of burden sharing efforts at an EU level. By the start of the Maltese Presidency burden sharing had become a highly divisive issue amongst the Member States. Petra's chapter analyses a concept that could facilitate a technical solution to relocation should the Member States decide at some stage to agree on internal relocation and therefore represents a contribution to a key issue for Malta and Malta's Presidency.

As can be seen from the chapters contained in this volume, the challenge of running the Presidency of the Council of the EU was a formidable one, especially for the EU's smallest member state. The conclusion from this volume is that Malta managed the Presidency with robustness, meeting many of its targets, brokering compromise amongst the member states and in negotiations with the European Parliament as well as utilising its limited human and financial resources to their maximum capacity, thus embodying the "smart state strategy". We hope that this publication will be treated as another contribution that helps unpack the nature of small country EU presidencies.

Mark Harwood, Stefano Moncada, Roderick Pace
Institute for European Studies
University of Malta