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Small States and EU-Level Priorities: The Continuing  
Relevance of LGBTIQ Rights for Malta as an EU Priority

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# Small States and EU-Level Priorities: The Continuing Relevance of LGBTIQ Rights for Malta as an EU Priority

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## Abstract

When Malta held the Presidency of the Council of the EU in 2017, its six priorities ranged from migration to the single market, security to maritime with its stated aims being 'to contribute', 'to focus' and 'to deliver' with only one priority area, social inclusion, being an area where the country would 'lead'. This reflected the marked progress seen in Malta in the last decade where the country had become the world leader for LGBTIQ rights. Basing itself on small state literature, this article seeks to analyse how small states seek to protect national interests in Brussels through the adoption of a smart strategy that seeks to minimise small states' limitations, in particular by prioritising niche issues at an EU level. This article will discuss how social inclusion represented one such niche priority before discussing the place of LGBTIQ rights in Malta's EU-level priorities. The article will then analyse whether it remains a national priority for Malta in Brussels, especially as the practical limitations of small states would imply that non-essential, niche issues would be abandoned over time as other issues replace it in importance.

## Keywords:

LGBTIQ; Malta; Presidency of the Council of the EU; Small States; Social Inclusion.

## Introduction

When Malta joined the European Union (EU) in 2004, it was after a fractious road where its two main parties had become polarised on the issue of membership. That polarisation had an important consequence for Malta's EU membership because it meant that many EU-related adaptations were left pending until accession was confirmed with the 2003 membership referendum. As Malta grappled with these post-membership adaptations (made especially challenging as the country sought to join the single currency and Schengen at the earliest opportunity) necessity and pragmatism drove how Malta formulated its EU-level priorities with safeguarding Malta's maritime sector, protecting the country's burgeoning service sector, opposing EU efforts at tax harmonisation as well as defending Malta's position as a net-recipient of EU funds seeming to dominate. As membership progressed, the issue of irregular migration in the Mediterranean entered the frame so that, ten years after joining, it could be said that these key issues dominated Malta's priorities in Brussels with one theme, the country's emphasis on Mediterranean security and Malta's role as a bridge in the Mediterranean, representing the over-arching frame for branding Malta's priorities (and place) in the EU.

Many of the country's initial EU-level concerns would be echoed in Malta's six Presidency

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priorities for 2017 with the addition of one very significant, niche topic, namely social inclusion and, especially, LGBTIQ rights.<sup>2</sup> Neither Maltese political party had shown much interest in LGBTIQ rights before 2013; while largely hostile to LGBTIQ civil rights during the 2004-2013 period, the Christian Democrat (CD – the Nationalist Party) government (1998-2013) had made small, reluctant steps on extending civil rights to the LGBTIQ community due to the obligation to download EU anti-discrimination laws and in the face of the European Commission's threat to open an infringement procedure against Malta (Harwood 2015). Once voted into power in 2013, the Social Democrats (SD – the Labour Party), themselves having transformed their stand on LGBTIQ equality quite rapidly after the 2011 divorce referendum (Harwood 2015), quickly enacted a series of policy reforms that saw Malta being labelled the most progressive country in Europe for LGBTIQ rights (ILGA-Europe 2016). Social inclusion became a core branding tool of the SD government both domestically as well as in terms of foreign policy and its EU-level priorities. Indeed, Malta became the first country to make LGBTIQ equality a Presidency priority as well as the Maltese Commissioner being given the Equality portfolio in 2019.

Centring the discussion on the small state literature, where small states face various limitations which cause them to seek smart strategies to protect their limited interests, this article will seek to address three related questions, namely how social inclusion (and LGBTIQ rights) came to be a Presidency priority, how this priority related to Malta's overall EU-level priorities (and whether it could be considered a niche issue) before discussing its continued relevance for the Maltese Government. The latter is relevant considering small state constraints, which mean that priorities can shift with government's limited resources being allocated elsewhere, especially considering that non-essential, niche issues do not always represent core issues with economic or security implications. Ultimately, the following hypothesis will be tested: that small states, needing to prioritise issues at an EU level can be expected to abandon non-essential issues over time as other concerns arise and demand the allocation of the government's limited resources. This article is based on a qualitative discussion of the literature as well as official government documents in the public domain.

## **Small States, Council Presidencies, Social Inclusion and LGBTIQ Civil Rights**

The literature on small states, especially within an EU context, is well established though much of the focus has been on what 'dimensions' classify a country as small. Malta, the smallest EU state in terms of population, size and GDP, precludes the necessity to discuss size determinants and we can proceed to discuss the challenges small countries face within the EU. Due to the extent and complexity of the EU political system, small states are challenged on multiple levels when joining the EU; with a small public service and a limited pool of expertise, small states find it difficult to engage with the whole EU political system at all stages of EU politics, whether formulation, decision-making or implementation stage. Faced with limitations, small states tend to prioritise the Council of the EU as the principal venue to protect national interests, look to the European Commission to provide the expertise that they lack while also focusing on 'low politics'

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<sup>2</sup> LGBTIQ refers to Lesbian, Gay, Bisexual, Trans, Intersex and Queer and is the acronym most widely used by the Maltese government when referring to the community. That said, it is not a universally used reference and this article will also refer to LGBTI and LGBT when referring to specific actions taken by EU institutions and where that is the preferred acronym used by the institution concerned.

(Steinmetz and Wivel 2010). In general, the literature agrees that small states meet the challenge of EU membership by adopting smart state strategies with a focus on core, essential issues as well as the formation of regional, or like-minded coalitions (Panke 2010) with the Presidency of the Council of the EU seen as a unique opportunity to promote the interests of a small state. However, Wivel (2018) cautions that the Presidency can also be a financial and logistical burden and one where a small state's capacity to protect national interests may be diminished due to its resources being over-stretched. Related to this, Panke and Gurol (2018) posit that small states tend to pursue a smaller list of priorities when holding the Presidency while also addressing niche interests as a means to having a lasting impact for their Presidency, niche being taken to be issues 'that coincide with small state interests as they build competencies in the issue areas, which are most important to domestic political actors and economic growth' (Wivel 2018, 11). In the case of Malta, it is known to prioritise issues at an EU level and to focus its resources within the Council but its ability to act 'smartly' is conditioned by the fact that it has few regional allies with which to pursue regional interests (while Mediterranean, it alone finds itself in the centre of the Mediterranean as Italy, the other regional player, has an economic centre situated northwards, nearer to Austria/France/Switzerland). That said, and since independence in 1964, Malta has always promoted a Mediterranean dimension to its foreign policy and supported regional initiatives, seeking to promote a collective approach to regional problems and therefore bolster its place as a bridge in that region, even if the appetite of other countries (and the EU) for approaching the Mediterranean as a unified geopolitical area fluctuates over time. On a more positive note, in terms of acting 'smartly', unlike other EU states where coalition governments prevail, Malta's potential to act smartly is supported by its political system which has guaranteed single-party government for over 60 years. In this way, while other countries may be represented by a coalition of different parties in the Council of the EU, Malta is always represented by members of a single party who are guided by position papers formulated in cabinet and scrutinised by a parliament which is always controlled, absolutely, by that ruling party. This system undermines political accountability but does ensure centralized and coordinated national priorities.

In addition to understanding the limitations which condition how EU small states prioritise issues at an EU level, an added dimension of this study is the policy area under discussion and the competence enjoyed by the EU in that policy area. Issues where the EU enjoys extensive competence and where it issues binding legislation have the potential to impact member states more keenly, therefore warranting the prioritisation of negotiations around that issue with the consequence that it will be difficult for small states to influence negotiations because so many actors will be seeking to influence these binding outcomes. Social inclusion, the niche issue in Malta's priorities, is taken to be 'the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or other status, through enhanced opportunities, access to resources, voice and respect for rights' (UN 2016, 20). For the EU, in terms of the portfolio on the European Commissioner for Equality, the emphasis is upon 'strengthening Europe's commitment to inclusion and equality in all of its senses, irrespective of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation ... leading the fight against discrimination and developing EU anti-discrimination legislation' (European Commission 2019, 4). While some areas of inclusion, such as anti-discrimination legislation, fall into an area where the EU has a marked competence, much of the EU's efforts towards social inclusion are largely in areas where the Union can only support

cooperation between member states, hence impacting the extent to which member states can upload preferences and, one would assume, a willingness to commit resources. If the policy area is one where the potential for outcomes is limited, the assumption is that a small member state would be less willing to commit resources though, conversely, that prioritisation has the potential for greater impact because other member states might not be prioritising the issue at an EU level. That said, as we will see, social inclusion raises more complex issues related to subsidiarity when discussing the degree of EU involvement in this policy area.

While considered broadly by the EU, the 2017 Maltese Presidency of the Council of the EU saw social inclusion as centred on three main areas, namely female participation in the labour market, combating gender-based violence as well as ‘exploring’ the Commission’s roadmap on LGBTIQ issues through the holding of a Ministerial Level Conference. As stated earlier, ‘social policy is something that the Maltese Government holds dear ... we hope our experience can rub off on our European partners’ (Government of Malta 2016, 5). Considering Malta’s lacklustre performance in gender parity lists (Malta was ranked 93<sup>rd</sup> in the World Economic Forum’s Gender Gap Report of 2017, in last position for an EU country) it was clear that the focus under Social Inclusion was, for the Maltese government, LGBTIQ rights and the Ministerial Conference. This focus on LGBTIQ rights also reflected what was happening domestically; the LGBTIQ Equality and Actions Plans enacted by the Government for the 2015-2017 and 2018-2022 period included external action promoting Malta as an LGBTIQ leader in the Mediterranean, in the EU and at the United Nations (UN). That said, Malta’s ambitions for LGBTIQ promotion during its Presidency were limited in scope and reflected the limited potential for success any objectives could have; the European Commission has primarily trod softly in the area of LGBTIQ rights due to a lack of competence and a divergence in opinion amongst member states with several countries, including Poland and Hungary, opposing the EU’s involvement, seeing this as an issue of subsidiarity. In this way, while an area where the EU’s limited competence could lead to a lack of prioritisation by some member states, the subsidiarity dimension means that several countries tend to oppose EU-level initiatives in this area, and spend much political currency in defending their position, as a reaction within the context of subsidiarity. While treading softly, the European Commission’s efforts have not been negligible and the Commission has issued a ‘list of actions’ to advance LGBTI equality as well as threatening to terminate EU funds for regions which had declared themselves ‘LGBT-free zones’ (Kosc 2021). This reality will provide the background to our analysis, namely the place of LGBTIQ equality in Malta’s EU priorities; ultimately, the degree to which a small state, already faced with limited resources, can be expected to invest in a niche issue (and one which does not represent a core, economic interest), is further questionable considering the limited potential for outcomes in that policy area because of the EU’s marked lack of competence in that area.

### **Malta, EU membership and the Place of LGBTIQ rights in Maltese Politics after 2013**

As stated, Malta joined the EU in 2004 and the initial years of membership were not without problems; infringement proceedings, especially in the area of the environmental acquis, soared, the European Commission was unable to recruit an adequate number of qualified translators for Maltese (which had been given EU-language status), while Malta’s principal concern during the formulation of the Lisbon Treaty was ensuring an additional seat in the European Parliament, putting the country on an equal footing with Cyprus and other small states. As stated, the main

EU-level objectives during the initial period after 2004 were securing membership of the euro and Schengen areas, both achieved in 2008. Reflective of its limited resources, Malta arranged a system for prioritising issues (covering the first ten years of membership), a traffic light system which meant that the UK attended non-essential meetings within the Council on Malta's behalf, areas being designated as core (red) to non-essential (green) (Harwood 2014). While the government never issued a list of what those core issues were, it was clear that political currency was spent mainly on ensuring that EU rules on calculating the budget did not result in Malta becoming a net-contributor to the EU budget (Tabone 2015), protecting Malta's maritime sector (Malta has the world's sixth biggest fleet in terms of tonnage, the largest in Europe), opposing efforts towards greater EU tax competence and promoting liberal economic policies, especially in terms of the service sector. At the same time, the wider Mediterranean economic and security dimension always featured as the framing of Malta's priorities in the Union, with migration gaining prominence as a specific aspect of that security dimension after 2008. These priorities played out in the media but were also seen in the portfolios assigned to the Maltese Commissioners (Maritime and Fisheries (2004-2009) and Environment, Maritime Affairs and Fisheries (2014-2019)) as well as the committee designations sought and given to Maltese MEPs. Over the last 20 years there have been 19 different Maltese MEPs. Of the 20 Standing Committees within the EP, Maltese MEPs have sat on 11 while Malta has had substitutes on a further three committees, namely Regional Development, Constitutional Affairs and Culture and Education. In terms of the committees where Maltese MEPs have sat, the most notable (in terms of multiple MEPs having sat in the same committee) have been Economic and Monetary Affairs; Petitions; Internal Market and Consumer Protection; Budget; Civil Liberties, Justice and Home Affairs; Legal Affairs; Environment, Public Health and Food Safety; Industry, Research and Energy; Budgetary Controls; Employment and Social Affairs; Transport and Tourism.<sup>3</sup> Ultimately, Malta's initial years of membership exemplified small state limitations, including a small public service with minimal expertise in many areas, a limited presence in the institutions while also being physically far from Brussels and isolated in a region with few potential allies other than Italy (whose focus was squarely northwards) and, due to history, the UK (which had always avoided strategic partnerships within the Council). Malta's capacity to defend its interests and project its voice at an EU level were severely limited by these considerations and was exemplified by its frustration with the EU over migration policies and, what it saw as, a lack of support from Brussels for frontline states. More than many, Malta needed a 'smart strategy' to cope at an EU level.

In 2013 the Maltese Social Democrats were elected to government and the change in leadership was viewed with caution by Brussels. Ultimately, the CD had maintained a pro-EU policy while in government whereas the SD, which had campaigned against EU membership in 2003 and continued to hold soft Eurosceptic opinions, showed a greater willingness to adopt a combative line with Brussels. This was exemplified by the new Maltese Prime Minister, Joseph Muscat, threatening to use the veto where needed, stating he would do so to protect Malta's interests and not to act like 'schoolboys' (Times of Malta 2013). Exemplifying the difference in approach to bilateral relations, the former CD Prime Minister reacted by saying, 'no one should compromise on principle, but any talk of using the veto, as Joseph Muscat has suggested, does a country like Malta much harm' (Fenech Adami 2014, 317).

Soon after its electoral victory in 2013, the SD government began a series of social reforms that

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3 Arranged in order of most to least in terms of the total number of Maltese MEPs per committee.

would make Malta the world's leading country for LGBTIQ rights. While homosexuality had been decriminalised by the SD in 1973, Malta remained socially conservative with the CD government, as stated previously, hesitant on incorporating some elements of the EU anti-discrimination policy into national law when in power, only doing so when threatened by the European Commission with an infringement procedure in 2008 (Cuschieri 2008). Later, and against the backdrop of the 2011 divorce referendum, the CD became increasingly concerned about LGBTIQ civil liberties, seeking to introduce a co-habitation bill as a means to stave off calls for civil unions for same-sex couples. At the same time LGBTIQ issues began to feature prominently in the SD's push for government and once elected the SD quickly sought to promote LGBTIQ rights, conscious that it was popular with younger voters. This helped the party to rebrand itself as progressive (after years of being the anti-EU party), was a convenient tool for undermining the political unity of the CD while also allowing an interface with the small but burgeoning LGBTIQ civil society (which was centred on the Malta Gay Rights Movement (later known as the Malta LGBTIQ Rights Movement, MGRM) and Drachma (the LGBTIQ group centred on faith and primarily constituted around Catholic members). Within a year, the government had introduced civil unions for same-sex couples and gay marriage would become a corner-stone of their 2017 general election campaign; the SD went on to win a larger majority in 2017 and gay marriage was the first piece of legislation enacted by the new parliament, showing the significance of the issue for the SD government. As stated, across the spectrum of LGBTIQ rights, Malta has been classified as the most socially inclusive country globally, ILGA stating that in 2019 Malta alone scored above 90% in terms of providing rights for the whole spectrum of the LGBTIQ community (Harwood 2023).<sup>4</sup>

The importance of LGBTIQ rights for domestic politics (and the branding of the SD's new progressive social movement) was matched by the promotion of LGBTIQ rights externally, especially in terms of Malta's place within the EU. In 2015 the SD Government published an LGBTIQ Action Plan (2015-2017) outlining their domestic reforms but also listing priorities for external relations, including establishing protocols with third countries for same-sex couples to adopt, 'encourage other countries to introduce provisions of the Maltese *Gender Identity, Gender Expression and Sex Characteristic Act*' as well as joining the UN's LGBT core group. By the end of the plan's remit (2017) Malta had launched its Presidency of the Council of the EU. As noted, Malta listed a series of priorities with Social Inclusion being the only one where Malta would 'lead', the first time that social inclusion was made a Presidency priority, as stated previously. At the core of that presidency pledge, Malta held a High-Level Ministerial Conference on the LGBTIQ Road Map in February 2017. Seeming to gain momentum on the branding of Malta as an LGBTIQ leader, the government published its second LGBTIQ Action Plan in 2017 (for the period 2018-2022) which included a specific section on LGBTIQ promotion abroad with six targeted goals and a reference to promoting the EEAS 'Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons'. These Action Plans, as well as the enactment of legislation domestically, were overseen by the Minister Helena Dalli; a vocal supporter of LGBTIQ rights, Helena Dalli was first given the ministerial portfolio for 'Social Dialogue, Consumer Affairs and Civil Liberties' from 2013 to 2017, becoming Minister for 'European Affairs and Equality' from 2017 to 2019. In 2019 she was then nominated to be Malta's candidate for the College of Commissioners, eventually being given the Equality portfolio by Commission President

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<sup>4</sup> ILGA is the largest, global umbrella organisation representing LGBTIQ groups with over 1,500 member organisations from 155 countries.



von der Leyen. The designation of equality for the Maltese Commissioner can be seen as the apex of Malta's association with LGBTIQ rights as well as showing the importance of LGBTIQ equality for the period 2013 to 2020 when Joseph Muscat (2013-2020)<sup>5</sup> and Helena Dalli (2013-2019) were key domestic actors driving this socially inclusive policy. The 2013-2020 period was also of note in the investment in building a Maltese expertise on LGBTIQ equality with global experts like Silvan Agius (policy director at ILGA-Europe, the leading LGBTIQ umbrella Organisation in Europe) returning to Malta to join Helena Dalli's team, becoming Director of the Human Rights and Integration Directorate in 2015 as well as the establishment of the LGBTIQ Consultative Council which brought together government and LGBTIQ NGOs to oversee the formulation of the government's new and broad agenda for inclusive policies.

In this way, LGBTIQ rights became an integral part of the 2013-2020 Labour government, part of their domestic rebranding. This was bolstered by the absence of a popular backlash from the electorate with public opinion becoming remarkably progressive on a wide range of LGBTIQ issues, led in no small part by a growing consensus between the two main parties on the rights of the LGBTIQ community (Harwood 2023). At the same time, it also provided an added advantage in that it fragmented the opposition and rendered them increasingly impotent as a political force. With two political leaders championing the issue (Muscat and Dalli) and a growing expertise consolidated through the recruitment of international experts, the rainbow brand came to dominate how Malta wanted to see itself projected in the global media and on the streets of Brussels (literally, a quirky offshoot of the Maltese Presidency was the painting of rainbow crossings on the streets of the Belgium capital). Out of this domestic setting, Social Inclusion came to be a part of Malta's EU priorities, a niche issue in terms of the importance for domestic political actors though not directly of economic importance for the country.

### **The Importance of the LGBTIQ Priority for the Maltese Presidency**

In analysing the rise to prominence of the LGBTIQ priority as part of Malta's EU agenda, it is clear that our analysis can be differentiated into three periods, the pre-2013 period, that from 2013 to 2020 and then the post-Joseph Muscat/Helena Dalli period, after 2020. In terms of the pre-2013 period it is clear that Malta's EU priorities were centred on the issues which have long dominated Malta's EU politics, namely protecting key areas like maritime, financial services, objecting to extending EU competence into taxation areas, ensuring Malta remained a net-recipient of EU funds as well as projecting the Mediterranean as an area of EU interest. As areas of national interest, these continued to be areas given priority after 2013 and the rise to power of the SD under Joseph Muscat as can be seen in their prominence as part of the 2017 Presidency priorities.<sup>6</sup> As with other small states, Malta based its priorities on a small number of issues, core issues of national importance and sought, where possible, to promote a Mediterranean dimension so as to

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5 Joseph Muscat resigned from office in January 2020.

6 Malta's Presidency Priorities (outside of Social Inclusion) were: Migration (ensure the implementation of decisions that have already been agreed upon, especially relocations and seek revisions of the Dublin Regulation); Single Market (including developing the digital single market, complete the internal energy market, mobilise private capital); Security (address migration, terrorism and hybrid threats); Europe's Neighbourhood (support democratic transition in Tunisia, stabilise Libya, the conflict in Syria and support Ukraine); Maritime (reinforce the Integrated Maritime Policy, ensure the sustainability and development of the maritime sector, oversee the launch of the Western Mediterranean Sea Basin Strategy).

integrate its priorities into a regional perspective where allies could help support its interests. Not surprisingly, LGBTI issues did not feature in this initial period of Malta's membership of the EU, hesitant as the Christian Democrats were to recognise LGBTIQ rights.

Once Joseph Muscat was elected to power in 2013, the LGBTIQ priority started to feature prominently as the government sought the youth vote as well as the progressive agenda, as stated earlier. Supported in no small measure by Helena Dalli, a clear focus was placed on social progress being labelled LGBTIQ rights and Malta found it easy to quickly rise through the global ranking indices to be labelled best in the world, international rankings being important measures of success in the Maltese political sphere (what some would call a post-colonial mind-frame). While much was achieved domestically, Malta was less capable to foster EU-level change because of the degree of resistance shown from other member states but also a lack of commitment from the European Commission which, naturally, was preoccupied with other issues throughout the 2013-2020 period, namely the stability of the euro and the migration crisis. The allocation of the Equality portfolio in 2019 to the Maltese nominee is an indication of the importance of the issue for Malta but also for Helena Dalli. It would be overly simplistic to see this as the only driver: while Joseph Muscat was still smarting from his inability to secure a high position within the EU in 2019, equality was a safe bet for Malta which was facing rule of law questions at the time as well as discord over its 'golden passport' scheme, therefore representing a safe area for the Maltese government and its candidate during the EP grilling of the new Commission. That said, it still seems to represent the pinnacle of Malta's association with LGBTIQ rights at an EU level.

After 2020, two important domestic changes can be seen in the area of LGBTIQ rights. The first relates to the shift in power within the office of the prime minister. After months of political unrest, Joseph Muscat resigned in January 2020 and was replaced by Robert Abela, less associated with LGBTIQ rights and confronted, almost immediately, by the covid-19 pandemic. The result of this, and the shift of Helena Dalli from domestic to EU politics, meant that Maltese politics lost some of its drive for LGBTIQ rights. It should be said that much of what needed to be implemented had been achieved by 2019 and structures established by Helena Dalli, like the SOGISEC Unit<sup>7</sup> within the Directorate for Human Rights, continued the push for LGBTIQ rights but the equality portfolio has since fallen under a succession of different ministers over the last three years. At the same time, the Government has adopted a wider approach to social inclusion, prioritising gender reforms (especially in terms of representation in parliament) and sexual reproductive rights, something which was needed considering the degree to which Malta scored badly in international gender equality indices. That said, LGBTIQ issues have not left the Maltese stage; Malta joined the UN LGBT Core Group in November 2020, won the right to host Europride in 2023, published its third LGBTIQ Action Plan for 2023-2027 (which included a commitment to promote LGBTIQ equality in cooperation 'with other EU embassies' (Government of Malta 2023, 62) while also further consolidating LGBTIQ equality as part of Malta's foreign policy (Azzopardi 2021). In this context, it is relevant to note that Spain affirmed that its legislation against conversion therapy was inspired by the best practice adopted by Malta in this area (Malta being the first country to ban conversion therapy in Europe, back in 2016)) (The Malta Independent 2023). In this way, and considering the change represented by 2020 in terms of political leadership, it is clear that LGBTIQ rights remain an important part of how Malta brands itself overseas, both at the

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<sup>7</sup> The Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics Unit (SOGIGESC), was set up in June 2018.

UN and in the EU, leading to the question as to how the country still allocates resources to an area which can be considered non-essential (both politically and economically) as the political leaders associated with it no longer feature in domestic politics.

### **Niche Politics and the Continuing Importance of the LGBTIQ Brand**

As can be seen from the discussion above, LGBTIQ rights entered Maltese politics in 2013 and have remained an important element of domestic politics and external affairs for ten years. This reflects the importance of the issue for the rebranding of the social democrats, an important element of the politics of both Joseph Muscat and Helena Dalli as well as a policy area which quickly gave deliverables, Malta becoming a world leader within six years. That said, despite the fact that its primary political supporters have left domestic politics, Malta continues to give prominence to LGBTIQ rights, both domestically and abroad. While the level of promotion might not be as significant as in the past, other social inclusion issues have been promoted, in particular that of gender equality. In many ways the LGBTIQ priority and how Malta prioritises issues at an EU level follows the core expectations one would have for small states adopting a smart strategy; Malta has always prioritised certain issues and those issues have been in a few, core areas. Malta has also tended to focus all its resources in the Council and to see the European Commission as a source of expertise, especially in areas considered non-essential. As discussed earlier, Malta also sought to form alliances, whether with the UK or Italy, and has always promoted the Mediterranean dimension, especially as a loose option to help build alliances for a country isolated in the central Mediterranean. Further, and in line with other small states, Malta also sought to use its Presidency of the Council of the EU to promote core issues and to carve out specific, niche areas of interest, as with social inclusion. That said, one would assume that, over time, that niche issue might decline in importance due to its limited economic importance and the loss of its main political support after 2020. In the case of Malta, we do not see this happening. LGBTIQ issues continue to be given prominence, the government continues to legislate in this area, furthering equality, as well as cooperating abroad, whether in the Mediterranean, the EU or the Commonwealth, raising the question of why limited resources continue to be allocated to a policy area where the primary domestic drivers no longer feature in domestic politics, therefore weakening the importance of this niche priority.

The answer would appear to lie in the same dimension that causes small state to prioritise some issues, namely limited expertise and resources. In developing its LGBTIQ strategy the government imported experts, primarily from the umbrella organisation ILGA-Europe. It started to establish a strong interface with the interest groups operating in this area, through the Consultative Council and began to bolster the Human Rights Directorate, itself first created in 2015. As time progressed it recruited more experts and the Human Rights Directorate created specialised units under its remit, most notably with the creation of the SOGIGESC unit in 2018. Even after its core members, most notably its Director, Silvan Agius, left to work in the cabinet of the Commissioner for Equality in Brussels, the SOGISEC unit continued to be strengthened with the appointment of the new Head who was also the former Chair of the leading LGBTIQ NGO in Malta, MGRM. In this way, the Maltese public service has a committed group of experts with global expertise, the Director being regularly consulted by global NGOs like the Commonwealth

Equality Network.<sup>8</sup> Bolstered by their links with the Cabinet of the Commissioner of Equality, Malta now has a nexus of experts that it does not have in other, comparable areas.<sup>9</sup> In this way, the continued importance of LGBTIQ rights for Malta makes sense because it is an expertise inhouse which can then be used to project a brand of Malta which fits in well with a socially progressive government seeking to reform many social policies; it is because of the very fact that Malta is a small state that that expertise has still to be used to maximise resources.

In this way, as discussed in this paper, Malta displays the core principles of a smart state strategy to overcome its EU-level limitations and that even non-core issues, like LGBTIQ rights, can remain a national priority if the resources are already in-place within the public service and therefore cannot be wasted. The continued importance placed on LGBTIQ rights is, ironically, a manifestation of smallness and not a victim of the lack of resources small states have to grapple with.

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8 While a very weak method of measurement, it is interesting to see the degree of work produced by the Human Rights Directorate in comparison to its Home Ministry over time. In 2016/17, 2018 and 2019, while part of the Ministry for European Affairs (and therefore part of a Ministry which also covered the processing of EU funds) the Human Rights Directorate's output, as listed in the Ministry's annual report, constituted 14% (2016/17), 28% (2018), 21% (2019) of the Ministry's annual report. In 2020, once part of the Ministry for Justice, Equality and Governance, itself one of the largest government portfolios, the Directorate's output was 19% of the Ministry's overall reporting (Government of Malta 2022). While not a measurement of the quality of that output, it indicates the degree of activity relative to the rest of the Ministry and shows that the Directorate was active on multiple fronts.

9 The interlink between domestic, EU and NGOs was exemplified in a high-profile case against the promotion of conversion therapy, which is illegal in Malta. Opening in January 2023, the civil case was brought by Silvan Agius as well as the head of MGRM (Agius 2023).

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