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Malta's Europeanization experience: How smallness enables a state to minimise the monitoring of its implementation of EU policy by third parties

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This paper discusses the issue of how size impacts a country's experience of EU membership, in particular its ability to control the implementation of EU policy. Small countries share several characteristics at an EU level, in that they avoid isolation in the Council and depend on partnership with larger member states. In terms of Malta, this was shown to be the case but other factors appear to have brought this about, in particular the country's political history. In terms of Europeanization, small states adopt flexible arrangements to manage membership with public servants empowered in the process. This was not the case for Malta where membership saw greater involvement for public servants in policy making but no increase in actual power due to a heavy centralisation of decision-making which empowered the political class. Where size appears to have played a role in the country's Europeanization experience was in terms of how that centralisation process has allowed the government to control the monitoring of its implementation of EU policy by third parties, including the Commission.

Key words: Europeanization, small states, public administration, Malta.

INTRODUCTION AND LITERATURE REVIEW

Europeanization studies have increasingly sought to map the impact of EU membership on the political system of member states. While the factors which generate domestic change are often similar across the Union, we now appreciate that the outcome of Europeanization is not standard and that member states adapt to the EU in idiosyncratic ways. In this paper we will argue that, with reference to Malta, the EU's smallest member state, that small EU states, rather than being vulnerable to EU pressure to conform, are actually able to utilise their size to avoid unpleasant aspects of Europeanization. In this case being small enables greater domestic control over Europeanization, especially within the public service.

The polemics of Europeanization

Europeanization remains a contested concept, primarily due to its wide application across disciplines and its

various definitions, some of which refer less to modern European integration and more to the global spread of European influence during the European colonial expansion of the nineteenth century (Featherstone, 2003). When viewing Europeanization as a more recent phenomena linked to post-war European integration, research tends to analyse either the bottom-up dynamic which leads to the construction of European level structures of governance or the top-down dynamic which brings about change in domestic politics because of membership of the European Union (Stone Sweet and Sandholtz, 1998; Green Cowles et al., 2001; Bulmer and Radaelli, 2004).

Adopting the latter approach, where Europeanization is the articulation of „formal and informal rules, procedures, policy paradigms, styles, “ways of doing things” and shared beliefs and norms” which are then „incorporated in the logic of domestic discourse, identities, political structures and public policies” (Radaelli, 2003, p30) the

concept becomes less polemical, some even termed it EU-ization (Wallace, 2000, p369). In applying this top-down approach, research has focused primarily on the mechanisms of Europeanization (how and why change happens) as well as its dimensions (where change is manifested at the domestic level).

In understanding the mechanisms of Europeanization one begins to understand why countries adapt to the Union in different ways. The principal impulse for Europeanization is considered to be the EU's policy output and its compatibility with domestic policy. Where discrepancies exist between domestic and European policy this was denoted as policy misfit and represented the degree to which the member state would have to adapt to accommodate the EU (Heritier, 1996). We now understand that calculating misfit is complicated because not all EU policy is so deterministic. Consequently, EU policy was differentiated into three types, namely positive (market shaping) and negative (market making) integration as well as less directional types of policy which constitute learning, often referred to as framing integration or facilitated coordination (Knill and Lehmkuhl, 1999; Bulmer and Radaelli, 2004). Because each policy type makes different demands on domestic policy the ability to calculate fit becomes harder in terms of negative and framing integration, making national adaptation less easy to calculate or predict. Added to this, studies have also drawn attention to the potential for change generated by institutional fit (Borzel and Risse, 2003), a less directional form of domestic change which comes about as a consequence of domestic actors having to participate in EU political structures. This, combined with the need to comply with EU policy means that what stimulates Europeanization at a domestic level is not always easy to specify, hence the tendency for EU member states (MS) to react to the same EU policy areas in different ways.

Besides differentiated Europeanization as a consequence of the different types of EU policy output, how countries adapt is also idiosyncratic due to mediating factors which may facilitate or hinder the take up of EU policy. These are often differentiated into two types, namely agency and actor based agents with the former relating to administrative reform capacity, institutional traditions, legitimising policy discourse and other institutional forces where individuals frame their interests within the context of the organisation to which they belong (Caporaso, 2008; Knill and Lenschow, 2001; Radaelli, 2003). These agents will facilitate or hinder change depending on the benefits accrued to their institution. On the other hand, actor based agents are individuals or groups of individuals that bend the interests of the organisation to which they belong to reflect their needs, using the institutional framework to validate personal interests, examples being veto players and facilitating formal institutions as a means to control EU-related outcomes to the benefit of the individual (Borzel, 2005).

Having established what stimulates EU-related change at a domestic level, as well as the forces facilitating or hindering that change, it is then important to understand where change is most likely to occur and in this regard three dimensions of change have been studied, namely changes in policies, politics (the core political system, in particular executive and legislative bodies) and polity (the wider political system, including political parties and interest groups) (Featherstone and Radaelli, 2003; Jacquot and Woll, 2003). As already specified, a principal area of immediate change is in domestic policy as it comes to conform to EU policy and this is then accompanied by changes in the core structures of the state as governments interface at a European level to negotiate that policy and its implementation. While changes in policy and politics can be quite immediate and directly attributable, changes in the wider polity are assumed to take longer and to be less easily attributed to Union membership.

The polemics of size

Having outlined what we take to be Europeanization it is important to extend this concept to our case study, namely small states. From the outset it should be stated that any discussion of small states often gets mired in the polemics of how to classify size while appreciating that few countries welcome being labelled small when small often means weak (Hein, 1989). The problem of classification has resurfaced in recent years within the context of European small states. Establishing a figure above which a country no longer remains small is considered arbitrary, over-dependent on population size and victim to the habitual problem in International Relations, namely how to define power. Faced with the challenge of categorising states authors have reacted in two ways, either by viewing the concept of size as comparative or by creating ever more complex lists of criteria for defining smallness.

The comparative approach is well established with small states being originally classified as simply those states not considered great powers (Thorhallsson and Wivel, 2006). Small states have been increasingly defined „as the weak part in an asymmetric relationship“ (Steinmetz and Wivel, 2010, p6) where „[s]mallness is ... a comparative and not an absolute idea“ (Hanf and Soetendorp, 2002). While this flexibility overcomes criticism that absolute criteria can be arbitrary it fails to address a central tenet of small state studies, namely that it is not having a bigger neighbour which makes countries act small but inherent weaknesses within the state, due to the limited potential of a small population, economy or territory, which then results in weakness and vulnerability.

A second option has been to extend the criteria used to define size and the state's readiness to mobilise resources; therefore the issue is not just about population,

territory, GDP and military expenditure (the conventional criteria for judging a country's capabilities) but the ability to utilise those resources, a shift away „from the power that states possess to the power that they exercise“ (Mouritzen and Wivel, 2005, p4). Classifying states is therefore problematic. In this paper we avoid entering into any grand debate on smallness by utilising Malta as a case study, the smallest of all the EU small states. This ensures that our case study complies with the general consensus that the economic and political limitations of small states, especially their administrative capacity, results in several common features both in terms of how they operate within the Union, and more importantly, their Europeanization experience. However, being aware of the difficulties in categorising states is important because many of the generalisations to be discussed in this article were drawn from studies which refer to countries such as Sweden and Austria which are far from being considered small when compared to very small states like Malta, Luxembourg or Cyprus.

THE RESEARCH AGENDA

While still a highly specialised area of EU studies, there is a growing literature on the issue of how small states experience EU membership, both in terms of their position in Brussels as well as the impact of membership on domestic political structures, policy and actors. In terms of how small states operate within the Union studies have highlighted that they tend to form alliances with much larger states (as opposed to a common agenda with other small states), avoid being isolated in the Council as well as viewing the Commission as an ally and defender of the collective interest (Thorhallsson and Wivel, 2006). Because of resource limitations (primarily in terms of administrative capacity) small states are forced to prioritise sectors at an EU level.

In terms of Europeanization fewer conclusions have been drawn, primarily because what limited research has been undertaken has either lacked a framework to differentiate the Europeanization experience of large and small states (Hanf and Soetendorp, 2002) or has focused on a specific set of small states, primarily Scandinavian countries where specific regional factors, such as political traditions, may account for some of the conclusions drawn (Thorhallsson, 2000; Laegreid et al., 2002). Less generic studies also exist which analyse a specific element of the small state's Europeanization experience, namely polity (Fontana, 2009).¹

In many areas the conclusions drawn show that there is little to distinguish the Europeanization experience of small and large states and that all MS react to

membership in similar ways as with the creation of new coordinating units within the public administration to deal with EU matters (Laegreid et al., 2002). That said, small states may experience a disproportionately large degree of change because so many parts of a small administration are drawn into EU affairs; smallness compels a small public administration towards generalisation, with civil servants more likely to be involved in EU affairs because some element of their wide responsibilities will have a European component (Laegreid et al., 2002). That generalised approach means that officials find it difficult to manage the EU's tight timeframes for feedback, undermining the ability of public officials to present their opinions to the political class running the country (Laegreid et al., 2002) though Bergman and Damgaard (2000) note that the public service has become indispensable in terms of European affairs. At the same time, the domestic decision making system for dealing with EU affairs is marked by prioritisation, informality, flexibility and autonomy of officials (Thorhallsson, 2000). The burden of membership then results in small states mobilising more administrative resources to overcome EU complexity, necessitating the precise ordering of priorities and a pragmatic and informal management of procedures (Hoscheit, 1992). Within this coordination system for EU affairs the Permanent Representative becomes a relatively powerful actor with a flexible mandate and greater manoeuvrability in negotiations due to their greater access to high ranking officials in the national administration.

In summation, this seems to indicate a rather complex set of outcomes in that flexibility ensures an ability to react to the politics of Brussels but that some form of framework, outlining priorities and responsibilities, helps ensure that the system manages a burden which is disproportionately large because the public administration is so small. This implies greater involvement for public servants and greater discretion, effectively empowering the administrative class. Do these outcomes reflect the Europeanization experience of the smallest EU member state?

MATERIALS AND METHODS

In mapping Malta's Europeanization experience, which formed part of my doctoral research, a two-pronged approach was undertaken, the first mapping changes seen in Malta post 2004 and seeking causative links with EU membership as well as an indepth study of Customs and agriculture in Malta which first listed the obligations of membership, namely the body of EU law in both policy areas, before analysing how that body of EU law was implemented in Malta. After analysing the available pre- and post-accession documents available in the public domain, interviews were conducted with every Maltese Government Department, from Ministers to Public Servants of every grade. Interviews were also conducted with members of the European Commission and various actors from Malta's civil society. Of particular use was the Maltese Government's stated position on Commission proposals for EU law. These are referred to as *pipeline acquis* and the Maltese Government has a highly centralised process for gathering

¹ Marie Fontana (2009) argues that EU membership actually undermines traditional corporatist structures in small states due to the empowerment of the national executive in the EU political system

Table 1. Malta's stated position on Commission proposals in 2005 and 2006.

Year	No objections	Minor recommendations	Major recommendations
2005 (318 in total)	259	41	18
2006 (347 in total)	294	30	23

feedback on proposals from its own public servants and the wider civil society before discussing what should be Malta's reaction to these proposals. Once cabinet has approved Malta's position these documents go to Parliament for scrutiny and can be accessed by the public. The database now runs into the thousands and is the basis for Table 1.

RESULTS AND ANALYSIS

Malta, a small archipelago at the centre of the Mediterranean, gained independence from the UK in 1964 after 160 years as a British military fortress. As part of its decolonisation process the country was weaned off military spending through several development plans in the 1960s and 1970s with an eye to fostering an industrial base and to encourage tourism (Azzopardi, 2011). With British membership of the EEC looming Malta signed a two-stage Association Agreement (AA) with Brussels in 1970 but political instability led to an increasingly acrimonious relationship between the Community and Malta and the second stage of the AA was never begun (Pace, 2001). In 1979 the last military forces in Malta left and the country enshrined neutrality in its constitution in 1987. In the same year the Christian Democrats, the Nationalist Party, were elected into government on a platform which included European Community membership and duly applied in 1990. However, little progress was made in the country's application and 1996 saw the Socialists, the Malta Labour Party, returned to power on a platform which rejected „full“ membership of the Union. With the application suspended Malta's prospects of joining the Union appeared at an end but an unprecedented series of events in 1998 saw the Socialists brought down by a former leader and the Christian Democrats returned to power (where they have remained). The Christian Democrats reactivated Malta's application though domestic politics continued to be split on the issue and membership was finally resolved in 2003 when a closely fought referendum saw 53% of votes in favour of joining the EU.

As exemplified by the issue of EU membership, Malta is a two-party state where political opinion is highly polarised. The machinery of government is a local variation of the Westminster-Whitehall export model (Warrington, 1997) with a single chamber legislative and a largely ceremonial President as head of state. Since 1966 only two parties have been elected to Parliament which has meant that each has enjoyed an absolute majority when in power. As parliament is also relatively small, with an average 65 members, and cabinets can be

quite large, if one also includes the Parliamentary Secretaries working under Ministers, are often under the strong control of the Prime Minister who has power over ministerial appointments. In fact, long before EU membership, the Maltese political system invested much power in the Office of the Prime Minister (OPM) as well as subjecting the Public Service to highly partisan political leadership which undermined reforms and led to persistent constitutional wrangling in Malta's post-independence history (Warrington, 1997).

In any discussion about size there is no question that Malta is a small state. For many years some even argued that it was a micro state, a category that can denote countries with a population of 1 million or less (Easterly and Kraay, 1999). However, it is now common to refer to micro states as countries which depend on other countries to provide important aspects of statehood, such as security (San Marino and Italy) or countries whose sovereignty is questioned (Andorra and its application to join the UN in the 1990s) (Neumann and Gstohl, 2004). Malta's sovereignty has never been questioned and Malta has long played an active role at the UN (proposing the Law of the Sea, chairing the General Assembly), forming part of the non-aligned movement pre-membership and is an active member of the Commonwealth.

However, though Malta is not a micro state, its diminutive status within the Union is unchallenged (pending Iceland's membership). In all categories normally used to assess size Malta comes at the bottom of each list, whether population (412,970), territory (316 km²), GDP (€5,749 million) or military spending (\$51 million) (National Statistics Office, 2010). In terms of the EU institutions it has the smallest number of votes in the Council under Nice and will have the smallest number of votes under the double majority system adopted in the Lisbon Treaty. For the first 6 years of membership it had 5 MEPs, the smallest number of any EU state, though provisions of the Lisbon Treaty have seen that number rise to 6, placing it on par with Cyprus, Estonia and Luxembourg. In terms of the Union's consultative bodies, the Economic and Social Committee and the Committee of the Regions, its five members will remain the smallest national delegation for the foreseeable future.

Malta as a small state in EU politics

In some ways Malta conforms to many of the features characteristic of small states in the EU, including a

tendency to seek alliances with larger states and an avoidance of isolation in the Council. In Diane Panke's (2008) analysis of small states, based on feedback provided by the Maltese government, it was noted that Malta scored low on institutionalised coordination, prioritization of issues and the tendency to act as an „honest broker“ in the Council but had a medium scoring (occasional) in terms of contacts with the Commission and a tendency to view the Council Presidency as an opportunity to promote national interests. It was only in terms of strategic bilateral partnerships with big countries that Malta scored a strong rating (Panke, 2008).

In fact, Malta depends heavily on strategic partnerships in the Council, in particular with its former colonial ruler, the UK, and its nearest neighbour, Italy. The link with the UK reflects a common language (English is an official language alongside Maltese), political traditions and media (British newspapers are read widely and British cable channels numerous). Malta has an education system, as well as a free national health system, modelled on that of Britain as well as important bonds to other Commonwealth countries, in particular Australia where a sizeable Maltese community lives. Malta's closeness to the UK is seen by the fact that the British often attend low level Council meetings on behalf of Malta and this system was so intimate that at the start of 2008 a stock taking exercise was needed because neither country was completely sure of just how many meetings were being covered by this arrangement (Harwood, 2009). Malta depends heavily on its links to the UK in protecting key interests in the area of taxation, the regulation of financial services and maritime safety as Malta tries to protect its efforts to market itself as a financial service hub in the Mediterranean as well as protecting its shipping register, one of the world's largest. With Italy Malta shares a common concern over developments in the Mediterranean, in particular the issue of irregular migration and greater efforts at EU burden sharing.

For Malta the strategic alliance with both countries is of paramount importance but is not an automatic consequence of being a small state but rather because few other regional partners exist. On the southern extreme of Europe, midway between Italy and Libya, Malta does not have a history of bilateral links with either Spain or Greece, the nearest EU neighbours after Italy, and its diplomatic presence in EU countries is restricted due to administrative costs.² In this way, strategic alliances with big states are as much a consequence of Malta's limited options as any preference for brawnier friends. However, this can also leave Malta in a catch-22; Since joining, the Maltese government has endeavoured to place Malta firmly at the heart of European integration, joining the single currency and the Schengen area but its

² Malta has resident ambassadors in 11 EU member states (Austria, Belgium, Denmark, France, Germany, Greece, Italy, Poland, Portugal, Spain and the UK)

tendency to be associated with the UK can be viewed as undermining that commitment to European integration, a fact which has often led to vociferous denials by the Maltese Government of Malta's support for UK proposals.³

Linked to the tendency to seek alliances with larger states, Malta also avoids isolation in the Council though less than one would automatically assume considering its diminutive size. In terms of the public votes register available on the *Consilium* website, of the 539 votes registered from 2006 to the end of 2010 Malta registered three instances where it voted against a proposal and seven instances when it abstained.⁴ Of particular note in terms of the three votes against a proposal, on one occasion this involved voting against a proposal in isolation, in terms of changes to the Community Customs Code.⁵ This involved changes which undermined the highly protected status of stevedores in Malta and the country's stance was indicative of the importance of protecting the interests of important social and economic actors in a small polity, to be discussed later (Harwood 2009). In relation to the seven abstentions, Malta abstained on three occasions alone, once in terms of Port State Control and the other two times in terms of the use and marketing of chemicals. The former case is an interesting example of the country changing its stance as public servants indicated, during interviews, that Malta was prepared to vote against this proposal up until the point that Greece withdrew its opposition to the proposal with the consequence that the Maltese government found itself isolated and shifted its vote to one of abstention.⁶ In this way Malta shows an unwillingness to be isolated in the Council but is prepared to stick to its position to reinforce the conviction and consistency of its stated position; in interviews it was indicated that voting against a proposal, or abstaining, was a way of emphasising the importance of the issue in the hope that this could be used in discussions with the Commission over the implementation of the proposal or in the drafting of future, related, proposals.

An unwillingness to be isolated reflects the limited potential of small states to influence EU outcomes on their own, a fact which reinforces the argument that small states have to prioritise interests so as to better defend important issues with their limited resources, as discussed above. However, in the case of Malta it can be argued that rather than being small and forced to protect a limited number of priority issues Malta actually has to mobilise far fewer interests leaving a greater chance for it to barter its support for initiatives of no interest to the country. This can be seen from an analysis of the

³ As with the media reports in 2005 that Malta alone supported Britain's proposals on the EU Budget negotiations, *Times of Malta*, 'Malta Clarifies Stand on UK Proposals', 9th December 2005

⁴ <http://www.consilium.europa.eu/showPage.aspx?id=1323&lang=EN>, accessed 10/07/11

⁵ *Ibid.* Ref number 13908 for vote pertaining to 2007

⁶ *Ibid.* Ref number 10453 for vote pertaining to 2008

Maltese government's stated position on EU proposals which are passed through the Maltese parliament for scrutiny and which can be viewed by the public (Table 1).

In the first full year after accession, 2005, 318 Commission's Proposals were placed before the House. Of these only 18 were considered serious enough to warrant major reservations or substantial changes. Another 41 were considered acceptable but recommend minor changes (often in the area of funding in that the Maltese government has always favoured that the percentage covered by government or NGOs in applying for EU monies be minimised) while 259 were considered to cover proposals which the government had „no objections“, „supported“, „did not object to“, „did not concern Malta“, „noted“ or which specified no position. The figures for 2006 remained largely similar. Of the 41 Commission proposals which were of concern to the government over the 2 years covered these included healthcare (Malta has a very costly, free National Health Service), tax harmonisation (in particular proposals on VAT where Malta maintains zero VAT rates for certain goods), research (which could involve stem cell research, something which the Catholic Church, an influential force in Malta, opposes), managing fishery resources in the Mediterranean, port security and maritime safety (as well as consistent opposition to empowering the Commission in maritime affairs) or proposals to undermine the role of member states in the management committees of the various EU agencies.⁷

This shows that small states may be selective in their priorities because they have limited administrative capacity, as has been argued in the literature cited, but this may not be the only factor; Malta's tendency to prioritise certain issues reflects more its limited areas of interest as opposed to administrative limitations. That said, a heavy burden of membership has been the requirement to establish a position and monitor developments in countless areas of EU policy with no domestic interest (as with EU transport policy and rail networks of which Malta has none) and here the government has been able to compensate for its limited administrative capacity by establishing a hierarchy of importance in terms of Council and Commission meetings whereby proxy arrangements allow it to be represented by other MS, as with the UK, when the topic is of marginal interest to the country. This highly structured approach reflects a regimental system adopted across Malta's small public administration in 2004 to manage EU membership, possibly the most significant element in the country's Europeanization experience.

⁷ Until the general elections of 2008 all pipeline *acquis* was available online at the following address, <http://www.parliament.mt/pipelinearchive?leg=5>. Since the 2008 general election access became more restricted and only some documents are available on the same site. To see more recent documents from the pipeline *acquis* database you must now go to Parliament's premises in Valletta, Malta.

DISCUSSION

In analysing Malta's Europeanization experience, the stimulus for change appears to have been driven by two related phenomena, namely the need to comply with EU policy (and therefore to adapt national policy) as well as the need to establish an infrastructure for the coordination and management of EU-related business (institutional fit). Much of these efforts began before membership, primarily in 1999 when the Union issued its revised opinion on Malta's application and the Government began to draft its first *National Plan for the Adoption of the Acquis*, issued in 2000. The need for significant policy reform was shown in the *Updated Opinion on Malta's Application* which noted that there were policy areas with no Maltese equivalent (regional policy, asylum) and policy areas where significant problems existed to become compliant with EU law (including the free movement of people and qualifications, state aid, customs procedures, virtually the entire environment *acquis*, maritime transport and neutrality in terms of CFSP) (Commission of the European Communities 1999). In fact, the changes seen across Malta's policy spectrum before membership consisted of three broad types, namely the amendment of existent policy to comply with the *acquis*, the removal of certain provisions in Maltese policy which were incompatible with EU law (such as provisions for offshore banks) and a third category where new laws were passed to create new areas of domestic policy where previously no such policy had existed, as with renewable energies.

The impact of membership on policy development in Malta has been significant, from the introduction of new policy areas to the way policy is implemented and regulated. EU membership has seen the articulation of asylum policies, greater consumer awareness and protection, an Overseas Development Policy and more comprehensive environmental policies, with emphasis on waste management and resources. And even in those areas where government had policies, the obligations of membership have demanded greater long term planning and articulation of goals as opposed to the traditional, ad-hoc and reactive approach to policy making. Consequently Malta now has a Rural Development Policy, a Culture policy and a National Fisheries Strategic Plan, amongst others. Along with this greater sense of planning has come greater regulatory control and normalisation of procedures; „it was clearly only thanks to the EC that much use and abuse of administrative discretion was brought to an end, in areas falling within the scope of the *acquis*,“ (Fabri, 2009, p89). That greater sense of procedural integrity was welcomed across the Public Service where many felt that the highly partisan system of political control left public servants at the behest of politicians.

With the adoption of new policy obligations due to membership the government also started a series of structural reforms to implement this new policy which

were also of three types. The first type involved the strengthening of existent structures within the Public Service, often involving the introduction of new IT systems or accounting procedures. A second set of changes related to the transfer of responsibilities across the public service to comply with EU procedures (such as the Police relinquishing their role in the issuing of trade licences) (Ministry for Foreign Affairs, 2000) while a third and final series of reforms saw the establishment of various units across the public service to deal with specific elements of the *acquis*, such as the establishment of a Paying Agency in Agriculture to deal with the processing of EU CAP funds (Ministry for Foreign Affairs, 2000).

However, more significant than the detailed structural changes listed above, and the most substantial Europeanization-related change seen in Malta after membership, has been the creation of a national coordination system to deal with EU matters which is highly centralised. This highly centralised system means that a rigid mechanism is employed in all EU affairs:

- (i) All EU traffic (Commission proposals, infringement letters, requests for information) are passed from the Permanent Representation in Brussels (known colloquially as Malta House) to the EU Secretariat at the OPM, a centralised coordination structure which also comes under the direction of the Permanent Representative (though it has its own titular head)
- (ii) In the case of Commission proposals necessitating a national position, the EU Secretariat passes this proposal to a „lead“ ministry as well as „line“ ministries to gather feedback
- (iii) The EU Affairs Directorate in each Ministry then coordinates the dissemination of that proposal to the required person for feedback. This is gathered (in the case of proposals as a draft memorandum) and passed back to the „lead“ ministry where the information is vetted by the Permanent Secretary, the Minister’s Secretariat and, normally, the Minister themselves.
- (iv) The draft position is then passed back to the EU Secretariat where it goes before an inter-ministerial committee (IMCEU), chaired by the Permanent Representative, which checks for cross-sectoral agreement.
- (v) The draft position is then approved and put before Cabinet where the Permanent Representative also sits.

The Permanent Representative is heavily empowered in this system and up until 2012 there had been only one Permanent Representative. In 2012 the Opposition, backed by a renegade component of the ruling party, won a motion within Parliament calling for the Permanent Representative’s resignation, which was subsequently tendered and accepted by the Prime Minister. The change in Permanent Representative may impact the coordinating system in EU affairs though this is unlikely. The highly rigid system has ensured that issues do not fall to the side and also allows the government to control

all feedback given to Brussels. In a lecture given in 2011 by a former member of Malta’s Negotiating Team, pre-membership, it was noted that once a country had established its message then that country should „control (its) external message ruthlessly“. ⁸ This is the case in 2011 as it was in 2003; sources noted that any person within the public service communicating directly with Brussels is re-primanded.

This highly centralised approach to EU affairs has had significant consequences for the status of the Prime Minister in Maltese politics. Already emboldened before membership, the PM now oversees the coordination of all EU business as well as EU cohesion funds (the principal source of EU funds in Malta, now coordinated through a large and expanding Directorate within the OPM dealing solely with EU monies). Of course, the PM is not alone in this system and the Permanent Representative is also seen as a principal beneficiary of this centralisation push though any allusions to centralisation raises official ire: when the Deputy British Prime Minister was quoted as saying in 2010 that Malta was the most highly centralised EU state, the chorus of disapproval was immediate and led to Nick Clegg issuing a letter to the Maltese Prime Minister where he was quoted as saying that the issue was simply a „misunderstanding between friends“. ⁹

The rigidity of the Maltese system for EU affairs is seen in the fact that whereas the literature refers to officials from small states having greater autonomy to act in negotiations as well as a greater role in domestic affairs, because politicians rely on public servants for expertise, the situation in Malta has been less positive. In fact, while Maltese public servants enjoy greater involvement in policy formation after 2004, interviews confirmed that this was not followed by any tangible empowerment of public servants (Harwood 2009). Malta is often likened to the UK in Council meetings in that public servants are sent to Brussels with a brief which has been approved by their minister and any deviation from the parameters of that brief leave the Maltese officials literally speechless, preferring to remain silent than to give an opinion which could be held against them at a later stage once back in Malta.

Much of this centralising force can be attributed to the principal mediating factors which dominate Malta’s Europeanization experience; it appears that actors have been the primary agents for controlling change, whether in facilitating the centralisation listed above or in opposing more specific changes in areas like agriculture. This

⁸The document can be accessed at the following web page. <http://md.diplomacy.edu/files/2011/03/Managing-Complex-Negotiations-Notes-for-students.pdf> (accessed 10/07/11). The document relates to a seminar delivered by Mr. Patrick Tabone, originally part of Malta’s negotiating team and then *chef de cabinet* of Malta’s first Commissioner, Dr Joe Borg.

⁹Though it should be clarified that those sections of the letter quoted in the press do not deny the validity of the original statement but simply clarify the context within which the statement was made, see The Times of Malta, ‘Nick Clegg says Malta comment was “misunderstanding between friends”’, 30th May 2010 (accessed 10/07/11)

predominance of individual actors in impacting Malta's Europeanization experience is to be expected in such a small polity but a central question remains as to whether the changes listed above were more to do with political tradition rather than issues of size. Malta's polarised society represents the politics of a small polity but is, in no way, symbolic of how small states operate. Malta remains a rare example of a two party system in Europe and while size has enabled parties to control their members and the wider political system it is not an exclusive condition of size. Therefore, many elements in Malta's Europeanization experience are more a consequence of its political history and location and less as a direct consequence of size.

Where size does play a conspicuous role is in the potential for evading Europeanization. In monitoring implementation of EU policy there are numerous channels for monitoring the MS. The Commission will gather information to ensure that Directives are being transposed, it will help convene meetings for the exchange of information, it will conduct missions and audits to the MS to ensure that implementation is happening on the ground but it also depends on other actors to help police the system. This can be undertaken by any actor, including citizens' petitioning the EP, MEPs asking questions, NGOs bringing issues to the attention of the Commission, other member states raising concerns about implementation across the Union with the Commission. In the case of Malta these checks are conspicuously weakened due to size.

First and foremost, the extreme centralisation means that the government is untroubled by information leaking out through its own public service to undermine the official line given to Brussels. In fact one can argue that this highly centralised system has helped create a very effective mechanism for dealing with the country's administrative limitations and it should be said that Malta has always performed well considering its size: it gained one of the largest packages of concessions in its accession treaty, second only to Poland amongst the 2004 enlargement countries, its infringement rate is low and it has scored notable successes within the EU, joining the euro and the Schengen area almost immediately and managing to convince the Commission to launch a pilot project on a Joint EU Resettlement Programme in 2009 (European Commission 2009). Of course this is primarily due to Malta having a single-party government enjoying an absolute majority in Parliament which ensures that its message is normally consistent, its posture rigid and its position ruthlessly controlled. However, the smallness of the administration facilitates that control:

(i) As of July 2012 there are 12 ministries, including the Prime Minister. Each minister has a Secretariat of five people, on average. In addition to ministers there are 2 Parliamentary Secretaries with their own staff. These

secretariats (namely the Minister and their staff) are the nexus of decision making in Malta's public service.

(ii) There are 13 Permanent Secretaries heading the Public Service in addition to the Principal Permanent Secretary who is the head of the Public Service. Each ministry also has an EU Affairs Director, making 12 in total though this job is primarily logistical, coordinating feedback and overseeing EU related visits. Permanent Secretaries assist the Minister and can also attend the IMCEU though it is more common for EU Affairs Directors to attend.

(iii) The EU Secretariat and the Permanent Representation in Brussels also have a large staff contingent though these are all coordinating positions.

Taking on board that the primary decision makers are the political class as advised by their Permanent Secretaries, giving a total of less than 100 people making decisions on EU affairs, and appreciating that the vast majority of ministries are concentrated in and around Valletta, a city of only 6,000 people, and the ability to monitor and control EU affairs becomes clear.

Outside of the government there is little scrutiny of government work and therefore little opportunity to monitor domestic implementation of EU affairs. Parliament is not only a lame duck in a two party system (besides the fact that Malta's Parliament is a part-time body, meeting in the evenings, restricting its ability to discuss matters at length) but studies have shown that the scrutiny of EU affairs is largely superfluous (Scicluna, 2006). In a country with a small public administration it was found that officials brought before Parliament's EU Affairs Scrutiny Committee (which is comprised of a majority of government MPs) are more than likely to have also been involved in the drafting of the government's original position. Also, the highly partisan nature of Maltese politics means that the Opposition can often flag legitimate issues which are then dismissed in the wider press because of the polarised dynamics of Maltese politics.

Of greater concern is the fact that Malta lacks a vibrant socio-economic sector capable of monitoring the government's implementation record, primarily because the government tries its utmost to keep such groups dependent on its largesse because these groups need the government for funds and for protecting their interests at a domestic and EU level. Nearly all Maltese civil society groups are small with very few members, dependent on volunteers and government assistance. This assistance comes in various forms, including the government's promise to use its influence in the Council to defend individual group interests in Brussels as well as technical assistance to help groups access EU funds, complimented in recent years by government programmes which help pay for the co-financing element applicants must provide when accessing EU funds. Even large and well-resourced groups, such as the Maltese

business sector, which have their own office in Brussels, depend on the government to part finance their Brussels office. In this way, these groups are cautious in their relations with the EU because they depend so much on the government.

Coupled with this is the lack of an effective Maltese media to monitor the work of the government. The Maltese media is dominated by newspapers and television stations belonging to the two main political parties, or organisations associated with a party, such as the trade unions, while the national television channel is often mired in accusations of political bias; as argued by Sammut (2007, p238) „through their news sub-systems and their influence on the media system at large, the Maltese political parties, trade unions, and the church remain the principal agencies of public debate and key intermediaries in between the public and the state“.

Conclusion

As seen, Malta conforms to many characteristics of the European small state in that it depends on strategic relations with larger states and avoids isolation in the Council but a central determinant in that conformity is not always directly attributable to the issue of size. Malta's heavy dependence on larger states is as much a consequence of location as choice while the fact that Malta has limited priority issues at a European level is as much a reflection of limited national interests as the administrative limitations posited by in literature reviewed.

Malta's Europeanization experience also reflects characteristics common to small states in that it has created pragmatic though rigid structures to coordinate EU affairs which have necessitated a greater involvement for public servants in policy making though with little actual empowerment of those officials. But, once again, the central drive in Europeanization, greater centralisation of decision making, has been more a consequence of Malta's political culture than a consequence of size.

Where size appears to have been an issue in Europeanization is its role in enabling the political class to mobilise greater control over all elements of the public administration and compromise the ability of the wider polity to offer an effective monitoring of the government's management of EU business. While the EU, notably the Commission, does monitor the implementation of EU policy, and has taken Malta to the Court of the EU on a number of occasions, it also depends on problems in implementation being flagged by third parties, whether MEPs, other member states or civil society. By keeping a tight rein over its own Public Service, by ensuring that social and economic actors depend on its largess, the Government can minimise issues being raised in Brussels and also ensure that any official feedback to problems in implementation remain unchallenged.

In this way, while the government, as the representative of the small state, may find it difficult to

influence EU policy making and to ensure that Maltese interests are protected in EU negotiations, it is then in a stronger position to control the implementation of EU policy because its domestic control over implementation and the scrutiny of that implementation is more pronounced.

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