

The Slovenian Presidency of the EU Council: How the 16th Member State Performed

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Theme: The Slovenian Presidency of the Council of the EU in the first half of 2008 was symbolic in terms of rounding off the 2004/07 Enlargements of the European Union (EU) by testing the ability of a new member state to engage actively in EU politics. It was also the last of the first Trio Presidency, thus enabling an assessment of this novelty, especially in terms of continuity in the EU politics it was aimed at improving. The challenges Slovenia had to face during its term in office, however, exceeded the merely symbolic and pointed to shortcomings, with lessons for the EU, for future Presidencies and for each member state.

Summary: The institution of the Presidency is entrusted with specific roles –manager of the Council business and of its relations with other EU institutions and external representative, broker and initiator as well as national representative– over the course of six months, in the midst of ongoing political and legislative processes in the EU and when faced with unexpected external or internal events. The role of President has several advantages, most importantly access to information and control of procedures, but its use depends on each country's specific characteristics and its ability to adapt to the roles, to exploit its advantages and minimise its disadvantages. This analysis picks up on the most challenging examples of Slovenia's conduct of its Presidency roles and concludes with an insight into the management of the Trio Presidency to show where Slovenia lived up to expectations, where it exceeded them and where lessons can be learnt.

Analysis: The Slovenian Presidency of the Council of the EU in the first half of 2008 will not go into the annals of historical achievement, especially due to the biggest recent EU mishap to have occurred during the Presidency: the Irish 'no' to the Lisbon Treaty. It is nevertheless significant for two reasons. On the one hand, it is the first Presidency of the EU to be held by one of the new 2004/2007 accession states and also the first former socialist state, born after the fall of communism in Europe, and the smallest, with the exception of Luxembourg, of the member-states ever holding the Presidency. In symbolic terms the Slovenian Presidency was to show the ability of the new member-states to take part as active members of the EU. On the other hand, it concluded the first Trio Presidency and lessons concerning the organisation of the EU's business at large can also be drawn from the experience of managing the 18-month programme. The ability of a

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small new member state to engage actively in EU-level politics and the insights into the Trio's workings are the two aspects of this analysis.

Between Modesty and Expectations: 'Keeping the Seat Warm, but Knowing when the Bullshitting in the Balkans has Started'¹

During the Slovenian Presidency the pressing issue of the climate-energy package was brought forward. The solution was far from ideal, but it was a compromise, like others among the EU member states and its institutions, that had to be reached during the lifetime of this Presidency (as delaying it would only lower the chances of a compromise being reached at all). The pressing energy issue in the EU can now move on from the internal market related question to the external energy security field. The network of Stabilisation and Association agreements with the South-East European countries has been concluded, the region has risen once again to the top of the EU agenda (and this time almost without bloodshed). The new cycle of the Lisbon strategy has been launched, a vast majority of the member-states ratified the Lisbon Treaty (the Irish 'no' is beyond the influence of a Presidency or any other member state) and the EU did not break apart over the issue of Kosovo's independence. The health check on the Common Agricultural policies has advanced, the neighbourhood policy –including its migration aspect– is balanced. Slovenia kept relations with Africa and Asia on the agenda, thus ensuring continuity and being faithful to the partners in the Trio. These are only a few of the issues dealt with during the six months of the Slovenian Presidency. Though it would be bold and unreal to claim that they are results of the Presidency, its role in achieving them, and many others, however, was equally crucial as those of any other preceding or forthcoming Presidencies.

The role of the EU Presidency has very clear structural limitations and each country adds its own agenda limits to it, giving way to a spectrum of expectations about the way it will run the Presidency. The Presidency covers a very short period of six months in the political life of the EU, it is only one actor among many other member states and institutions –all with vested interests– and it has the roles of manager of the Council business and its relations with other EU institutions, external representative, broker and initiator, and, nevertheless, national representative within long established formal and informal relations and procedures.

A new and small member-state is particularly constrained in terms of capital and human resources, institutional memory and knowledge. Slovenia designated €62 million for the Presidency.² It had to resort to a student workforce –some of whom were actually charged with a significant level of responsibility– to be able to cope with the administrative demands. Its previous experience of EU dealings was to a large extent based on its accession negotiations, but even here it could not entirely count on people who had a significant insight into EU-style negotiations, as plenty of those involved in the negotiations took on other posts outside the public administration, albeit also in European institutions.

These limitations need to be borne in mind when analysing the Slovenian Presidency. However, this is not to say that these limits do not leave space to manoeuvre and steer the EU. Slovenia also has several advantages. Being small often means lacking strong interests in a broad range of issues, which can be an advantage in seeking compromises.

¹ Paraphrased from *The Economist* ('Charlemagne: A Balkan Fable'), 6 December 2007.

² For comparison, France has pledged roughly three times this amount for its upcoming Presidency in the second half of 2008 and Austria spent €87 million for its 2006 Presidency.

Slovenia is historically unburdened and has problem-free and very good relations with international partners like Russia and Israel/Palestine. It is close to the Western Balkan region, whose progress in approaching the EU was as the main priority of its Presidency. Although its own interests can play against its ability to be objective and to be considered credible, this was a chance to make significant progress given Slovenia's historical, cultural and linguistic proximity to most states in the region. Slovenia is also championing certain European policies although it is struggling in others, such as energy market liberalisation.

Further, the Presidency has two significant advantages over other actors: it has privileged access to information and it exerts control over procedures. The General Secretariat of the Council provides the Presidency with confidential *notes au Président*, which might include positions of other member-states, tactical advice on decision-making and political processes and an in-depth knowledge of the problem under consideration. It also has the chance to learn the genuine interests of other actors from the so called 'confessionals', ie, bilateral encounters with other member states, which by all means have to remain secret. The Presidency controls meetings schedules, it sets the agenda, it can combine issues to strike package deals and it proposes the initial compromises.³ The Presidency is thus about the ability to adapt to particular circumstances, to recognise sources of help and to use diplomatic skills to perfection to steer between other actors, many with a greater capacity to exert power. Analyses of the Slovenian Presidency thus need to assess how it performed given its limitations and its advantages.

On the most general level, European politics worked as usual; the management of the Council business and relations with other institutions ran smoothly, there were no major mistakes, and if there was some awkwardness at times, the same can be said of any other (older) member state. In its role as external representative the Slovenian Presidency relied heavily on the local Presidencies of eight other member states, mostly on the French, but it also conducted several meetings with third states on different levels, some of which go beyond the merely symbolic. The EU-Latin America and Caribbean (EU-LAC) Summit saw the highest turnout of Heads of State since they began in 1999. The Slovenian President's tour of Latin America before the summit undoubtedly contributed to this achievement. Indeed, the biggest achievement of the Slovenian Presidency in its role as external representative of the Union was to present itself as a partner worthy of talking to. It is not self-evident in many third countries, especially bigger ones or regional powers, that talking to Slovenia –even holding the Presidency– has any added value over discussing with individual, bigger and more important, EU member states. Some countries, such as China, had some doubts about attending certain scheduled meetings, but eventually did so, thus recognising the credibility of both Slovenia and the institution of the Presidency.

In its role as a broker and mediator, three issues stand out: (1) the unbundling of the electricity markets; (2) achieving a negotiating mandate for the Commission on the long-postponed successor to the 1994 Partnership and Co-operation Agreement with the Russian Federation; and (3) bringing about unity over the issue of Kosovo's declaration of independence. The energy issue was a hard nut to crack, involving the entrenched interests of such powerful actors as the Commission, France and Germany, to name just those at the extremes. The short time available since the Commission published the

³ See J. Tallberg, 'The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations', *Journal of Common Market Studies*, 42 (5), 2004, p. 999-1022.

report '20 20 by 2020: Europe's Climate Change Opportunity'⁴ has often been presented as a challenge, if not feared as a problem, but Slovenia played its time well. The short time allowed little scope for the countries to study the report in depth and to express their concerns. Instead, Slovenia could rely on the Commission's expertise and 'European' interest and the European Council had an open debate on the issue at the highest level of Heads of State or Government. Although the result of such a difficult issue –in the form of the Presidency's conclusions of the European Council– was not spectacular, at least the matter was debated openly and the interests of each party aired, which can be considered to be significant progress. The eventual compromise, reached at the Transport, Telecommunications and Energy Council on 6 June is not the best,⁵ but it is probably the only one possible. Slovenia had no particular interests in the matter. Having itself one of the most liberalised energy sectors in terms of providers and distributors of natural gas and electricity and hardly any significant heavy industry it was a credible mediator and acknowledged as such by all sides involved.

One of the Slovenian Presidency's goals was to achieve a negotiating mandate for the Commission to replace the outdated Partnership and Co-operation agreement between the EU and Russian Federation. After Poland raised its veto, Lithuania's reservations remained the only obstacle to granting the mandate and thus launch negotiations at the EU-Russia summit –the last big event under the Slovenian Presidency–. The Russian administration's hopes were on the Slovenian Presidency, as it had declared that it was 'psychologically' important for a Slav government to hold the Presidency.⁶ Later on, regarding the Kosovo issue, the Russian diplomatic representative to the EU depicted Slovenia 'rather as a problem',⁷ raising doubts about the Slovenian government's motivation to reach the goal. Slovenia's Foreign Minister, Dr Rupel, embarked on a strong, rather aggressive, diplomatic mission to bring Lithuania closer to the compromise acceptable to the other 26 member states. He flew to Lithuania and, together with the Swedish and Polish Foreign Ministers –Bildt and Sikorski– met the Lithuanian Foreign Minister –Vaitekunas– and the Prime Minister –Kirkilas–. Bringing in the Georgian issue and playing on Lithuania's 'friend of Georgia' stance, all four Foreign Ministers, including the Lithuanian, departed from Vilnius on a fact-finding mission to Tbilisi, with the Lithuanian concessions in Dr Rupel's pocket.⁸ The unusual format of the three Foreign Ministers –Slovenian, in the Presidency, Swedish and Polish– raised some eyebrows among the other EU member states, but as the issue was an internal EU matter and thus did not represent an external representation format it brought about success. It represented no violation of either formal or informal rules, but was a joint effort of those who believed they would be able to strike a compromise.

Kosovo's declaration of independence was no surprise and it was long clear that unanimity on the question of recognition (still vested in the capacity of each individual member state and not at the EU level) was impossible. The EU, then still the European Community, was torn apart over the issue of the recognition of Slovenia (and Croatia) and

⁴ COM(2008) 30 final, 23 January 2008; in response to the 2007 March European Council's call for a report on the matter on 23 January and the March European Council that was scheduled to debate the issue.

⁵ As quickly confirmed by the European Parliament, which rejected the compromise, favouring the Commission's tougher initial proposal, at its plenary session on 18 June 2008.

⁶ Quoted in *Die Presse* ('Polen: Unklare Haltung zu Russland'), 23 January 2008.

⁷ Quoted in *Der Standard* ('Slowenien erweist sich als Problem'), 12 February 2008, p. 2.

⁸ Though two days later, on 13 May 2008, the Council, at the level of Permanent Representatives, again failed to agree on the mandate, with the Lithuanian Representative asking for time to consult with his government. The agreement was finally reached at the General Affairs and External Relations Council meeting on 26 May 2008.

Slovenia was determined to do everything in its power to prevent history from repeating itself. Although the General Affairs and External Relations Council's Conclusions on Kosovo of 18 February, following the Kosovo parliament's endorsement of the Declaration of independence, is essentially of the 'we agree to disagree' variety, it was most probably the only possible level of unity. What matters is that it did not disrupt the general framework of European engagements in the area.

There are a broader range of assessments of the Slovenian Presidency's capacity for initiative in its top priority issue: the Western Balkans and especially Serbia. This is an issue that lies close to Slovenia's heart and in which it struggled hard to balance its national preferences, its role as a national representative and its European vocation. The issue of Kosovo's independence is part of the wider Western Balkan issue, but Slovenia in its agenda-setting capacity wisely kept it apart from other issues related to the region, especially Serbia's signing of a Stabilisation and Association Agreement. Before the mid-term of the Presidency, some commentators were already questioning Slovenia's added value in the Western Balkans,⁹ but the results of the Presidency prove –perhaps to the surprise of some or even many– that Slovenia really was able to act as a bridge between the EU and the region. Prime Minister Janša appealed to the European Council and the Secretary-General, Javier Solana, to speed up the process for both Serbia and Bosnia and Herzegovina. Foreign Minister Rupel undertook several trips to the region and lower-level meetings abounded. Much creativeness was required to keep the dialogue with Serbia going after its government cut its diplomatic ties with Brussels. Support was sought and found, first among the Vishegrad countries and Austria, as well as from Italy, France and the rest of the member states to not succumb to a stalemate over Serbia, to raise the issue within the EU format and not leave it in the hands of the Quint, Office of High Representative or Peace Implementation Council Steering Group –all powerful formats, in which, however, Slovenia has neither seat nor say–. Sectoral initiatives were launched, such as the Bled initiative to include the Western Balkan states in the EU framework on cooperation in the field of civil protection. Concrete efforts for stabilisation and economic progress in the region were undertaken, including a Western Balkans investment framework to boost investment and negotiations on the Transport Community Treaty between the EU and the Western Balkans. The idea of creating a Regional School of Public Administration for the countries in the region has been brought to the stage of signing a letter of intent by officials from Albania, Montenegro, Serbia, Bosnia and Herzegovina, Croatia, Macedonia and Kosovo. A critical observer will always claim that more could have been done, but these are examples of initiatives that have been undertaken and skilfully developed and negotiated.

It is precisely the issue of the Western Balkans where –despite being a priority– the shortcomings of a small and new member state were most obvious and where Slovenia's role as national representative is most disputed. Two issues stand out: 'turf wars' and the failure to communicate the achievements of the Presidency to a wider Slovenian public. Furthermore, the latter is not limited to the Western Balkans issue alone but to the achievements of the Presidency as such. Prime Minister Janša's coldly accepted letter to the European Council in September 2007, in which he urged a fast-track approximation of Serbia to the EU, is a prime example of what can be called 'turf wars'. The letter reveals procedural misunderstandings and a wider incomprehension as to the content of the policies in question. Not all members of the European Council received the letter and while it spoke of South-Eastern Europe, it failed to list all the countries in the region. The

⁹ See *Tages-Anzeiger* ('Jeder zuerst für sich'), 15 March 2008, p. 9.

conflict was not so much about stealing the spotlight as it was about failing to notify the relevant departments of an action undertaken and, regrettably, refusing to use the expertise of specific departments –eg on the Western Balkans in the Ministry of Foreign Affairs or on procedural matters and the fine tuning of Euro-speak in the Permanent Representation– as well as the profound sense of global political and diplomatic sensitivity in the Slovenian Presidential office, even more so after Dr Türk became the President in late December 2007. Although the letter was an attempt at public diplomacy, showing support for Serbia, which is nothing exceptional in European politics and diplomacy and could be widely accepted as such, the lack of knowledge and superficial understanding displayed gave an impression of lack of professionalism and awkwardness.

The EU's Slovenian Presidency attracted a great deal of media attention in Slovenia. Europe and the EU were omnipresent in the news, prime time television included quizzes on Europe, the EU and its member-states, and the main daily TV news on Saturdays included comments on various aspects of life in the EU, such as lobbying at EU institutions and campaigning for a federal Europe. Journalists reported closely on all kinds of formal and informal meetings. However, what they failed to do –both the government's communication department and journalists alike– was to sell the subtler –but far closer to the ordinary citizen– achievements of the Presidency to their public. There was no lack of solemn appearances by the Prime Minister and Foreign Minister or quotes in the news explaining the most important achievements, mostly in the areas of Slovenia's declared national interests, such as remaining united over the Kosovo issue or bringing Serbia closer to the EU. These issues show that the government is capable of leading the EU even on the toughest of issues, but they are far from being immediate concerns for the country's ordinary citizens. Reaching a decision on promoting innovation and creativity through education and training, on an integrated model for family-friendly scientific careers, boosting a debate on life-long learning, having initiated and adopted a resolution on the status of handicapped persons in the EU are issues that were all brought to the fore during the Slovenian Presidency. They are issues that touch upon people's lives and give a sense of what the EU really does for everyone. Media saturation with EU affairs and the constant grumbling over the complexity of EU matters that cannot be digested by the wider public do not justify the lack of a serious effort to simply show what exactly the EU does and how Slovenia contributes to it. It was a lost opportunity for the government to justify the investment in the Presidency and capitalise on it in terms of continued support for the European project, and for the media to turn to more substantial issues and inform and educate the wider public.

The Trio: Useful, but with a Great Need for (Unlikely) Improvement

Slovenia concluded the first of the so called Trio Presidencies, which it formed together with Germany, who presided first, and Portugal. The trio system was agreed at the meeting of Permanent Representatives to the EU in March 2006 and approved by the General Affairs and External Relations Council in June 2006, replacing the previous one-year operational programme and three-year strategic programme for the Union by an 18-month programme of three successive Presidencies.

The Trio prepared the programme in close cooperation with the General Secretariat of the Council. It began working at the level of Director Generals, continued at the State Secretary's level, worked out the programme again at the level of Director Generals, and eventually brought in the Ministers to finalise it and presented it at the December 2006 General Affairs and External Relations Council meeting. The programme presents a

consensus between the three member states, under the strong guidance of the General Secretariat of the Council.

Looking at the 18 month programme and the individual programmes, one quickly notes the overlap between the former and the German Presidency's programme. Some analysts concluded, rather negatively, that the Trio programme was largely dominated by the German administration.¹⁰ Bearing in mind that Germany was the first to begin the Trio Presidency and that is the largest, the oldest and is the member state (or at least the Trio member) with the widest spectrum of interests, its greater role in preparing the programme is at least understandable, if not even welcome from the point of view of the responsibility it shouldered.

Still, the programme is a consensus reached after several rounds of negotiations among equals. It includes issues particularly close to the heart of each of the three states. Some issues were harder to agree upon than others. The question of migration can be singled out as a case where a very constructive engagement of all three states was needed to defend their interests, argue them and bring them into line with what essentially needs to be a European policy with European interests in mind. Portugal brought in the importance of Mediterranean migration, Germany had to make the case for the equally critical Eastern dimension of migration and Slovenia understood and balanced the two, with success.

Even more than the result itself, it is the process that mattered. Not so much for the experienced, but certainly for the newcomer, Slovenia, the preparation of the programme was essential for its learning process. It forced the Slovenian administration to focus on the Presidency early, it spurred its own review of the dossiers and it made it aware of the necessity to build up its human resources.

When it comes to the Presidency's conduct, however, each state was on its own. The initial ideas for the functioning of the Trio envisaged the possibility of sharing the Chairmanship of certain working bodies, drawing on support in the preparation of the Council and European Council meetings as well as in conducting bilateral talks with other member-states, and it foresaw a greater exchange of information in general, for media, public relations or internal inter-institutional purposes.

The 18 months, however, saw very little of this:¹¹ no special relationship between the three states developed and there was no particular reliance on the other two states when the Presidency in office attempted to secure support for a certain measure. Indeed, quite the opposite happened on various occasions, with the Trio members being the toughest opponents on certain issues. However, this was not because of the Trio format, but simply because they acted like any other member state, pursuing their interests and negotiating with their partners.

The Council's rules of procedure were not amended in order to reach the agreement on the extended Chairmanship (so far, the future Presidency can be invited to act as Chairman instead of the current one, but not the previous or the third partner in the case

¹⁰ See D. Kietz & V. Perthes, 'Handlungsspielräume einer EU-Ratspräsidentschaft: Eine Funktionsanalyse des deutschen Vorsitzes im ersten Halbjahr 2007', SWP Studie 24, September 2007.

¹¹ Slovenia's role as mediator under the Portuguese Presidency between the already existing Schengen states and the new member states in enlarging the Schengen area might be one of the rare exceptions (see D. Kietz & V. Perthes, 'Handlungsspielräume einer EU-Ratspräsidentschaft: Eine Funktionsanalyse des deutschen Vorsitzes im ersten Halbjahr 2007', SWP Studie 24, September 2007, p. 112).

of the first and the last Presidencies in the Trio). Apart from procedural motives, there are other reasons for this: the three Trio states are not historical or natural allies, do not form a special like-minded group or a group with special interests, but are an artificially established group whose purpose is to balance out different interests. Then there is the issue of ownership, as it is only natural that each Presidency, once in the driving seat, wants to run its show on its own, wants to be in the spotlight and manage the business to the best of its capabilities. Last, but not least, many dealings in EU politics depend on personal ties among all levels of officials. But the nature of diplomacy and public administration is rotating and promotional. Personal ties among officials that might have begun to develop in times of preparation of the programme are broken after each Presidency's term, as many officials change positions (but also, most naturally after an excessive effort, lost motivation).

The Trio was instrumental in two tasks and it confirmed the need for one change. The programme sought to ensure continuity and it worked well for Slovenia's first ever Presidency. The Trio programme was to a far greater extent a point of reference for Slovenia than for the other two states and, despite there not being any special relationship between them, the programme worked well as a guide. Projects launched by one Presidency –such as the Central Asia strategy of the German Presidency or the renewed impetus for Africa at heart of the Portuguese Presidency– were taken seriously by Slovenia, that worked hard to maintain them on the agenda and develop them further, despite having no specific national interest in them. However, this was to a large extent a question of the Presidency's political will (in its role agenda-shaping role) and the Commission's and the General Secretariat's interest and ability in exerting influence over the Presidency. As such, continuity in political awareness –slightly less so in legislative processes– is a question of political will and not of the make-up of the Trio. Hence, this undoubtedly speaks in favour of the posts of European Council President and High Representative for the Union in Foreign Affairs and Security Policy to ensure balance and continuity.

Conclusion

'The 16th Member State'¹²

Slovenia's Presidency of the Council of the EU symbolically rounded up the process of enlargement by proving that the country was integrated in Brussels affairs. The administration was well prepared, promoted causes close to its heart and listened where it lacked either interest or expertise. It was innovative in solving problems, although sometimes at the expense of playing by the rules (instead of going around them). Given the decreasing support for the European project across Europe, lessons can be learned from the Slovenian government's poor communication strategy during the Presidency.

The experience of the Trio format has two sides to it: the teaching effect on the new member-state should be maintained, no matter what tasks the future Presidencies have, but at the same time it speaks in favour of having longer-term posts for the highest political and external representatives of the Union.

The Presidency launched Slovenia into the spotlight for half a year; it let it into the secrets of behind-the-scene negotiations, thus enabling it to learn various mechanisms and ways of promoting its interest in the EU. The ability to capitalising on this in the long term,

¹² Quoted by an interviewee, Brussels, 9 June 2008.

however, will depend on its willingness to seriously reflect on its experience in the driving seat and its ability to translate it into a medium-term strategy for its European and foreign policies. A constructive, active new member state can only be desirable for the EU as a whole and for its partners abroad.

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