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The Maltese Parliament and EU Affairs

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Abstract

The Maltese Parliament has involved itself in EU affairs since 2003 when it established a system for monitoring the government's EU negotiating position. This was complemented in 2010 with a system for managing the Early Warning Mechanism. However, Parliament's involvement does not automatically imply an effective role and Malta manifests several of the limitations associated with Westminster, upon which it is based, as well as the specific characteristics associated with small legislatures. This paper analyses how the Parliament manages EU affairs, what factors limit that involvement and concludes by stating that calls for mainstreaming EU affairs in the parliament's work are unlikely to bear fruit in the Maltese context because the factors determining the degree of involvement are diverse while the Maltese political system enjoys high levels of popular endorsement, suggesting that there are no incentives to recommend change.

Key Words: Europeanization; National Parliaments; Malta; Maltese Parliament; Scrutiny

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Introduction

Malta has been a member of the EU since 2004. The smallest EU member state (in terms of population, territory, GDP), Malta has a Westminster/Whitehall political system, a legacy of the 164 years of British rule which ended in 1964. Close ties with the UK (English remains an official language) means that the Maltese Parliament is closely linked to Westminster while Malta cooperates closely with the UK (and Italy, Malta's nearest neighbour) within the Union. However, the Maltese parliament is an interesting anomaly within the EU; it is the only two-party parliament and meets on a part-time basis, three evenings each week.

After discussing how the Union impacts national parliaments, the aim of this paper is to assess whether the Maltese parliament involves itself in EU affairs effectively and what factors determine that involvement. It focuses in particular on the specific features of the Maltese parliament, such as its two-party system. In addition, it analyses whether the current system, which is conditioned by several structural and procedural limitations, is likely to change in the near future.¹ This paper adopts a qualitative approach which outlines changes seen within Parliament and is centred on reports issued by the Maltese Parliament, COSAC, academic literature as well as a series of semi-structured interviews undertaken with members of parliamentary committees, both past and present, as well as parliamentary staff.²

National Parliaments and EU Affairs

A growing body of academic work has come to address the impact of the Union on national parliaments, reflecting the broadening of the Europeanization research agenda as well as concern regarding issues of accountability and legitimacy within the Union (the oft quoted 'democratic deficit'). This concern had fuelled a drive to provide treaty-based opportunities for national parliaments (NPs) to be involved in EU politics (Moravcsik 1994; Norton 1996; Schmidt 1997; Wiberg 1997). Up until the 1980s 'the absence of a politicized public opinion enabled national executives to negotiate amongst themselves without having to take into account any domestic constraints – national executives did not play a two-level game' (Ladrech 2010: 73/74). Moreover,

¹ This paper will not examine the Parliament's involvement in the Early Warning Mechanism (EWM) as our principal interest is the Parliament's ability to scrutinise the Government's EU policy but further information on the EWM and the Maltese Parliament can be gained from Harwood (2014).

² A list of interviewees can be found at the end of the bibliography

the Community was identified with technical policies, such as agriculture, and NPs appeared at ease with their lack of involvement in Community politics. For Norton (1996), this period was followed by a second stage in the 1980s and 1990s, which saw institutional reforms within NPs to counter the rising tide of European integration (with the SEA and the Maastricht Treaty) with the establishment of EU Affairs Committees (EACs) to monitor the national executives' role in EU politics (Ladrech 2010: 77). This drive within NPs was reinforced with the establishment of the Conference of EC Affairs Committees of the National Parliaments and the European Parliament (COSAC) in 1989. Subsequent treaty reforms ensured that NPs were promptly sent Commission proposals (Amsterdam). The Lisbon Treaty's provisions added the right of NPs to information, to monitor subsidiarity (TFEU Art. 69 [6]), to scrutinise freedom, justice and security proposals, involvement in treaty amendments, enlargement as well as dialogue with EU institutions (TEU Art. 12 [6]). For Norton, this third stage sees NPs 'viewed as important means of addressing the democratic deficit within the union' (1996: 182) while for others it denotes a second phase in Europeanization which 'creates an ever-increasing incentive for improved parliamentary scrutiny', namely a mainstreaming of EU affairs in NPs (Gattermann *et al* 2013: 3).

The literature highlights that NPs have reacted to the challenge posed by their place in the EU's multilevel political system by focusing on *ex ante* (seeking to influence the government's mandates) and *ex post* (which seeks to hold the executive to account for procedures and outcomes) parliamentary procedures. *Ex post* scrutiny can then be distinguished into monitoring scrutiny, to ensure adequate information regarding government actions, and political scrutiny which establishes 'whether the (government) exercised [their] powers in ways that the political bodies to whom they are accountable—such as parliament or the electorate—can endorse' (Auel 2007: 499-500). However, involvement in EU affairs does not translate into automatic effectiveness. Maurer and Wessels (2001) distinguish between strong policy-making parliaments which are *national players*, *latent national players*, *would be national players* as well as *slow adaptors*. More recently, Auel *et al* (2014: 7) distinguish between *policy shapers*, *debating arenas*, *Commission watchdogs* and *scrutiny laggards*. Malta falls into the category of *debating arenas*, where the focus is upon mobilising the plenary through debates though this does not necessarily mean that the work of the EAC is less important.

The fact that not all NPs engage in EU affairs in the same manner and to the same extent often reflects the institutionalised context of Parliament, namely its historical role within the domestic political system (Auel and Rittberger 2006) and, specifically, the executive-legislative interface. EU membership can skew the latter in favour of the executive (Goetz and Meyer-Sahling 2008: 6) and this reflects the institutional context of parliament, the political dynamics within the party system as well as the incentives open to individual MPs to engage in EU affairs. The institutional context reflects the fact that national parliaments often lack resources and time to engage effectively in EU affairs, especially as the latter can be highly technical. This is exacerbated by the importance of

information to the process and here the executive is emboldened by the Union because governments often act as gatekeepers between the national and the European political system, controlling the flow of information and negotiations with EU institutions (Moravcsik 1994). Ultimately, committees within parliament have to develop systems to process that information as well as provide adequate support staff to administer the EAC and ensure the committee meets frequently enough to oversee EU affairs (even during periods of recess), resources which it might not have (Auel 2007).

The Institutional context aside, another key variable is the dynamic between parties within parliament with Auel and Benz (2005) giving importance to the interaction between the executive, the majority and the opposition; the executive-majority-opposition dynamic is complicated by the submerging of the domestic political system in the EU, meaning that governments lose much of their agenda-setting powers and cannot be too rigorously controlled in EU negotiations without harming their ability to deliver outcomes and therefore for the majority parties to be re-elected. In this way, there is no incentive for the majority to veto its own government in EACs (or plenary) so the best option is to utilise the scrutiny procedure to ensure that governments follow procedures and answer for the outcomes negotiated in Brussels. This unwillingness to engage is then underscored by the salience of 'Europe' in domestic politics (Moravcsik 2002) with a tendency not to politicise EU-related matters because little is to be gained as there is minimal public engagement with EU affairs. This latter point also relates to the disincentive for individual MPs to engage in EU affairs or to cultivate new skills (such as direct links with the EU institutions) to compensate for their diminished role (Auel and Benz 2005); If politics is highly parochial with a lack of popular engagement with EU affairs, MPs cannot be expected to develop an expertise in EU affairs when this will not secure votes, office or policy goals.

The interplay of these factors often determines the NP's ability to engage in EU affairs. Where parliaments have been historically central to domestic politics, normally where consensus politics predominates as in Scandinavia, then the NPs have managed to establish an effective role. This is less the case in terms of Westminster, upon which the Maltese parliament is modelled. Westminster is an example of a majoritarian system of law making and the executive has the upper hand in passing laws. Therefore, the House of Commons is regarded as having weak policy influence with its principle role being that of communication and information, with committees only playing a minor role (Auel and Benz 2005). The strong party competition exemplified in a majoritarian system means that majority parties have few incentives to defy their own government's position in committees. In this way, the government's strong control over the parliamentary process means discussions on EU matters in the plenary are not common and the EAC is inadequate for allowing much debate on issues; 'Parliamentary influence on this negotiation position remains marginal and the veto power of parliament is de facto suspended' (Auel and Benz 2005: 382). To counterbalance

this relative weakness, parliament focuses on keeping the public informed of EU decision-making by concentrating on *ex ante* scrutiny of government action.

While we can expect aspects of Westminster's engagement in EU affairs to be reflected in the Maltese Parliament, there is an additional dimension, namely the impact of the small size of the Maltese political system. The smallness of a political system appears to represent an important variable in understanding how parliaments organise and involve themselves in politics; '*Small political systems* display various features such as information, uncertainty, expertise and sanctioning capacities, etc., that may affect the choices made in the design of specific institutional arrangements' (Dumont and Varone 2006: 52). In particular, the number of institutional bodies and the limited number of actors available to constitute those bodies as well as the proximity and directness of actors, which limit the ability to fully differentiate roles as well as allowing actors to bypass formal channels (Dumont and Varone: 53), all have an impact on how parliaments function. These features seem to exacerbate many of the dynamics already associated with the monitoring of EU affairs, in particular the executive-majority-opposition dynamic because the executive, proportionally, constitutes a higher percentage of the legislative's membership which 'has an important impact on ... executive control of the legislature and legislative scrutiny of the executive' (Rush 2013: 184). Further to this, as outlined by Rush (2013: 184), the small size of parties tends towards greater party cohesion (and therefore less of an incentive to engage in *ex post* monitoring) while the small number of backbenchers on both the government and opposition side limits the parliament's ability to sustain a comprehensive committee system. This then means that 'the opportunities for specialization are rare for MPs in small legislatures' (Dumont and Varone 2006: 61) while the information asymmetry is merely exacerbated further because a limited number of ministers results in wider portfolios over which control and information acquisition is made more difficult. While this can imply less effective legislatures (in holding executives to account through *ex post* scrutiny) the small size of the political system (and therefore the increased proximity between voter and representative) actually results in higher levels of satisfaction with democracy (Farrell and McAllister 2004), implying that there is little incentive to reform the scrutiny system even though the small size of the legislature may actually exacerbate limitations in ensuring accountability, in both EU and non-EU affairs. With this in mind, how has EU membership impacted the Maltese Parliament, one of the smallest parliaments in Europe and the only two-party, part-time parliament within the EU?

The Maltese Parliament and EU scrutiny

The Maltese Parliament, comprising the President and the House of Representatives (Art. 51, Constitution of Malta), can be traced to the 1921 constitution when the British established a diarchy over the islands with a colonial government overseeing reserved matters (primarily defence and

external relations) and a Maltese government controlling internal affairs. Commensurate with the new political system, 1921 saw the introduction of the Single Transferable Voting (STV) electoral system, which allows voters to support individual candidates as opposed to parties.³ Since 1966 Malta has been a two-party political system with the Christian Democrats to the right and the Socialists to the left; this two-party dynamic means that there is always a clear, absolute majority for the governing party within Parliament while a 'loyal' Opposition is recognised under the constitution.⁴ The Maltese Parliament today, in addition to the President, is a single legislative chamber comprising 65 members though provisions within the electoral law (Constitution of Malta, Art. 52) to compensate parties (to ensure that the electoral balance is reflected in seat allocation) means that the number can increase and at present there are 69 members of parliament with 39 being Social Democrats and 30 being Christian Democrats (the 2013 general election ousted the latter from power after 15 years and saw the Social Democrats elected with the single largest majority in Maltese history). Unsurprisingly, Maltese political life is dominated by this two-party dynamic which leads to a highly polarised political discourse and a heavily politicised interface with the general public, especially as the parties have their own radio and television stations (Sammut 2007). In addition to politics being highly polarised, it also tends to be highly parochial with politicians focusing on local affairs because STV empowers the electorate as every vote counts to reach the quota with politicians from the same party vying amongst themselves to secure the votes of their core electorate, meaning that satisfying the whims of the electorate becomes paramount.⁵

The Maltese Parliament established standing committees in 1995, one of which was the Committee on Foreign Affairs. This was subsequently renamed the Committee for Foreign and European Affairs (SCFEA) in 2003 in light of the signing of the EU Accession Treaty. In terms of dealing specifically with EU affairs, this responsibility lies with the SCFEA and can be differentiated into the scrutiny of the government's EU mandate as well as Parliament's direct involvement in EU affairs through the Early Warning Mechanism (COSAC 2013b: 281).⁶ The Committee is composed of 9 members with the two parties having an equal number of seats in addition to the chairperson who is from the ruling party. The foreign minister is an *ex officio* member of the committee while MEPs are also non-voting members though none have attended the committee during the current legislature (Maltese Parliament 2014: 10). While the committee meets in public, much of its actual work

³ In STV voters list their preferences for candidates from '1' to '10' with '1' being their preferred candidate. Based on the number of valid votes cast, a quota is established which ensures that a maximum number of candidates can be elected from one district which matches the available number of seats. Once a candidate reaches the quota, their surplus votes are then allocated to the next candidate in the list of preferences. This means that nearly every vote counts for the full number of seats to be filled.

⁴ The only exceptions to this record were in 1998 and in 2012. In 2012 the Christian Democrats saw the defection of a backbencher who left the party (but not the House), removing their absolute majority and making them dependent on the Speaker's casting vote. In both cases, the loss of a parliamentary vote forced the government to go to the polls (Pace 2013).

⁵ This can result in a politician having to deal with mundane issues such as securing lighting or embellishments for a party supporter's street as part of the politician's daily routine (Mitchell 2001)

⁶ In 2013 the Maltese Parliament established a new standing committee on Economic and Financial Affairs which 'on its own initiative, consider from an economic and financial perspective, any decision, recommendation or report published locally, by the European Institutions or by international organisations, that could have an impact on the Maltese economy' (Standing Order 120l). However, it remains unclear as to what degree this committee will involve itself in EU affairs.

happens in 4 working groups which operate as subcommittees which meet *in camera*. The most important WG is the WG I as it decides which matters need to be referred to other working groups or standing committees.

When involving itself in the scrutiny of government's EU mandate, the Committee is tasked with dealing with any issue or measure to be tackled in the Council of the EU, though ministers are not bound by the committee's decisions. However, the starting point of scrutiny is the stage at which the Government's Explanatory Memorandum (EM), outlining its EU negotiating position, enters the House. Based on WG I, those needing scrutiny may then be assigned to another WG or committee while the Committee's Research Analyst compiles a report based on the government's position. A 'reserve' can be placed on the EM so that government can negotiate within the EU Council while still making clear that parliamentary feedback on its negotiating position remains pending. Like Westminster, Malta utilises a document-based approach to scrutiny where the focus is upon examining EU legislative proposals but does not seek to mandate ministers nor does it focus on proceedings within the EU institutions. The practice has arisen for the Foreign Minister to brief the committee before and after the EU Foreign Affairs Council while the Prime Minister also briefs the plenary of parliament after European Council summits but there is no systematic system for ministers to brief the committee after Council meetings.

Evaluating Parliament's Role in EU Affairs

The ability of parliament to involve itself in EU affairs is challenged by the realities of it being a two-party House and its limited resources. From the outset Parliament is wrong-footed by the fact that the executive's coordination system for EU affairs is highly centralised and effective; all EU matters are coordinated by the Ministry for European Affairs, primarily by a small unit named the EU Secretariat (Harwood 2014). This Secretariat relays all EU traffic to the relevant ministries, assigns responsibility to a lead/implementing ministry which then oversees the establishment of a national position before passing this back to the EU Secretariat which then refers the matter to Cabinet. Once approved, this Explanatory Memorandum (EM) is sent to parliament, as outlined above. In addition to overseeing the coordination of a national position, the EU Secretariat also ensures that the lead ministry then transposes the Directives adopted by the EU. This is normally achieved with the ministry concerned drafting a legal notice (LN) which is issued based on a 'parent act' and which does not need to be scrutinised but is simply tabled in the House. This explains why Malta has one of the highest transposition rates amongst the EU member states, because government can pass the bulk of EU business through LNs which are tabled in a House where it enjoys an absolute majority. Ultimately, the highly centralised government coordination system for EU affairs means that parliament has only marginal scope to add anything effective to this process because the government's system is so streamlined. In addition, any request for external

expertise, to help parliament in evaluating the effectiveness of the government's position, will normally result in the same officials addressing parliament as had helped in the formulation of the government's position. In a small state with limited administrative capacity, there is little potential for independent expertise which has not already been drawn upon by the government.

In addition to this, because the SCFEA depends on the government's EM to begin its scrutiny work, the government effectively controls its agenda even though the Committee's Standing Orders give it a much wider remit (Parliament of Malta 2013: 25-26). The government's EM as well as the parliament's Final Brief are available on parliament's website (<http://www.parliament.mt/home>) and it is clear from a careful perusal of these documents that government's priorities are the basis for parliament's filtering and prioritisation of issues, reinforcing the government's control of the agenda while the dependence on the EM to begin scrutiny tips the executive-legislative balance in the government's favour. Further to this, while government and parliament maintain that all legislative and non-legislative matters are referred to parliament, the latter itself acknowledges that it does not tackle CFSP or ESDP (the Common Foreign and Security Policy of the EU, and the European Security and Defence Policy) (COSAC 2008: 27) in defiance of the SCFEA's Standing Orders. Table 1 shows that the volume of documents considered fluctuates heavily from year to year while scrutiny committees in other countries dealing with a similar remit cover a much larger volume of documents (Table 1 includes the number of EU proposals considered by the Irish Parliament. Comparable to Malta in many areas, Ireland being a small, neutral state with a Westminster-based political system, a key similarity is that the Irish Parliament's EAC has a similar remit to that of the Maltese SCFEA). This indicates, as has long been suspected, that governments have been filtering the material sent to parliament (Scicluna 2006). Coupled with the fact that the government often begins substantive negotiations in the Council while parliament is still awaiting the EM would indicate that parliamentary scrutiny is little more than a nod to due process in an attempt to maintain the veneer of accountability upon which the Maltese political system rests (Harwood 2009). In assessing the SCFEA's involvement in EU affairs, just as the Westminster system is hampered by an unwillingness for MPs from the majority parties to restrict the executive's negotiating leeway in Brussels, scrutiny of government positions in Malta are hampered by the absolute control enjoyed by the majority party, the non-binding nature of that feedback, as well as the fact that parliament labours under several resource limitations which skew the process further in government's favour.

Table 1: Activities of the SCFEA (Parliament of Malta (2009-2013); House of the Oireachtas (2010-2013))

Year	No. of SCFEA Plenary meetings	No. of WG I meetings	No. of Documents considered	No. of Documents Cleared by WG I	No. of Documents Referred	No. of New EU Proposals considered	No. of Documents received under the

					back to Ministries	by the Irish Parliament	Barroso Initiative
2012	19	4	184	180	4	537	878
2011	13	6	256	236	13	420	1206
2010	18	8	361	338	21	382	851
2009	17	8	456	410	39	391	1146
2008	9	5	265				

In terms of these resources, the legislative's part-time nature undermines its effectiveness within the domestic political system. The Maltese Parliament meets from Monday to Wednesday from 6 to 9pm. This means that the Maltese parliament meets for 9 hours a week during which all plenary sessions and committee meetings must be addressed. The part-time nature of the job means that MPs have few opportunities to invest in any degree of expertise in the various matters which they have to address in Parliament while the limited pool of available MPs means that they often sit on several committees as well as maintaining fulltime jobs outside of Parliament. As can be seen in Table 1, the committee receives 200 to 500 documents from the government each year (COSAC 2012: 265). These are tackled, primarily, in WG I as the Committee's plenary is a brief affair where dignitaries make formal presentations, papers are processed and where public officials can be asked to explain certain issues.⁷ However, WGI meets infrequently (4 times in 2012, see Table 1) which, considering the volume of legislation brought before it, means that no careful scrutiny of government's EM can be envisaged (WGI cannot meet for more than 3 hours because of the House's limited working hours which means that, even if it did meet for the full three hours, which is not common, this would translate into 12 hours a year). As WGI has also come to be preoccupied by the Early Warning Mechanism, its ability to provide indepth discussion is limited.

These time restrictions are then compounded by Parliament's limited administrative capacity. In an interview with the parliamentary administration, it was observed how the average ratio between MPs and parliamentary staff across the EU was 3,5 members of staff to every MP. In the case of Malta, that ratio is 2 MPs for every 1 member of staff. This means that there are 35 members of staff to deal with assisting the Speaker, the Clerk of the House, the Standing Committees as well as requirements of the two parties. There is also no resident lawyer to give advice on constitutional or

⁷ Parliament provides live streaming of the committee meetings which normally last 30 minute

EU issues while the parliament has only 2 Research Analysts, both of whom work for the SCFEA but who also have to assist in the work of other committees.

The Parliament's ability to play an effective role in EU affairs is then further complicated by the realities of a two-party parliament where there is little incentive for the majority parties to scrutinise their own government's EU policies. In the executive-legislative dynamic, the government holds all the cards; the ruling party's MPs see no reason to challenge their own party while the opposition MPs gain little from complicating EU relations which are highly technical and fail to engage with the general public. The MPs interviewed were of the opinion that if the government's position was formulated in Malta's interest and if the parliament's Research Analysts did not raise serious concerns, then the issue was passed through consensus. Cementing this reality, the executive-majority-opposition dynamic highlighted in the literature becomes especially distorted in Malta because the ruling party has 39 MPs, 23 of whom are either ministers or parliamentary secretaries, meaning that the majority of the 'majority' are actually the executive resulting in a greater lack of interest in challenging the government's mandate, a common feature of small legislatures, as noted in our first section.

In addition to the dynamics between the parties, the salience of EU issues within domestic politics also tends to skew parliament away from detailed discussion. The parties have tended to engage in polarised politics which solidified in the 1990s over the question of EU membership. The Christian Democrats won the 1987 election promising to apply for EC membership, which they did in 1990. However, the Socialists increasingly came to advocate against membership, preferring the idea of Malta as a 'Switzerland in the Mediterranean', a position which it hoped would protect Malta's neutral and non-aligned status. The result is that both parties are highly sensitive to the issue of membership; for the Christian Democrats it was a principal policy success but one which meant that they were intrinsically linked with the EU and therefore Malta's fortunes within the latter. Criticism of the EU would, consequently, reflect badly on them and therefore a tendency by the party to avoid politicising the minutiae of EU policies within domestic politics. The same can be said for the Social Democrats who have had to fight to gain trust on the issue of membership and which made them sensitive, especially pre-2013, to politicising the EU for fear that it would lose them votes (Harwood 2012). Therefore, both parties tend to tread carefully on EU issues while the disengagement of the electorate from EU affairs means that there is little to gain from politicizing the latter. This unwillingness to engage then feeds through to the individual MPs where the degree of expertise needed for the highly technical aspects of EU politics, as well as the lack of prominence given to the SCFEA's work, means that there is little incentive to prioritise parliamentary involvement in EU affairs for gaining votes or seeking office when politics remains highly parochial. In this way, the Maltese Parliament's involvement is limited by the challenge EU affairs represents for all NPs but is then further complicated by the features indicative of the polarised and partisan

politics of the Westminster system as well as the resource limitation of it being a small state with a small legislature.

Monitoring and Political Scrutiny

While parliament's involvement in EU affairs follows the Westminster model up to this point, it is less effective in holding government to account, an area given priority by Westminster. In this regard, Westminster uses the scrutiny committee to grill politicians and public officials whereas the Maltese SCFEA does not address this role as it is the parliament's plenary where government and opposition spar over 'Europe'. That said, the plenary is reserved for major, political issues such as Malta's decision to return to Partnership for Peace in 2008, or Malta's Individual Investment Programme in 2013 (where posturing and partisan media meant that substantive debate was limited) and not the meat and potatoes of the EU's daily business. For this reason, the more substantive and detailed supervision, which is normally undertaken in committees under the Westminster system, is lacking. Therefore, the SCFEA is actually a much weaker organ for scrutiny that one would expect from a Westminster-based parliamentary system and several members of the committee, when interviewed, saw it as a rubber stamping exercise more than anything else. While the Foreign Minister has established the system of briefing the committee before and after the Foreign Affairs Council, this is an information exercise and not an opportunity for holding the government to account. In fact, this lack of engagement with the substantive business of EU policy is seen by the fact that the Minister for European Affairs, who oversees the interface with the EU and who attends the General Affairs Council, does not sit on the SCFEA, has never addressed the committee and there appears no disquiet regarding this anomaly. Ultimately, as outlined, in a small, two-party parliament where the executives constitutes a high proportion of the government's benches, and where party cohesion is high because of the smallness of parties, there is little to be gained by individual MPs by scrutinising their own party.

In fact, this lack of engagement with EU affairs can be inferred from the limited interface between parliament and the European Affairs Ministry as exemplified by the number of Parliamentary Questions (PQs) directed towards the latter, see Table 2. Of the 14 ministerial portfolios listed on the Parliament's website, European Affairs and Foreign Affairs elicit the least number of PQs. While some EU-related questions can be processed through lead/implementing ministries, it remains that the bulk of PQs for each ministry deal with domestic issues (even Foreign Affairs' PQs do not touch on the EU). The lack of engagement with the Ministry for European Affairs reflects the tendency to not engage with EU issues and therefore to further consolidate the government's freedom to conduct itself as it sees fit in this area, reflecting the lack of incentive to invest in EU expertise when MPs in small legislatures are already overstretched.

Table 2: POs received per ministry during the 12th Legislative

Office of the Prime Minister	1000+
Ministry for the Family and Social Solidarity	1000+
Ministry for Energy and Health	1000+
Ministry for Transport and Infrastructure	1000+
Ministry for Education and Employment	1000+
Ministry for Home Affairs and National Security	926
Ministry for Sustainable Development, the Environment and Climate Change	643
Ministry for Tourism	576
Ministry for the Economy, Investment and Small Business Portfolio	467
Ministry for Gozo	367
Ministry for Finance	305
Ministry for Social Dialogue, Consumer Affairs and Civil Liberties	291
Ministry for Foreign Affairs	247
Ministry for European Affairs and Implementation of the Electoral Manifesto	183

Source: <http://www.pq.gov.mt/PQWeb.nsf/home?openform> - accessed 26/06/14

While this lack of accountability can be viewed as problematic, it is primarily a concern in terms of ‘monitoring scrutiny’ and parliament’s difficulty to filter all the information provided in terms of the government’s EMs. But in terms of ‘political scrutiny’, it would appear that the system is adequate. No political party has bemoaned the scrutiny system nor asked for its overhaul (something which would be impossible to achieve in a two-party system anyway) while the Maltese political system enjoys a high levels of popular support, as seen by the fact that elections enjoy high levels of participation (see Table 3) which reflects the higher levels of satisfaction with democracy seen in small legislative systems (Dumont and Varone 2006: 55). If scrutiny is inadequate it is obviously not a key issue which bothers the general public, the media nor the political parties which means that there are no legitimacy issues, at least in the public perception of the government’s handling of EU affairs.

Table 3: General Election Turnout from 1971 to 2013

Year	1971	1976	1981	1987	1992	1996	1998	2003	2008	2013
Turnout %	92.9	94.9	94.6	96.1	96.1	96.3	95.4	96.9	93.3	93.8

Source: <http://www.gov.mt/en/Government/DOI> - accessed 10/07/14)

Conclusion

Malta's post-independence history has been dominated by the political dynamics of the two-party system. While the parliament is the source of legitimacy for the Maltese political system and is the highest authority in the country, its part-time nature and the highly polarised dynamic of the two-party system means that, as with Westminster, government holds the upper hand in determining the parliamentary agenda and in passing laws as well as controlling the information flow upon which parliament bases its work. Parliament is therefore weak as a legislative forum but can play a more active role, especially within the plenary, for holding the government to account. In this regard, Malta falls into the categorisation of debating arena (Auel et al 2014: 8). Here, the plenary is a primary venue for affording parliamentary oversight and control with the tendency for the committees to be less conspicuous in assuming this responsibility. Therefore, it is less about issuing parliamentary mandates and more about using the plenary to wage battles, whether EU related or not.

Ultimately, the executive-legislative dynamic is skewed in favour of the government because the 'majority' has no incentive to challenge its own government and the opposition has little to gain from scrutinising the executive in such a technical area which often operates below the radar of the media and where they themselves may not want to politicise the domestic perception of the EU. In this way, the principal factors accounting for a lack of involvement centre on the institutional context, the two-party dynamic as well as the technicality of EU affairs which leave individual MPs with little incentive of cultivating a 'European' expertise with which to build a presence in parliament. This complex interaction of factors as well as the fact that the Maltese political system, irrespective of the failure to deliver the same level of scrutiny seen in the Westminster system, still enjoys exceptionally high levels of popular support, means that attempts to further bolster NPs involvement in EU affairs, or call for a second stage in Europeanization with the mainstreaming of EU affairs (Gattermann *et al.* 2013), will not lead to any substantial changes in the degree to which the Maltese Parliament engages in European affairs in the near future.

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Interviews

A series of semi-structured interviews were undertaken with present and former members of the House.

Interview with 3 members (2 Social Democrats and 1 Christian Democrat) of the SCFEA in May 2014, 4 former members of the Committee (2 SD and 2 CD) and 2 former Chairpersons.

Interview with the Clerk of the House, the Clerk of the SCFEA and the 2 Research Analysts in May 2014

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