

# The Accession of Micro-States to the Council of Europe: A First Step Towards their Recognition as Actors of European Integration.

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## Introduction

The micro-states in Europe are an interesting phenomenon. They are often seen as “laboratories of governance”, because they are very small, so small that they need to develop specific tools in order to be recognized as independent political actors<sup>1</sup>. Especially in terms of foreign policy, they are often discarded as insignificant players in International Relations. However, throughout the 20<sup>th</sup> century, with increasing globalization and decreasing monopoly of the Nation State as an international actor, they have developed their own capacity of foreign diplomacy, sometimes as “mediators” between the great world powers and other times as important micro-diplomates in their specific regional area<sup>2</sup>.

Indeed, the micro-states in Europe hold privileged relations with their neighbouring states, most of them being part of the European Union (EU)<sup>3</sup>. Liechtenstein is for example linked to Switzerland by means of a customs union and has been sharing with it the use of the Swiss Franc since 1919. It is France which assures the defence, the diplomatic and the permanent representation of the Duchy of Monaco in states where the latter is not present, whereas Italy assures that of San Marino. The Duchy of Andorra is jointly represented by France and Spain, according to the terms of a trilateral Treaty from 1994.

However, whereas bilateral relations are daily business for European micro-states, their participation in International and European organizations has taken more time to realize. Apart from Luxemburg and Iceland which were admitted from the start as members of the United Nations in 1945-1946, most of the other micro-states – Liechtenstein, Andorra, San Marino, Monaco - only joined the International Organization in the early 1990s<sup>4</sup>. Equally, only Luxemburg has been from the start in the heart of the project of European Integration which started with the creation of the European Steel and Coal Community (ECSC) in 1951. Until today, only Malta has integrated the EU as a full member in 2004<sup>5</sup>.

Nonetheless, if membership in the EU is an exception, all micro-states in Europe – except for the Vatican- have progressively integrated another European Organization

which was set up at the beginning of the European Integration process and which reunites all European member states sharing the basic values of human rights, democracy and the rule of law: the Council of Europe, created on 5<sup>th</sup> of May 1949 in Strasbourg by ten founding member states (France, UK, Benelux, Italy, Sweden, Denmark, Norway, Ireland) and which today counts 47 European states including Turkey and Russia<sup>6</sup>. Even the Vatican as the smallest of the micro-states has obtained in 1970 an observer status among the Council of Europe.

Why do the European micro-states demand for accession to the Council of Europe, but do not join the EU? What is their attitude to the process of European Integration? Do they prefer the intergovernmental cooperation of the Council of Europe in contrast to the supranational integrationist approach of the EU? Or does the Council of Europe membership signify a first step towards further European Integration involvement, a stepping stone to the application for membership in the EU?

The first part of the intervention will deal with the definition of micro-states in Europe and give an overview on the Council of Europe as the first European Organization with the aim to “create a closer union among its members”. The second part will then retrace the different stories of accession to the Council of Europe and the third part will analyse whether accession to the Council of Europe actually means a step towards closer relations of the micro-states with the EU.

## 1. Definition of Micro-States in Europe and Overview on the Council of Europe

When analyzing the role of micro-states in the European Integration process and their attitude towards the European idea, it first has to be stated that there is no clear consensus on the definition of which political units qualify as so-called “micro-states”. There even exists a variety of terminological expressions to design these small European States ranging from mini-states to very small states or micro-nations, some of them rather stigmatizing such as for example the term of dwarf states (Zwergstaaten) used in the German language .

<sup>1</sup> ROGANTIK, Joseph H., “Little states in a World of Powers”, PHD thesis, University of Pennsylvania, 1976.

<sup>2</sup> ECCARDT, Thomas M., *Secrets of the Seven Smallest States of Europe : Andorra, Liechtenstein, Luxembourg, Malta, Monaco, San Marino and the Vatican City*, New York, Hippocrene Books, 2004, pp.1-10.

<sup>3</sup> KLIEGER, Christiaan, P., *The Microstates of Europe: Designer Nations in a Post-Modern World*, Lexington Books, Lanham, 2012.

<sup>4</sup> WARRINGTON, Edward, “Lilliputs Revisited”, *Asian Journal of Public Administration*, 16(1), 1994, pp.3-13.

<sup>5</sup> NUGENT, Neil (ed.), *European Union Enlargement*, Palgrave, Macmillan, Basingstoke, 2004.

<sup>6</sup> SEILER, Markus-René, *Kleinstaaten im Europarat – Fallstudien zu Island, Liechtenstein, Luxemburg, Malta und San Marino*, PHD thesis, University St. Gallen, Difo-Druck, Bamberg, 1995.

Micro-states clearly have to be distinguished from "Partial states of Teilstaaten" designating the smaller state units of a Federation such as for example the German Länder or the Belgium regions. Generally, a micro-state is a sovereign state having a "very small population" or a "very small territory", and usually both. However, there is no clear definition of the size of the population or the territory required so that this definition remains vague in quantitative terms. Therefore scholars usually prefer a qualitative definition of micro-states as "political entities with unique features linked to their geographic or demographic limitations". According to such a qualitative approach, micro-states are usually defined with regard to the special relationship they have with their neighboring states. They are thus identified as "modern protected states, i.e. sovereign states that have been able to unilaterally depute certain attributes of sovereignty to larger powers in exchange for benign protection of their political and economic viability against their geographic or demographic constraints". Indeed, all of the European micro-states function in a close (and voluntary) association with their respective larger neighbor. Newer approaches have also proposed looking at the behavior or capacity of micro-states to operate in the international arena. Membership in the UN is in this context an appropriate indicator for whether a state can acquire the label of a micro-state. Most scholars count in Europe at least the following states as micro-states: Andorra, Liechtenstein, Luxemburg, Monaco and San Marino. Often, the Vatican City is also quoted as the "smallest micro-state" in terms of territorial size, but some academics believe that it does not meet the "traditional criteria of statehood". Finally, Iceland is also sometimes defined as a micro-state because of the small size of its population. In this presentation, the Vatican City and Iceland will be included because both micro-states are interesting case-studies for the Council of Europe.

The Council of Europe in Strasbourg can certainly be qualified as the first European Organization set up after the Second World War with the purpose to unify the European peoples. Indeed, Article 1 of its statute holds that the Council's aim is "to achieve a greater unity between its members". The Strasbourg Organization was created by a treaty signed in London on 5 May 1949 by 10 Western European states (Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom). Its founding story is part of a Europe-building process which began soon after 1945 and which is closely linked with that of several other European organizations – the Organization for European Economic Co-operation (OEEC), the European Coal and Steel Community (ECSC), the Western European Union (WEU) and the European Economic Community (EEC) – all founded between 1948 and 1957. The Council of Europe was also born in a Cold War context, set up just one month after Western Europe had established military ties with the United States in the North Atlantic Treaty on 4 April

1949, from which the North Atlantic Treaty Organization (NATO) emerged in 1950.

The original impetus for the first European organization in Strasbourg is often traced back to Winston Churchill and his famous speech at the University of Zurich on 19 September 1946, where he called on Europe to unite and urged the European family to establish a "Council of Europe"<sup>7</sup>. His speech was used as an opportunity for the European Movement to organize a major congress on European unity in The Hague which was held from 7 to 10 May 1948<sup>8</sup>. The project was then implemented by the governments of the 10 founding Member states, with a leading role assigned to the French and the British delegations. It led to the creation in 1949 of an intergovernmental European Organization with an institutional framework composed of a General Secretariat, a Committee of Ministers and a European Consultative Assembly, the first parliamentary structure ever set up on a European level<sup>9</sup>.

Its mission is centered on three objectives: protecting Human Rights, promoting democratic values and guaranteeing Human Rights. From 1959, the European Court of Human Rights became the key institution imposing its judgements on the Member States<sup>10</sup>. But the Council of Europe is also a European legislator which has adopted more than 200 conventions, agreements and charters in almost every policy field: education, culture, environment, health, sports, etc. Its intergovernmental character has allowed it often to launch pioneer cooperation which can serve as a model for other International Organizations. However, with regard to the European Community/EU, the relationship has been ambivalent oscillating between complementary and competition<sup>11</sup>. Only since the adoption of a memorandum of understanding in 2007 the two Organizations have developed a strategy of cooperation which is mutually beneficial<sup>12</sup>.

The Council of Europe had the vocation to integrate all countries of the European continent, but this was prevented by the Cold War. Still, with regard to the "smaller Europe" of the European Community set up in 1957 by Six member states (France, Germany, Benelux and Italy) it was always the European Organization embracing the "larger" number of Member states<sup>13</sup>. From 1989 the Council of Europe could become a true Pan-European Organization which counts today 47 Member States and in contrast to the EU including all ex-Yugoslav republics, most former states of the former Soviet Union and the European micro-states.

With regard to the "small Europe" of the Six which progressively acquired more visibility on the international scene, the "larger" Council of Europe has some assets which make it also attractive for micro-states. It succeeded in developing a new type of European law with a series of conventions, agreements and charters the most significant of which is without doubt the European Convention on the protection of

<sup>7</sup> CHURCHILL, Winston, Sir, Speech delivered at the University of Zurich, 19.9.1946.

<sup>8</sup> GUIEU, Jean-Michel, LE DRÉAU, Christophe (ed.), *Le Congrès de l'Europe à la Haye (1948-2008)*, Peter Lang, Brussels, 2009.

<sup>9</sup> BRUMMER, Klaus, *Der Europarat. Eine Einführung*, Verlag für Sozialwissenschaften, Wiesbaden, 2008.

<sup>10</sup> Council of Europe, *The conscience of Europe. 50 years of the European Court of Human Rights*, Third Millennium, Strasbourg, 2010.

<sup>11</sup> BERROD, Frédérique, WASSENBERG, Birte (ed.), *Les relations entre le Conseil de l'Europe et l'Union européenne. Complémentarité ou Concurrence ?*, Cahier de fare n°10, Birte (ed.), Harmattan, Paris, 2016.

<sup>12</sup> Memorandum of understanding between the Council of Europe and the European Union, 23.5.20117.

<sup>13</sup> WASSENBERG, Birte, "Les relations entre le Conseil de l'Europe et l'Union européenne : entre concurrence et coopération de 1949 à nos jours", in : BERROD, Frédérique, WASSENBERG, B. (ed.), *op.cit.*, p.17-29.

Human Rights adopted in 1950<sup>14</sup>. With its control mechanism and the creation of a European Court of Human Rights in 1959, the Strasbourg Organization became an interpreter and a creator of Western European standards in the field of Fundamental values and Human Rights. The Strasbourg Court has the reputation of a highly qualified institution which succeeds in compelling the member states of the Council of Europe to comply with a strict and wide-ranging interpretation of Human Rights protection<sup>15</sup>. But the Council of Europe has also developed pioneer cooperation in an ever increasing number of policy fields starting from culture, education and social affairs and enlarging on youth, sports cooperation, health and environmental protection. Its legal instruments are often the first to be developed on the international scene and serve as a model for other International Organizations and for the EU<sup>16</sup>. The Council's intergovernmental character has enabled it to develop – unlike the EEC/EU – a wide variety of highly flexible European co-operation tools (legal instruments, institutions, commissions, etc.) because member states are not necessarily obliged to subscribe to all of them and, conversely, some co-operation processes are open to participation by non-member countries of the Organization.

In order to become a member of the Council of Europe, a state has to fulfill certain conditions set out in the Statute. Article 3 stipulates that “every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms”<sup>17</sup>. There are thus three conditions for membership: the rule of law, respect for human rights and respect for fundamental freedoms. A fourth condition is then added in Article 4 which stipulates that the applicant has to be a “European state”<sup>18</sup>. The procedure for admission in the Council of Europe is also clearly defined. The Committee of Ministers invites the applicant state to join, but it is the Parliamentary Assembly of the Council of Europe which examines whether the conditions for membership are fulfilled and only if the Assembly votes in favor of the application, the candidate can actually join the Council of Europe<sup>19</sup>.

When examining the accession process of the European micro-states to the Council of Europe, it appears that there are very different stories of joining the European Organization. And in the case of the Vatican City, for which membership is not an option, alternative ways of cooperating with the European Organization in Strasbourg have been found.

## 2. Very Different Stories of Accession to the Council of Europe

Examining the accession of micro-states to the Council of Europe, three types of candidates may be distinguished. First, the specific cases of Luxemburg and Iceland as founding or quasi-founding member states; second the micro-states (Malta, Liechtenstein, San Marino) which joined before the end of the Cold War and third the micro-states which were admitted after 1989 alongside the important Eastern enlargement of the Council of Europe (Andorra and Monaco). Finally the special relationship between the Council of Europe and the Vatican has to be highlighted.

### *Luxemburg and Iceland (1949-1950)*

Luxemburg's relationship with the Council of Europe is a very specific case for the Great Duchy has been part of the whole process of setting-up of this first European Organization after the Second World War<sup>20</sup>. As member of the Benelux association, the micro-state of Luxemburg has not suffered from non-recognition or any doubt concerning its ability to participate in International Relations and in the European unification process<sup>21</sup>. It has been admitted in 1945 to the UN and was part of the intergovernmental conference launched in autumn 1948 for the creation of the Council of Europe. This conference started in the framework of the Treaty of Brussels, a defensive alliance concluded between the UK, France and the Benelux-States intended to provide Western Europe with a bulwark against the communist threat and to bring greater collective security. Only in a second round, the conference was then enlarged to the Scandinavian states and Ireland, so that Luxemburg has the prestigious place of one of the 5 leading initiators of the Council of Europe<sup>22</sup>. Consequently, its small size was in no way and at no time an obstacle to membership, neither to the Council of Europe, not to the other European and International Organizations which it joined at the same time (OEEC, NATO). Luxemburg is therefore also the only micro-state which is in 1950 a founding member of the European Coal and Steel Community (ECSC), and in 1957 of the European Economic Community (EEC)<sup>23</sup>. Its determination in favor of European Integration has been a constant line in the Luxemburg foreign policy and many initiatives in favor of this process can be traced back to the Great Duchy: Foreign Minister Joseph Bech co-negotiated first the ECSC treaties and then the treaties for the European Economic Community. In 1970, Prime Minister Pierre Werner sponsored the report that bears his name and advocates economic and monetary union, foreseeing the current European Monetary Union. Prime Minister Jacques Santer was one of the co-negotiators of the Maastricht Treaty in 1992 where he proposed the three pillar system (Community policy, common foreign and

<sup>14</sup> BATES, Ed, *The evolution of the European Convention of human rights. From its inception to the creation of a permanent Court of human rights*, University Press, Oxford, 2010

<sup>15</sup> BREUCKLING, Dorte, “Schutz der Menschenrechte und sozialen Grundrechte”, in: HOLTZ, Uwe (ed.), *50 Jahre Europarat*, Nomos, Baden-Baden, 2000, p.139-149.

<sup>16</sup> WASSENBERG, Birte, “The Council of Europe's role in the History of European Integration : An Intergovernmental Organization in the shadow of the European Union”, in: *Formes d'Europe : de l'Union européenne et d'autres organisations*, Fondation Jean Monnet pour l'Europe, Economica, Paris, 2018.

<sup>17</sup> Statute of the Council of Europe, Art.3.

<sup>18</sup> *Ibid.*, Art.4.

<sup>19</sup> WASSENBERG, Birte, *Histoire du Conseil de l'Europe (1949-2009)*, Peter Lang, Brussels, 2012, p.406-410.

<sup>20</sup> SEILER, Markus-René, *Kleinststaaten im Europarat*, *op.cit.*, p.53-88.

<sup>21</sup> SCHROEN, Michael, *Das Grossherzogtum Luxemburg. Portrait einer kleinen Demokratie*, Studienverlag Brockmeier, Bochum, 1986.

<sup>22</sup> SEILER, Markus-René, “L'influence des très petits Etats au Conseil de l'Europe”, in : BITSCH, Marie-Thérèse (ed.), *Jalons pour une histoire du Conseil de l'Europe*, Peter Lang, Berne, 1997, p.169.

<sup>23</sup> Cf. BITSCH, Marie-Thérèse, *Histoire de la construction européenne de 1945 à nos jours*, Complexe, Brussels, 2008.

security policy, and justice and home affairs<sup>24</sup>. But within the Council of Europe, Luxemburg has also been at the origin of important steps forward in the development of the organization: thus, in 2006, Jean-Claude Juncker, then Minister-President of Luxemburg, drafted a report on how to improve the relationship between the Council of Europe and the EU<sup>25</sup>. The report "Council of Europe – European Union: a sole ambition for the European continent" led to the adoption of a memorandum of understanding with the UE in 2007 which makes some proposals for closer cooperation between the two organizations under the form of intensified political dialogue, joint efforts for the implementation of the EU's European Neighborhood Policy (ENP) and the setting-up of cooperation programs<sup>26</sup>.

The case of Iceland is a little different. The micro-state is part of the first three enlargements of the Council of Europe – together with Greece and Turkey- which immediately started in the summer 1949 when the Council of Europe held its first session in Strasbourg<sup>27</sup>. These were rapid and problem-free and they were mainly related to geopolitical (security) questions. The Council was barely established when the Committee of Ministers decided, at its first meeting on 8 August 1949, to invite the NATO member candidates Greece, Iceland and Turkey to join<sup>28</sup>. Greece and Turkey deposited their instruments of accession immediately and took their seats on the Committee of Ministers the following day. Delegations of Greek and Turkish parliamentarians also attended the Assembly's first session on 10 August 1949. Iceland deposited its instrument of accession on 9 March 1950 and its foreign minister took his seat on the Committee at its third session at the end of that month<sup>29</sup>. The question of Iceland being a micro-state was not even mentioned as a possible issue of concern when the decision of admission was taken by the Committee of Ministers. Only in the internal debate in Iceland, there was one single voice in the Parliament questioning the accession to the Council of Europe, doubting whether the participation in the European Organization was an asset for the small state<sup>30</sup>. This is why the vote on membership in Iceland turned out to be non-unanimous. Apart from this small drawback, Iceland has thus participated almost from the start in the activities of the Council of Europe as a full member.

#### Malta (1965)

A more delicate case of admission of a micro-state was in fact the candidature of Malta<sup>31</sup>. It did not raise a general debate on the ability of micro-states to

participate in European construction, but Malta was part of the Mediterranean enlargement of the Council of Europe which started with Cyprus in 1961 and which brought with it some problems linked to the process of decolonization<sup>32</sup>.

After the difficult admission of Cyprus for which an equal representation of Turkish and Greek Cypriote delegates had to be assured in the Parliamentary Assembly, attention turned to Malta when the former British colony became independent on 24 September 1964. In November of that year, the Maltese authorities expressed a wish to join the Council of Europe<sup>33</sup>. The membership application from this micro-state was taken as positive sign that it was willing and able to work with the other states of Europe. At its meeting on 18 December, the Committee of Ministers unanimously approved its application, and passed it on to the Assembly. For the first time, however, the Assembly did not simply wave this through, but consulted the Political Affairs Committee. Its report was presented in January 1965 and came down heavily in favour, noting that Malta was, geographically and culturally, a European state, with a constitution and political system which satisfied Council requirements<sup>34</sup>. But it insisted that Malta should sign and ratify the European Convention of Human Right and the Assembly was thus indirectly making acceptance of the Convention a condition for membership. Its vote for Malta was unanimous and so the Committee of Ministers could officially invite this micro-state to join the Council<sup>35</sup>. Malta became member in 1965 and its government signed the Convention on Human Rights in 1966.

However, after this smooth and rather rapid process of accession, Malta later posed some difficulties in the Council of Europe. Thus, a crisis over the representation of Maltese MPs in the Assembly broke out in spring 1980<sup>36</sup>. In accordance with the Assembly's established practice, national delegations are appointed by the member states in such a way as to represent the main political forces, those in government and those in opposition. This practice is designed to guarantee continued pluralism in an assembly which is not directly elected by the European population<sup>37</sup>. In spring 1980, only two Maltese representatives out of four were present in Strasbourg. These were two members of the opposition belonging to the Nationalist Party. The situation was due to a disagreement in the Maltese Parliament over the parliamentary "pairing"<sup>38</sup> principle, which benefited the majority parties and was being

<sup>24</sup> "Luxemburg and Europe, from the ECSC tot the Treaty of Lisbon", non-dated article, available at: [formermembers.eu](http://formermembers.eu) (3.7.2018); cf. also THEIS, Fons, *About Luxemburg and the European Union*, Information and Press service of the Government, Luxemburg, 2015.

<sup>25</sup> KOLB, Marina, *The European Union and the Council of Europe*, Palgrave, Basingstoke, 2013, p.145-162.

<sup>26</sup> Council of Europe (COE), Juncker Report, 11.4.2006.

<sup>27</sup> SEILER, Markus-René, *Kleinstaaten im Europarat*, *op.cit.*, p.89-128.

<sup>28</sup> WASSENBERG, Birte, *Histoire du Conseil de l'Europe*, *op.cit.*, p.69.

<sup>29</sup> FINNBOGADOTTIT, Vigdis, "The Foreign Policy of Iceland", in : *Annuaire Européen*, Vol.XXXVIII, Dordrecht/Boston/London, 1990.

<sup>30</sup> It was the delegate Valdimarsson who refused accession believing that the objectives of the Council of Europe were too vague, cf. SEILER, Markus-René, *Kleinstaaten im Europarat*, *op.cit.*, p.102.

<sup>31</sup> SEILER, Markus-René, *Kleinstaaten im Europarat*, *op.cit.*, p.129-178.

<sup>32</sup> HALLER, Bruno, *Une Assemblée au service de l'Europe, l'Assemblée parlementaire du Conseil de l'Europe 1949-1989*, Conseil de l'Europe, Strasbourg, 2006, p.113-114.

<sup>33</sup> WASSENBERG, Birte, *Histoire du Conseil de l'Europe*, *op.cit.*, p.176.

<sup>34</sup> COE, Parliamentary Assembly (PA), Report of the Political Affairs Committee AS/Pol (16)9, 1964.

<sup>35</sup> COE, PA, Session Report, January 1965, p.661.

<sup>36</sup> SEILER, Markus-René, *Kleinstaaten im Europarat*, *op.cit.*, p.154.

<sup>37</sup> EVANS, Paul, SILK, Paul (ed.), *Parliamentary Assembly, Practice and procedure*, Council of Europe, Strasbourg, 2008, p.131.

<sup>38</sup> This agreement from 1977 provides that if a delegate from the majority party is not present, the delegate from the minority party has to abstain.

questioned by the Nationalist Party. The ruling Labour Party objected to the composition of the delegation to Strasbourg. Initially, the Assembly did not wish to interfere in Maltese "domestic affairs" and overlooked the absence of the two Labour MPs<sup>39</sup>. However, when the Speaker of the Maltese Parliament informed the Parliamentary Assembly that the mandate of the Maltese delegation to the Assembly was suspended, it refused to accept this decision. The Maltese Prime Minister reacted immediately threatening that his country was likely to leave the Council of Europe if the Parliamentary Assembly did not change its attitude. However, the threat of withdrawal was used primarily in order to force the opposition to adopt a new agreement on pairing<sup>40</sup>. An agreement was finally reached and the crisis appeared to be over: the Maltese Parliament appointed a new multi-party delegation to sit in the Parliamentary Assembly. After the Maltese parliamentary elections in 1981, however, a fresh crisis broke out. The Nationalist opposition claimed that the elections had been rigged. It boycotted the Maltese Parliament and, consequently, at the Parliamentary Assembly's 1982 session, only the Labour Party representatives were present in Strasbourg. The Assembly found no solution to the problem<sup>41</sup>. The situation aggravated in 1983 when the Maltese opposition ended its boycott of the Maltese Parliament: From that point on, no Maltese delegation attended the Assembly's sessions in Strasbourg because the Labour Government was afraid the opposition might win over a majority in the Assembly to its cause. It was not until December 1985, when the Secretary General of the Council of Europe Marcelino Oreja went to Malta for talks with the government and the opposition, that a compromise was finally reached, making it possible for a Maltese delegation consisting of Labour and Nationalist members to take up their seats in Strasbourg again<sup>42</sup>. Although the Maltese crisis created certain tensions, it was negligible insofar as it did not really call into question the micro-state's membership of the Organisation.

#### *Liechtenstein (1978)*

The first debate on the ability of micro-states to become full members of the Council of Europe took place when the Principality of Liechtenstein applied for membership at the end of the 1970s<sup>43</sup>. At that time, however, three micro-states were already members of the Council of Europe: Luxembourg, Iceland and Malta and their accession had been unproblematic. Geopolitical considerations and the specific role of Luxembourg in the European Integration process had so far prevented any questions or doubts about the fundamental question of the role of micro-states in International Relations and in European Organizations.

Suddenly, in the Parliamentary Assembly of the Council of Europe, there were voices expressing their fear that this micro-state might be unable to honour its obligations towards it<sup>44</sup>. With an area of 160 sq. km and a population of 30 000, Liechtenstein was of course so far the smallest of the European micro-states and had special relations with Switzerland, with which it had entered into a customs union and which represented it for certain diplomatic purposes. Furthermore, this country was not a member of the UN<sup>45</sup>. The questions about its full state sovereignty and its capacity to be an international relations player were therefore to some extent legitimate.

However, without first aiming at full membership, Liechtenstein began to move closer to the Council of Europe: contrarily to the former micro-states, it decided to proceed by small steps, acceding first of all to a number of Council of Europe conventions which were open to non-member states<sup>46</sup>. The second step was to aim at participation in the Parliamentary Assembly. This was possible, as the Assembly had created an observer status for non-member parliamentarians, which was first accorded to MPs from the Israeli Knesset in 1957. On a proposal from the President of the Assembly, observers from Liechtenstein were therefore authorised to participate in the Assembly's sessions from 1971 onwards<sup>47</sup>. However, unlike the representatives of the Knesset, they did not have permanent seats. It was only in 1974 that the Assembly also granted Liechtenstein a permanent observer status, mainly because the micro-state had made its proof as a valuable international actor playing an important mediator part in the Pan-European Conference on Security and Cooperation (CSCE) since 1969<sup>48</sup>. From January 1975 two observers from Liechtenstein then participated on a permanent basis in the Assembly's activities.

After the accessions of Spain and Portugal in 1976 and 1977, the Liechtenstein Government finally submitted its official application to the Council of Europe on 4 November 1977. Contrary to all expectations, however, this application did not meet with unanimous support. When the Ministers' Deputies considered the application at the beginning of 1978, the French, Belgian and UK representatives thought that, in view of its size, its special relations with Switzerland and the fact that it was not a member of the UN, Liechtenstein did not enjoy *de facto* full national sovereignty<sup>49</sup>. They therefore proposed admitting the principality as an "associate" country, a provision possible under Article 5 of the Statute of the Council of Europe, which had already been applied in the case of Germany, the Saar and Austria before the acquisition of full sovereignty. The Swiss, German and Austrian representatives disagreed. The Committee of Ministers therefore decided to refer the matter first of all to the Parliamentary Assembly for an opinion on the principle of accession<sup>50</sup>. The Assembly

<sup>39</sup> WASSEBERG, Birte, *Histoire du Conseil de l'Europe*, op.cit., p.346-347.

<sup>40</sup> SEILER, Markus-René, *Kleinstaaten im Europarat*, op.cit., p.159.

<sup>41</sup> COE, PA, Report of the legal commission, doc.4903, 1982.

<sup>42</sup> This is before the legislative elections bring the socialists to power in 1987, cf. HALLER, Bruno, op.cit., p.129.

<sup>43</sup> SEILER, Markus-René, *Kleinstaaten im Europarat*, op.cit., p.178-248, here: p.208.

<sup>44</sup> WASSEBERG, Birte, *Histoire du Conseil de l'Europe*, op.cit., p.287.

<sup>45</sup> ROGANTIK, Joseph H., op.cit.

<sup>46</sup> Beck, Franz, « Liechtensteins Mitgliedschaft im Europarat und Neuorientierung der liechtensteinischen Aussenpolitik » dans *Wirtschaftsfragen*, Heft 6, Vaduz, 1991, p.205.

<sup>47</sup> COE, AP, Session report, 4.10.1971, p.248.

<sup>48</sup> SEILER, Markus-René, *Kleinstaaten im Europarat*, op.cit., p.194.

<sup>49</sup> COE, Committee of Ministers (CM), Session reports of the Minister's delegates (78)285, 20.1., 17.2. and 17.3.1978.

<sup>50</sup> *Ibid.*

drew up two reports in 1978. Both were in favour of Liechtenstein. The first was submitted on behalf of the Political Affairs Committee and expressed clear support for Liechtenstein's accession to the Council of Europe as a full member<sup>51</sup>. The second report, prepared by the Committee on Non-Member Countries even added that a state's size could not be put forward as an argument against accession<sup>52</sup>. Membership admission for Liechtenstein therefore seemed imminent.

However, during the debate in the Parliamentary Assembly, the British Labour MP Thomas Williams tabled a motion calling for a preliminary general discussion regarding the attitude which the Council of Europe should adopt towards membership applications from micro-states<sup>53</sup>. The motion was rejected, however, and no general discussion was held. In the ensuing debate on Liechtenstein's accession, only three members were openly hostile to the idea. Ultimately, therefore, a majority of members declared themselves in favour of accession, arguing that Liechtenstein was an "independent and sovereign European state"<sup>54</sup>. The Committee of Ministers admitted Liechtenstein on 23 November 1978. From that time onwards the question of "micro-states" was therefore settled in principle: it was agreed that no state could be excluded by reason of its size.

#### *San Marino (1988)*

Indeed, in the early 1980s, the application from San Marino did not encounter the same obstacles as that of Liechtenstein, although the initial circumstances were less favourable and the process of accession was much slower<sup>55</sup>. Whereas Liechtenstein had established numerous preliminary contacts with the Council of Europe and had signed a number of European conventions before applying for membership, San Marino had virtually no relations with the Strasbourg organisation<sup>56</sup>. Its government had only participated in one Conference of Ministers for Family Affairs organised by the Council of Europe in Nice in 1971. This did not help a rapid integration as full member into the Strasbourg organization.

Also, San Marino was itself not very interested in European Affairs. It was only after its participation in the CSCE that San Marino felt encouraged to become more active on the foreign policy front and to develop closer links with the Council of Europe. In 1981, the Secretary of State for Foreign Affairs of San Marino, Giordano Bruno Reffi, decided to approach the Council of Europe<sup>57</sup>. The fact that an Italian, Gaetano Adinolfi, was Deputy Secretary General at the Council was an advantage for this small state with a long-standing special relationship with Italy. San Marino immediately requested observer status with the Parliamentary

Assembly. However, whereas the Assembly had granted observer status to the Liechtenstein representatives almost immediately, in the case of San Marino it decided first to seek the opinion of the Political Affairs Committee and the Committee on Non-Member States<sup>58</sup>. This was the first time that the procedure normally used to consider a membership application was applied to a request for observer status. The main reason for this precaution was fear of sparking a fresh wave of opposition to micro-states within the Assembly. The debate on the opportunity for San Marino to become member of the Council of Europe was therefore anticipated and transferred to the level of pre-membership, a strategy meant to avoid any difficulties when the true accession question would be at stake in the Assembly. The two reports on the desirability of granting San Marino observer status were presented to the Assembly in May 1982 and both expressed a favourable opinion<sup>59</sup>. They considered that there was no longer any doubt about San Marino's full sovereignty because the "protective friendship" clause contained in the Treaty of Friendship and Good Neighbourly Relations with Italy had been deleted in 1971<sup>60</sup>. Starting in January 1983, two observers from that country therefore then participated actively in the Assembly's activities.

However, the progress towards full membership then was rather slow. At the intergovernmental level, San Marino's started to participate in the work of several committees of experts, but where European conventions were concerned, the micro-state only acceded to one Council of Europe convention, the Cultural Convention, on 13 February 1986<sup>61</sup>. The Government of San Marino finally only submitted its application for accession to the Council of Europe on 18 January 1988. As a thorough investigation of San Marino's political situation had already been carried out at the time of its request for observer status, the admission procedure then went ahead quickly. The two rapporteurs in charge of the matter from the Political Committee and the Committee of Relations with non-member countries decided to present a joint report, which was favourable to accession<sup>62</sup>. The debate which followed in the plenary was very different from that on the accession of Liechtenstein: the issue of micro-states was not raised and the decision in favour of admission was taken quickly and by a unanimous vote. San Marino could therefore join the Council of Europe in 1988.

San Marino was the last micro-state to integrate the Council of Europe before the end of the Cold War. After the fall of the Berlin wall on 9 November 1989, the Strasbourg Organization transformed itself into a Pan-European Organization, integrating all Eastern and Central European States until 1993 and, thereafter, also most ex-Soviet Republics (with the exception of Belarus

<sup>51</sup> COE, PA, Report of the Political Affairs Committee on the accession of Liechtenstein, doc. 4193, 1978.

<sup>52</sup> COE, PA, Report of the Committee on Non-Member States on the accession of Liechtenstein, doc. 4211, 1978.

<sup>53</sup> COE, PA, Session report, 28.9.1978, intervention of Thomas Williams.

<sup>54</sup> COE, PA, opinion n°90, 1978.

<sup>55</sup> SEILER, Markus-René, *Kleinstaaten im Europarat, op.cit.*, p.249-298.

<sup>56</sup> WASSENBERG, Birte, *Histoire du Conseil de l'Europe, op.cit.*, p.356.

<sup>57</sup> SEILER, Markus-René, *Kleinstaaten im Europarat, op.cit.*, p.257.

<sup>58</sup> COE, AP, Meeting of the bureau (33)8, 1981.

<sup>59</sup> COE, AP, Reports of the Political Affairs Committee and the Committee on Non-Member States on the observer status of San Marino, 10.5.1982.

<sup>60</sup> SEILER, Markus-René, *Kleinstaaten im Europarat, op.cit.*, p.261.

<sup>61</sup> WASSENBERG, Birte, *Histoire du Conseil de l'Europe, op.cit.*, p.359.

<sup>62</sup> COE, AP, Report on the accession of San Marino, doc. 5938, 15.9.1988.

and the Asian Republics beyond the Caucasus) and states from former Yugoslavia (with the exception of Kosovo).

In the framework of this major enlargement phase which led to an increase from 23 to 47 member states between 1990 and 2004, the two last micro-states, Andorra and Monaco also became members of the Council of Europe.

#### *Andorra (1994) and Monaco (2004)*

The applications of the principalities of Andorra and Monaco were respectively lodged on 22 November 1993 and 15 October 1998 and they raised issues of a different nature to those surrounding the accession of the Caucasian countries or the former Yugoslav republics<sup>63</sup>. They had not been rocked by territorial conflicts or marked by the experience of a communist regime. The topics debated during the admission procedure were those typically raised in the case of micro-states: is this a sovereign state with sufficient resources to ensure an active presence in Strasbourg?

However, the rapid Eastern enlargement between 1990 and 1993 had led to a stricter interpretation of the conditions for accession which also applied for the two micro-states. Thus, it was now generally required that applicant states sign and ratify the European Convention on Human Rights in order to qualify for membership<sup>64</sup>. Also, accession could be conditioned by a list of conventions or texts of the Council of Europe that the Parliamentary Assembly believed essential for the applicant state to subscribe to in a given timeline in order to satisfy the required standard for membership. Finally, the Committee of Ministers and the Parliamentary Assembly also introduced a procedure of monitoring to control the new member states fulfilment of obligations even after admission to the organization<sup>65</sup>. However, these stricter accession rules were not really meant for the remaining micro-states in Western Europe, but for the new democracies in the former communist Block.

Indeed, the Parliamentary Assembly had already considered the possibility of accession for Andorra in April 1989, during a visit carried out jointly by two delegates from France and from Spain<sup>66</sup>. Andorra's case was in fact complex because the country was under the dual personal sovereignty of two co-princes, the French Count of Foix and the Spanish Bishop of Urgell<sup>67</sup>. The report presented by the three Assembly committees on the political situation in Andorra in 1990 was therefore rather critical in tone, revealing that the country's political institutions were not yet compatible with the requirements of parliamentary democracy and the rule of law and that respect for all civil and political rights still posed a problem. It concluded that it would be premature to admit Andorra to the Council of Europe.

Accordingly, the Parliamentary Assembly passed a resolution on 11 May 1990 inviting the co-princes to embark upon the necessary democratic and legal reforms<sup>68</sup>. Those reforms took time and the Andorran government did finally not lodge its official application for membership until November 1993. The Assembly then carried out further fact-finding, which lasted a year. The debate on the principality's accession finally took place in the Parliamentary Assembly in October 1994, on the basis of the Political Affairs Committee report which emphasised that the new Andorran Constitution adopted in May 1993 made the principality a state ruled by law and guaranteeing human rights and fundamental freedoms<sup>69</sup>. Consequently, the Assembly adopted a favourable opinion and Andorra could become a full member of the Council of Europe in 1994<sup>70</sup>.

For the Principality of Monaco, the application phase started later on, in 1998. It is the smallest of the micro-states, with just 32 000 inhabitants in a 2 sq. km enclave on the French Mediterranean coast<sup>71</sup>. Its request to join the Council of Europe was part of the policy pursued by the principality since the beginning of the 1990s, the aim of which was to gain international credibility and respectability. But for the last micro-state, the accession procedure was a lengthy one, lasting six years – from 1998 to 2004 – for two notable reasons: to meet the requirements for accession, the principality had to first democratise its political system and second assert its independence from France<sup>72</sup>. To assist with the democratisation process, the Assembly mandated two judges from the European Court of Human Rights, who went to assess the legal situation on the spot<sup>73</sup>. On the back of their recommendations, the principality made a number of changes to its constitution and legislation in March 2002. The amendments mainly broadened the powers of the Monegasque Parliament. In addition, a reform of the electoral law brought in proportional representation for parliamentary elections, guaranteeing a diversity of political forces in parliament. Finally, the problem of state sovereignty was settled in November 2002 when France and Monaco amended their 1918 treaty, which had stipulated that Monaco would become an integral part of France in the event of the crown prince not having a successor.

In the debate on Monaco's accession held in April 2004, a majority of Assembly members were in favour, particularly in view of the legislative reforms made and the changes to treaty arrangements with France<sup>74</sup>. The Assembly also acknowledged the specific circumstances of the principality, where the total number of residents far outnumbered the native population, finding that this justified the granting of preferential work, employment and welfare conditions to Monegasque nationals. Nevertheless, it conditioned the accession of Monaco on signing up to the European Social Charter, which was flexible enough to take its specific characteristics into account. Furthermore, for Monaco to

<sup>63</sup> WASSENBERG, Birte, *History of the Council of Europe*, *op.cit.*, p.149.

<sup>64</sup> FLAUSS, Jean-François, "Les conditions d'admission des pays d'Europe centrale et orientale au sein du Conseil de l'Europe", *Kaleidoscope*, EJIL, 1994, p.402.

<sup>65</sup> STEENBRECKER, Andrea, "Politisches Monitoring im Europarat", in: HOLTZ, Uwe (ed.), *op.cit.*, pp.175-178.

<sup>66</sup> HALLER, Bruno, *op.cit.*, p.187.

<sup>67</sup> COLLIARD, Jean-Claude, "L'Etat d'Andorre", *Annuaire français de droit international*, vol.39, 1993, p. 382.

<sup>68</sup> COE, PA, Resolution 946, 11.5.1990/

<sup>69</sup> COE, PA, Reports of the Political Affairs Committee on the accession of Andorra, doc.7152, 1994.

<sup>70</sup> COE, PA, opinion n°182, 1994.

<sup>71</sup> COURCELLE, Thibault, *Le Conseil de l'Europe, enjeux et représentations*, PHD thesis, Université Paris IV, 2008, p.372.

<sup>72</sup> WASSENBERG, Birte, *Histoire du Conseil de l'Europe*, *op.cit.*, p.525.

<sup>73</sup> COE, AP, Reports of the Political Affairs Committee (doc. 10128) and the Legal Committee (doc. 10138) on the accession of Monaco, 2002.

<sup>74</sup> COE, AP, opinion nn°220, 2004.

be removed from the list of un-co-operative tax havens, the Assembly asked the Monegasque authorities to accept the undertakings required by the OECD under its policy to combat harmful tax practices<sup>75</sup>.

With the accession of Monaco on 5 October 2004, the Council of Europe had almost a full house. With the exception of Belarus, all European countries were now members of the Strasbourg organisation.

#### *The specific case of the Holy Sea*

When looking at the conditions for membership of the Council of Europe the Holy Sea is not eligible for accession for one particular reason: it is not a democracy. However, since the very beginning of the process that led to the creation of the Council of Europe in 1949, the Holy Sea has been closely associated to the reflections on European Integration. Indeed, at the The Hague Congress in 1948 there was an observer from the Holy See and especially in the cultural working group, the influence of the Christian heritage as a commonly shared set of values was clearly important<sup>76</sup>. There were numerous Christian Democrat political forces and Catholic branches of the European movement which pushed for a close relationship between the project of the European organization and the Catholic Church<sup>77</sup>. It is therefore not surprising that the Vatican City has established privileged links with the Council of Europe since the early years of its existence.

The first step was the accession to the European Cultural Convention of the Council of Europe which had been adopted in 1954<sup>78</sup>. Being open for participation of non-member states, this convention was first joined by Spain in 1957, and then by Switzerland and the Holy See in 1962. The Vatican City has from then on actively participated in most of the Council of Europe's cultural and educational activities: exhibitions, cultural exchange, intercultural work etc. But it has also joined other expert committees and cooperation tools of the Council of Europe such as the Council of Europe Development Bank in 1973, the so-called Venice Commission for Democracy and Law in 1992 or the North-South cooperation Centre in Lisbon in 1998.

But the best illustration of the special relationship between the Holy Sea and the Council of Europe is the decision of the Committee of Ministers in March 1970 to grant the Holy Sea an observer status<sup>79</sup>. This status was exceptional until 1993 when the Committee of Ministers adopted a statutory resolution officialising this possibility of an observer status for non-member countries. Alongside the Holy Sea, the Committee of Ministers has only granted observer status to four other states: to the

United States in 1995, to Canada in 1996, to Japan in 1996 and to Mexico in 1999<sup>80</sup>.

Finally, the Vatican City also played an important diplomacy role during the transition period before the fall of the Berlin wall. Thus, Pope John-Paul II came to address the Parliamentary Assembly on 8 October 1988. The idea of inviting him to Strasbourg had been mooted by Assembly members who were aware of his commitment to East-West rapprochement<sup>81</sup>. They were convinced that his visit could enhance the Council of Europe's role. Indeed, the Pope supported the Council's efforts to promote European reunification. In his speech he said that the Council of Europe member states were aware that "they are not the whole of Europe" and that "if Europe wishes to be true to itself, it must contrive to gather together all the live forces of this continent"<sup>82</sup>. The venue of the Pope was another illustration of the special and close relationship between the Vatican City and the Council of Europe. Without being a member state, it largely participates in the work of the European Organization.

By 2004, with all micro-states having joined the Council of Europe, the question arose whether these states, just as those having joined from Central and Eastern Europe, would use the Strasbourg Organization as a stepping stone for application to the EU.

### **3. Accession to the Council of Europe: A Step towards Closer Relations with the EU?**

After accession to the Council of Europe, the question for the European micro-states was - except for Luxembourg as a founding member both of the Strasbourg organization and of the European Community - whether they should also strive for closer relations with the EU or even envisage an EU membership<sup>83</sup>.

When looking at Malta, this seemed to be a plausible development after accession to the Council of Europe. The first Eastern enlargement of the EU was achieved in 2004 and apart from eight States from Central and Eastern Europe and Cyprus, the micro-state of Malta indeed joined the EU<sup>84</sup>. However, this has so far not been the case for the other European micro-states. Thus, Iceland, Andorra, Liechtenstein, Monaco, San Marino, and of course the Holy Sea remain outside the Union. Nonetheless, all of them have developed since the 1990s a special relationship with the EU<sup>85</sup>. They are in some way or another associated to EU policies, to the European Market or to the EU legislation.

The following scheme shows the chronological implication of European micro-states in International and

<sup>75</sup> *Ibid.*

<sup>76</sup> LE MOULEC-DESCHAMPS, Isabelle, "Dans les coulisses du congrès de la Haye", *Europe en formation*, n°98, May 1968, p.14-15.

<sup>77</sup> Cf. CHABOT, Jean-Luc, *Aux origines intellectuelles de l'Union européenne. L'idée d'Europe unie de 1919 à 1939*, Presses universitaires, Grenoble, 2005 ; BOSSUAT, Gérard, SAUNIER, Georges (ed.), *Inventer l'Europe. Histoire nouvelle des groupes d'influence et des acteurs de l'unité européenne*, Peter Lang, Brussels, 2003.

<sup>78</sup> HALLER, Bruno, *op.cit.*, p.211.

<sup>79</sup> WASSEBERG, Birte, *Histoire du Conseil de l'Europe*, *op.cit.*, p.377.

<sup>80</sup> *Ibid.*, p. 471-474.

<sup>81</sup> WASSEBERG, Birte, *Histoire du Conseil de l'Europe*, *op.cit.*, p.375.

<sup>82</sup> COE, AP, Session report of 8.10.1988, speech by John-Paul II.

<sup>83</sup> European Union (EU), European Parliament, KATSAROVA, Ivana, *The Relationship between European Micro-states and the European Union*, Study, PE397247, 31.8.2008.

<sup>84</sup> ACE, Roderick, "A Small State and the European Union: Malta's EU Accession experience", *South European Society and Politics*, Vol. 7, issue 1, p.24-42.

<sup>85</sup> DÓZSA, Dániel, "EU Relations with European Micro-States. Happily Ever After?", *European Law Journal*, 19.12.2007.

European organizations, among which the EU and its policies.

Table: European Micro-States in International/European Relations<sup>86</sup>

Micro-State/ European Organization	Luxembourg	Iceland	Malta	Liechtenstein
UN	X 1945	X 1946	X 1964	1990
Council of Europe	X 1949	X 1950	X 1965	1978
Nato	X 1949	X 1949	/	
OEEC	X 1948	X 1948	/	
EFTA	/	X 1970	/	1991
EU	X 1950	Application 2009, withdrawal 2013	X 2004	
EU association	/	X 1992	/	1995
Euro-Zone	X 1999	/	X 2008	
Schengen	X 1995	X 2001	/	2008
OSCE	X 1994	X 1994	X 1994	1994

Micro-State/ European Organization	San Marino	Andorra	Monaco	Holy Sea
UN	X 1992	X 1993	X 1993	/
Council of Europe	X 1988	X 1994	X 2004	Observer 1971
Nato	/	/	/	/
OEEC	/	/	/	/
EFTA	/	/	/	/
EU	/	/	/	/
EU association	negotiating	negotiating	negotiating	/
Euro-Zone	X	X	X	x
Schengen	/	/	De facto	/
OSCE	X 1994	X 1994	X 1994	X 1994

<sup>86</sup> Source : Birte Wassenberg, own design, 2018.

<sup>87</sup> Cf. EU, European Council, "EU relations with the Principality of Andorra, the Republic of San Marino and the Principality of Monaco", report 11466/11, Brussels, 14.6.2011.

<sup>88</sup> CAUCANUS, Rémi, "Les relations de l'UE avec le Vatican : une dimension 'micro'?", in : MOREAU, Patrick, WASSENBERG, Birte (ed.), *European Integration and new Anti-Europeanism III. Perceptions of External States on European Integration*, Steiner Verlag, Stuttgart, 2018, p.87-91.

<sup>89</sup> RYE, Lise, "The European Free Trade Association", in: GRIN, Gilles, NICOD, François, ALTERMATT, Bernhard (ed.), *Forms of Europe*, Economica, Paris, 2018, p.341-361;

Concerning the EU's concept of a "Europe without borders", for example, most European micro-states participate. So, de facto, they are integrated into the vast area of free circulation which surrounds them<sup>87</sup>. Their borders are open, even if occasional controls are being practiced. For their part, Liechtenstein and Iceland have ratified the Schengen Convention. Other micro-states have open borders without officially adhering to Schengen. Thus, Monaco has an open border with France and Schengen laws are administered as if it were a part of France. San Marino and the Holy Sea have an open border with their neighbouring Schengen Area state Italy. Finally San Marino and the Holy Sea have no border controls at all<sup>88</sup>.

When looking at the internal market of the EU, there are also a number of links with the European micro-states. Thus, Monaco is a part of the EU customs territory through an agreement with France, and is administered as part of France. Andorra and San Marino have signed customs union agreements with the EU respectively in 1990 and 1991. Two micro-states, Liechtenstein and Iceland are also associated to the EU market via a multilateral agreement, the European Economic Area (EEA), which was established in 1994, mainly for the EFTA countries<sup>89</sup>. This agreement provides for the free movement of persons, goods, services and capital within the European Single Market, including the freedom to choose residence in any country within this area.

As for the European Monetary Union, the EU has concluded special agreements with four micro-states so that they can be included in the Euro-zone without being members of the EU<sup>90</sup>. Andorra, San Marino, Monaco and the Holy Sea thus have been granted the right to issue a limited number of euro coins. They were allowed to do so on the basis that they had used or been tied to former national currencies of the Euro-zone (mainly the Italian lire and the French franc). Liechtenstein and Iceland, on the other hand, do not participate in the Euro-zone: Liechtenstein uses the Swiss franc and Iceland produces its own national currency.

The links between the micro-states in Europe and the EU have therefore been tightened, mainly due to the fact, that these states are mostly situated on the territory of the EU and cannot escape the growing integrationist policies of the latter<sup>91</sup>. This is probably also the reason why a growing number of micro-states now wish to move even closer to the EU, either via membership or via special association agreements. Iceland is even considered as the most probable candidate for membership in the EU: it is recognized as an official candidate for accession to the Union, though the negotiations have been suspended. Indeed, Iceland applied to join the EU in 2009 and formal negotiations began in 2010<sup>92</sup>. It was mainly the consequences of the financial crisis which caused this application. Iceland

THORHALLSSON, Baldur, *Iceland and European Integration: On the Edge*, Routledge, London, 2004.

<sup>90</sup> European Communities (EC), Agreements on monetary relations (Monaco, San Marino, the Vatican and Andorra, Summary, 30.9.2004, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l25040> (2.7.2018).

<sup>91</sup> FORSTER, Nicola, MALLIN, Felix, "The Association of European Microstates with the EU. Integration Test with Model Value", *SWP Comments* 27, June 2014.

<sup>92</sup> MAGNÚSSON, Magnús, Á., "Taking its place in Europe-Iceland's long road to its EU application", *Jean Monnet Occasional Paper* 03, 2013.

was badly shaken by this crisis that saw the Icelandic krona lose almost half its value, making Euro-zone membership an attractive prospect. However, the accession of the micro-state to the EU is a controversial political issue in Iceland. Especially the thorny issue of fishing quotas was a key obstacle to joining the bloc, although it was never brought up in the accession talk. Fearing popular unrest and a negative outcome of a referendum on EU accession, the Iceland government therefore unilaterally suspended negotiations for membership in 2013<sup>93</sup>. However, even if in 2015 a letter was sent to the EU confirming the withdrawal of the application, there was no vote in the Iceland parliament on this issue and the EU has therefore so far not formally accepted this withdrawal<sup>94</sup>. Thus, negotiations for membership might be resumed at any time.

Andorra, Monaco, and San Marino have also stated their desire to deepen relations with the EU. San Marino has even held a referendum on submitting an application for EU membership, which was approved by its electorate, but not enough votes were cast for the result to be considered valid<sup>95</sup>. In 2012, the Council of the EU has therefore issued a report on the options for further integration of the micro-states<sup>96</sup>. The report examined four possibilities: first, a Sectoral Approach with separate agreements with each state covering an entire policy area; second, a comprehensive, multilateral Framework Association Agreement (FAA) with the three states, third EEA membership, and fourth EU membership. However, progressively three out of these four options were discarded: according to the European Commission, the sectoral approach was too complicated and did not really address the major issues, whereas membership seemed not feasible in the near future. Membership in the EEA was first considered as the best possibility but there were serious obstacles, as EEA membership is currently only open to EFTA or EU members and therefore the consent of existing EFTA member states would be required for the microstates to join the EEA without becoming members of the EU. Finally, in 2013, the EU Commission published a new report which concluded that Association Agreements were to be preferred as the best mechanism to integrate the microstates into the internal market, preferably via a single multilateral agreement with all three states<sup>97</sup>. In December 2014, the Council of the EU approved negotiations being launched with Andorra, Monaco and San Marino and they began in March 2015. Irrespective of the type of agreement chosen, the EU and the European micro-states are therefore on the road to establish closer ties.

### Conclusion

Since the end of the Second World War, the micro-states in Europe have incontestably proven their capacity and their willingness to participate in European cooperation. Their involvement in the European Integration process passed through their accession to the Council of Europe, the first European organization

the aim of which was to “unify the European people”. It was conditioned by a recognition of the micro-states’ role as independent actors in international relations and therefore to UN membership. Once their capacity as international players was accepted, they could also engage themselves increasingly in the European construction and they did.

Apart from Luxembourg which has been involved in the European Integration process from the very start as founding member of all European organizations set up between 1948 and 1957 and the Vatican City, which could not become a full member of the organization, the other European micro-states all progressively integrated the Council of Europe, but at different times in history and with more or less obstacles to overcome in order to become members of the Strasbourg organization. Thus, Iceland and Malta were admitted rapidly and mainly for geopolitical reasons, whereas Liechtenstein, San Marino, Andorra and Monaco were subject to longer and more complicated accession processes. The main debate on the question whether micro-states can act as independent players in European Integration took place in the 1970s, when the candidature of Liechtenstein was examined by the Parliamentary Assembly. Liechtenstein was the testing case and after a turbulent discussion the delegates in the Council of Europe concluded that no state could be excluded from a European organization on the basis of its size. Once this principle had been adopted, the door of the Council of Europe was open for all micro-states and it was only because of complex internal state conditions that Andorra and Monaco joined the European Organization rather late, respectively in 1994 and in 2004.

However, contrarily to the Central and Eastern European states, which used the Council of Europe from the 1990s as a stepping stone for membership in the EU, this mechanism did not work for the European micro-states. Apart from Malta which joined the EU in 2004, none of the other micro-states have yet integrated the EU. The obstacles for membership do not seem to stem in majority from inside the EU. As the Iceland case shows, it appears that the micro-states themselves hesitate to join this other European Organization which employs a very different method of integration with regard to the Council of Europe: supranational, with a willingness to give up sovereignty towards European institutions and, for some, with a final aim to achieve a European federation. Not all micro-states seem to subscribe to this method of integration. However, the economic and political force of the EU obliges them to develop close ties and to be associated to its policies and its internal market. With most of the micro-states having either joined the monetary zone, the Schengen agreement or the customs union and with the prospect of a multilateral association agreement, the distinction between being outside and inside the EU becomes more and more blurred, so that, in the future, membership might also become a feasible option for them.

<sup>93</sup> POP, Valentina, “Iceland dissolves EU accession team”, *euobserver*, 13.9.2013.

<sup>94</sup> “Umsóknin ekki formlega dregin til baka” (Accession not formally withdrawn), *RÚV*, 13.3.2015.

<sup>95</sup> EU, European Commission, “EU Relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino. Options for Closer Integration with the EU”, communication COM/0680 final/2, Brussels, 2012.

<sup>96</sup> EU, European Council, “Conclusions on EU relations with the Principality of Andorra, the Republic of San Marino and the Principality of Monaco”, Brussels, 20.12.2012.

<sup>97</sup> EU, European Commission, “EU Relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino: Options for their participation in the Internal Market”, report COM(2013) 793 final, Brussels, 18.11.2013.

**Resum**

Birte Wassenberg a "The Accession of Micro-States to the Council of Europe: A first Step Towards their Recognition as Actors of European Integration" presenta l'ascens d'aquests petits estats al Consell Europeu. Cada testimoni de les diferents trajectòries en vista de l'admissió al Consell Europeu, itinerari indispensable per adquirir la seva sobirania i el seu reconeixement internacional. Dotats d'aquest reconeixement naixent, participen en diferents organitzacions internacionals. La noció "laboratories of governance" va ser abordat per Birte Wassenberg amb el fi de demostrar en què les seves petites dimensions tendeixen vers una adaptabilitat constant. Des de la fi de la Segona Guerra Mundial, els petits-estats demostren la seva voluntat de participar en la cooperació europea. Així, proven la seva determinació pel seu ascens al Consell Europeu, que els dona peu a perdurar dins la comunitat de nacions.

**Abstract**

Birte Wassenberg in "the accession of Micro-States to the Council of Europe: A first Step towards their recognition as actors of European integration" presents the ascension of these small States to the Council of Europe. Everyone testifies to the different trajectories for admission to the Council of Europe, an itinerary indispensable for acquiring its international sovereignty and recognition. With this nascent recognition, they participate in different international organizations. The concept of "laboratories of governance" is approached by Birte Wassenberg in order to demonstrate how their small dimensions tend towards constant adaptability. Since the end of the World War, the small States have demonstrated their willingness to participate in European cooperation. Thus they prove their determination by their ascent.

**Résumé**

Birte Wassenberg dans "The Accession of Micro-States to the Council of Europe: A first Step Towards their Recognition as Actors of European Integration" présente l'ascension de ces petits-états au Conseil de l'Europe. Chacun témoigne des différentes trajectoires en vue de l'admission au Conseil de l'Europe, itinéraire indispensable pour acquérir sa souveraineté et sa reconnaissance internationales. Dotés de cette reconnaissance naissante, ils participent à différentes organisations internationales. La notion "laboratories of governance" est abordée par Birte Wassenberg afin de démontrer en quoi leurs petites dimensions tendent vers une adaptabilité constante. Depuis la fin de la Seconde Guerre Mondiale, les petits-états démontrent leur volonté de participer à la coopération européenne. Ainsi, ils prouvent leur détermination par leur ascension au Conseil de l'Europe, qui offre un le pied à l'étrier pour perdurer dans le concert des nations.