THE CZECH PRESIDENCY IN THE COUNCIL OF THE EUROPEAN UNION AS A "LESSON" FOR THE NEW EU MEMBER STATES

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Summary

This article is dedicated to the question of how the experience of the Czech presidency of the Council of the European Union that it has exercised in the first half of 2009 may help the new European Union Member States in their preparations to take the first presidency in the history of their presence in the European Union structures. The article poses the thesis that, while the Czech government did a good job, the responsible attitude of officials was not followed suit by the maturity of the political class. Bitter, internal political dispute and, consequently a fall of the government, ruined the image of the presidency and almost completely eclipsed the undoubted successes such as the launch of Eastern Partnership. Poland, Slovakia, Romania and other "new" EU Member States, if only they wish, they can learn a very good lesson from it.

Keywords: Council of the European Union, responsible attitude of officials, internal political dispute.

I. Presidency as a maturity test on EU membership

Many "new" Member States of the EU^1 sooner or later will have to face a real "maturity test" in the EU. For instance, Poland will be facing such scenario between 1 July and 31 December 2011. This is the period over which Poland is bestowed with Presidency of the EU Council – a responsibility with which each country is honored in a very specific order. Currently, (i.e. once the Lisbon Treaty came into force), chairmanship of the EU Council is based on the following treaty articles: art. 16, sec. 9 of the Treaty on European Union, and art. 236 p. b) of the Treaty on the Functioning of the EU. Poland is going to be a fourth country, out of those that joined the EU in 2004 and subsequently held presidency, after Slovenia, the Czech Republic, and Hungary, however the Hungarian Presidency will directly precede the Polish one.

The order of presidency by the "new" Member States until June 2020, under annex 1 for the Council decision of $2009/908/EU^2$ is as follows: Hungary January-June 2011,

¹ It is understood herein that "new Member States" are all the countries of the EU that joined this organization in 2004 and later.

² Cf. Decision of the European Council of 1 Dec 2009, 2009/881/UE, O.J. L 315 of 2 Dec 2009, p. 50 (decision 2009/881/EU of the European Council on the exercise of the Presidency of the Council). Cf. also Council Decision of 1 December 2009 laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council, and on the chairmanship of preparatory bodies of the Council,

Poland July-December 2011, Cyprus July-December 2012, Lithuania July-December 2013, Latvia January-June 2015, Slovakia July-December 2016, Malta January-June 2017, Estonia January-June 2018, Bulgaria July-December 2018, Austria January-June 2019, Romania July-December 2019. Each country exercises a six-month presidency as part of a "trio", i.e. a group of three countries (which all together makes a period of 18 months). Groups of countries are created based on a rule of equal rotation between the Member States, but also taking into consideration their diversity and geographical balance within the EU. And so Poland for instance, is going to hold presidency together with Denmark and Cyprus, Latvia with Italy and Luxembourg, and Romania with Austria and Finland. If we analyze closely countries that held presidency one after another, based on the binding roster until the year of 2020, we can draw certain more general conclusions.

First and foremost, it is clear that wherever possible the following model was followed: big state + small/medium state of the old "fifteen" + new state (it is confirmed in case of six presidencies: Germany + Portugal + Slovenia; France + Czech Republic + Sweden; Spain + Belgium + Hungary; Poland + Denmark + Cyprus, Italy + Latvia + Luxembourg; United Kingdom + Estonia + Bulgaria, Poland and Spain also being considered big states). It seems that such a way of shaping state groups is based on the assumption that a big state is the most "convincing" and is able to meet presidency targets most efficiently. On top of that, each state of the "old" fifteen headed the Council a few or even several times in the past, therefore they have a necessary experience, which can be of use to other countries, which are younger members of the EU, and a new (and usually small) country in this group has a chance to gain precious experience in this regard in order to pursue their own vision of the Council's work.

Secondly, even if there is no typically big EU state in a group, they are divided according to the following model: small/medium state of the "old" fifteen + new member state + small state of the "old" fifteen, a chairmanship of a new member state becoming operational between the presidencies of the old EU states. This model is used for two consecutive groups of chairmanship (i.e. Ireland + Latvia + Greece and Austria + Romania + Finland).

Another model is an experienced founding state of the European Community + two new member states (this model is exemplified by the chairmanship of Holland + Slovakia + Malta).

The last two models are so constructed that the new states could count on the fact that the other countries (though smaller) will share their previous chairmanship experience with them.

The course of presidency of the Czech Republic during 1 January -30 June 2009 serves as a dream "lesson", from which, first of all Hungary and Poland, and then other countries, should draw some conclusions. For every "new" Member State it will be an experience and challenge of the magnitude unknown before, unfortunately a task whose completion can mean making mistakes, even politically expensive ones.

Why can the Czech Presidency be a lesson for new Member States of the EU? Because the Czech Republic belongs to those EU states that have joined the EU relatively recently, and the Czech Presidency came across a very difficult time in the EU history. Thus, a new and small Member State had to deal with difficult, unexpected situations without having

O.J. L 322 of 9 Dec 2009, p. 28 (decision 2009/908/EU) and the annexes no 1 and 2 for the Council decision of 2009/908/EU.

any experience with presidency at all. Every state that holds presidency for the first time can end up in such a position.

Although there were many critical comments that concerned the Czech Presidency once it had finished, a more profound analysis can lead us to less unequivocal conclusions. The Presidency of the Czech Republic is a very important experience, especially for the new EU states. Governments of these states should most precisely analyze not only the causes for the Czech success, but more importantly the failures, to avoid making the same mistakes that could influence the political position of given EU states for years.

II. What should we find inspirational for us?

1. Priorities

Czechs cunningly specified priorities of their presidency. The Czech Republic when shaping their priorities of three E's (Economy, Energy Industry, Europe in the world) made a justified assumption that they should concentrate on economic issues and the position of the EU as a subject in international relations. Besides, the crisis in gas industry, and the one in finances, and the situation in the Middle East during the Czech Presidency confirmed the rightness of the accented areas. The proposed priorities were clearly aligned with the interests of the European Union, and in addition, the Czechs underlined strongly these issues, which – like energy solidarity and the fight against protectionism – from a European point of view, seemed to be slightly pushed to the background, yet growing out of universal values of the European Union³. In this sense, the Czech Presidency reminded the EU of the principles that constituted its foundation, and stood in their defense.

2. Promotion of the capital

The experience of the Czech Presidency once again showed the power of images created by the media. The Presidency, although it could not "sell" in the media such substantive successes as e.g. the launch of the Eastern Partnership, and the media sought to expose the failure of chairmanship, however, the Czech Presidency perfectly managed to publicize the informal EU – USA Summit held in Prague on 5 April 2009, which was attended by EU leaders and the new at that time U.S. president, Barak Obama. In 2010, Prague, well promoted during the presidency, once again hosted President Obama and the Russian President, Dmitry Medvedev, who on 8 April 2010 both signed there a treaty on limiting nuclear weapons START. The presidency is a dream opportunity to promote a capital city, and it is a good idea in this sense to follow their example.

3. Organization and handling the media

Czechs fulfilled their duties very well and with great commitment, i.e. duties that concerned administrative activities of the Council, and where it was crucial to employ some organizational skills. International meetings on various levels were very well prepared, all the necessary materials were delivered to participants on time, and journalists had access to information and even a perfectly structured technical support. The Czech Presidency prepared in advance a special conference center in Prague, which was situated so as to ensure the best possible mobility between the center and the airport, and it also guaranteed adequate and very modern facilities for all meeting participants⁴.

4. Cooperation with non–governmental organizations

³ Cf. M. Czyżniewski, Priorytety czeskiego przewodnictwa w Unii Europejskiej (in:) J. Knopek (ed.), Unia Europejska jako współczesny aktor stosunków międzynarodowych, Toruń 2009, p. 161.

⁴ Cf. A. Fuksiewicz, A. Łada, Czeska prezydencja w Radzie Unii Europejskiej – spojrzenie z Polski. Raport z
badańInstytutuSprawPublicznych,p.16.Cf.http://www.isp.org.pl/files/15049839510224281001249991477.pdf 2 Jul 2010.

Cooperation with the so called third sector is an important part of the presidency. It is at least a good idea to consult with it the perspective priorities of presidency, and to share the duty to keep society informed on issues concerning presidency, its goals and functions. What is important here is to utilize knowledge and experience of non-government experts, and to build a network of informal, trust-based contacts between administration that is responsible for the preparation of presidency, and the representatives of various non-governmental bodies and organizations⁵. Czechs possess a significant experience of cooperation that is based on mutual trust between government administration and the non-governmental sector, and the Czech Presidency benefited to a large extent from opportunities of cooperation with various organizations and outside experts.

5. "Assertiveness"

Sometimes, bigger countries indulge in acute criticism of smaller and newer countries of the EU that hold presidency. President of France, Nicolas Sarkozy in his official address in front of the European Parliament before the end of French Presidency in the Council on 16 December 2008, criticized and even scolded Czech preparations to hold presidency in the EU, because... not every national building had a waving EU flag on it⁶. It is well known that President of the Czech Republic does not consent to flying the EU flag in his seat at the Prague Castle. We can share his Euro-skepticism or not, because this is what democracy is all about, and there is room for all kinds of viewpoints, however not only has such criticism little to do with elegant manners, but also it is an unacceptable interference with another country's home affairs. It makes us think whether the president of France would say the same thing, if he had been offended by the lack of EU flags on governmental buildings of some other, bigger EU state on the eve to hold presidency by them. Then the Czech Minister of Foreign Affairs, Karel Schwarzenberg brilliantly responded to Sarkozy's accusations by saying that "even if most EU citizens and Member State representatives wished for the flag to be hung at Hradczany, it still depends solely on the President of the Republic whether it is going to happen or not, and the duty to fly it is not specified by any regulation of the binding Czech Republic law. It is not appropriate for a head of a state to criticize our President because of that"7. Also the reaction of Radim Ochvat, the press spokesman for Václav Klaus, was accurate and instant. In reference to Sarkozy's address he concluded that "the Prague Castle is one of the biggest symbols of Czechoslovakian statehood and the Czech State, not the European Union. We do not see a reason for which we were to change historical traditions"8.

It seems then that countries of the "old EU" sometimes prove that the "new" have fewer rights, and that "new" have to try harder than the rest. At the same time however, formally, the status of the Czech Republic as a Member State of the EU does not differ in any way from that of France's.

A second incident was the infamous meeting of Václav Klaus with the EU MEP's, which took place at the Prague Castle on 5 December 2008, just before the Czech Republic was to take hold of presidency, and ended with a political scandal. The members of the Conference of Presidents of the European Parliament from different countries attacked the

⁵ Cf. A. Łada, Partnerstwo dla Prezydencji? Współpraca administracji z sektorem pozarządowym podczas czeskiej Prezydencji w Radzie Unii Europejskiej – wnioski dla Polski.. A report on research of the Institute of Public Affairs available on the Internet site Institute of Public Affairs, pp. 31-35. http://www.isp.org.pl/files/20174315650396766001260455529.pdf 2 Jul 2010

⁶ Cf. http://zpravy.idnes.cz/tiskni.asp?zahranicni&c=A08_1216122559_zahranicni_stf 3 Jul 2010

⁷ Cf. ibidem.

⁸ Cf. ibidem.

President of the Czech Republic, inter alia accusing him during an official meeting of unclear links with a known Irish Euroskeptic Declan Ganley, or of not flying the EU flag at Hradczany. Daniel Cohn-Bendit (from the Green/EFA faction) concluded that the President "will have to sign the Lisbon Treaty". In addition, Brian Crowley from the UEN faction said that by meeting Ganley in Ireland, the President of the Republic commited a slur on the "Irish Nation". President Klaus, insulted in his own seat, stated that nobody had ever spoken to him like that at Hradczany since he became president 6 years earlier, Cohn replied to Bendit that he was not in Prague on Parisian barricades, and that he had thought that style of communication had ended 19 years before, but he had realized he had been mistaken⁹. There erupted a scandal in the EU, and the Czech Euro MEP's demanded apologies for the President, blaming Hans Gert-Pöttering, the President of the European Parliament, for "not guaranteeing a decent level of discussion and exchange of ideas on the problems of the EU"¹⁰.

Regardless of Václav Klaus's views, the Members of the EP perpetrated misconduct. Politicians of those countries who are going to hold presidency in the EU, even those holding the most prestigious state positions, have to bear in mind that such situations took place during the Czech Presidency, and be aware that every new EU partner can expect "tough play" from some countries or institutions of the EU. Thus, in case such blows are administered, it is necessary to react to them with accuracy and effectiveness, because what is at stake is not only the presidency's success, but more importantly, building the country's position in the EU.

Based on this incident, each country – which similarly to the Czech Republic is a new EU country – should take into account a possibility of even greater criticism and political misconduct from other EU countries on the eve of commencement of their presidency, and during it, too. It should also be prepared for a reply and prompt, assertive reaction.

III. What mistakes of the Czech Presidency should be avoided?

1. Dispute within the "trio"

Cooperation of the Czech Republic as part of the trio Presidency with France was a complete failure and both parties were to blame. President Václav Klaus flaunted his Euroscepticism. President of France, Nicolas Sarkozy endlessly and viciously criticized the Czech presidency, questioned its actions, and even usurped the right to substitute it (e.g. when two delegations went to the Middle East: the official EU one from the Czech Republic, and the other, competitive, from France). Surely, such steps undertaken by France were unacceptable, but... An efficient policy in the EU, with an objectively less significant position than the one of other EU states, can be pursued only if there is support of the most influential partners for your ideas, projects and ways of their implementation. Today, such partners in the EU are unquestionably Germany and France. Entering into a political dispute with any of them on the eve or during the time of holding presidency by a smaller EU state, what is more, a state that is relatively new to its structures, shows lack of realism in the European politics. A new Member State of the EU that is about to become a leader should strive diplomatically to find support for its own initiatives, priorities, and

⁹ Cf. a detailed record in Polish of the meeting of the Czech Republic President Václav Klaus with the Conference of Presidents of the European Parliament, which took place at the Prague Castle on 5 December 2008 at the website

http://www.dziennik.pl/swiat/article279363/Zapis_rozmowy_Klausa_z_unijnymi_politykami.html 02 Jul 2010. 10 Cf. http://zpravy.idnes.cz/tiskni.asp?r=domaci&c=A081211_162523_domaci_adb 3 Jul 2010.

ways of their implementation, primarily amongst the biggest and the most significant states of the EU. For example, for Poland in this regard, The Weimar Triangle can serve as a precious instrument here.

2. Controversies

A few events of the Czech Presidency that were of little political importance, but had quite a large publicity got registered in the consciousness of Europeans. The newspapers raved about a scandal provoked by David Černy's installation, a Czech sculptor who portrayed in Brussels each EU Member State in a controversial and stereotypical way (which for some countries, like Bulgaria, was even offensive). Most Czechs, known for their liberal views on art, did not take the installation as anything particularly offensive, but Europe got so furious about it that Bulgaria portrayed as a Turkish toilet demanded their fragment of the installation to be covered.

So, when promoting presidency it is the best idea to bet on reliable, successful on the international arena artists, or to count on the already well-promoted and present in the European conscience cultural and artistic heritage of a given country. It is not time for experiments when one is trying to promote presidency. Instead, it is advisable to engage ideas and artists that work, are known to the general European public, are easily associated with a given state and commonly respected. There were over 600 cultural events during the period of the Czech Presidency, but because of the scandal... the best remembered was the unfortunate Černy's installation! Moreover, President of the Czech Republic Václav Klaus made a very controversial speech in the European Parliament¹¹. He condemned the trends of development of the European integration and compared the political structure of the EU to a communist system by which he shocked many MEP's who ostentatiously left the meeting room in contempt. Events of this type have no significant practical impact on the course and effectiveness of presidency, but their power of publicity is substantial. Hence, in order to be a successful leader, it is key to avoid ill-judged moves, as trivial as they might seem.

3. Lack of "crisis management"

The Czech Presidency was held during dynamic changes in the EU itself, and it was a difficult time as far as international situation was concerned (financial crisis, Israeli – Palestinian conflict in the Gaza Strip, Russian – Ukrainian natural gas crisis, difficulties with the Lisbon Treaty ratification, etc.). Czechs were not prepared for some of those events. Presidency involves tremendous responsibility for the functioning of the EU and no Member State of the EU (small or big) can recklessly assume that they would concentrate solely on good preparation of priorities, and so assume that nothing unpredictable, which would require presidency's reaction, happens. There is always a possibility of coming across unexpected circumstances (and the Czech Presidency is a striking example of it), which will have to be tackled as they arise, knowing that the tackling will have to match the circumstances, that it will have to be decisive and well thought out, and at the same time usually fast. It will have to take a form of "crisis management"¹².

¹¹ The whole speech of President Klaus is available on the Internet at

http://www.youtube.com/watch?v=_XjD9ApJi0Y 3 July 2010.

The text of the address is also available at the official website of President of the Czech Republic

http://www.klaus.cz/clanky/229 3 July 2010.

¹² M. Izydorczyk writes about crisis management during presidency in an interesting way. Cf. M. Izydorczyk, Zarządzanie kryzysowe podczas przewodnictwa w Radzie UE (in:) Z. Czachór, M.J. Tomaszyk (ed.),

Przewodnictwo państwa w Radzie Unii Europejskiej-doświadczenia partnerów, propozycje dla Polski, Poznań

Consequently, at the preparatory stages for presidency, it is important to engage the biggest number of experts and analysts who deal with various branches of international relations. In other words, in the period prior to presidency, the country that is supposed to hold it, should possess a detailed analysis of many possible scenarios and international developments, and monitored the most important signals from the world, so that it would be prepared, if not for any eventuality, then at least for most of them, and therefore was always able to respond in a prompt, appropriate, and simultaneously thoughtful way.

4. Destabilization of the political scene

Czechs completely failed to ensure internal stability of the political scene. They could not, either at the stage of preparation for the presidency, or during its duration, find a minimal political compromise to show their advantages to the EU. Topolánek's government entered the year 2009 struggling with the problem of lack of majority in the parliament, after a triple vote of censure against the government in 2008 and the ignominious defeat in regional elections (krajské volby), and election to the Senate. Growing conflict between the President of the Republic and the Prime Minister Topolánek, picked up by the opposition, had politically tragic consequences for the Czech Presidency. After the overthrow of the Czech government, the headlines and titles of articles that appeared in newspapers, such as "Topolánek falls, Union beheaded,"¹³ clearly indicated the seriousness of the situation and the reception of such decisions. Topolánek government was overthrown at the worst moment. Although from the outset of the Czech Presidency expectations had not been high, Prime Minister Topolánek gradually gained confidence, because he had put an end to the gas dispute between Russia and Ukraine, spurred a Europe-wide discussion on protectionism, when he responded sharply to Nicolas Sarkozy on the statement about moving production from the Czech Republic abroad, and he did quite well at the March European Council summit¹⁴. However, despite the fact that the Czech government "caught the wind in its sails," and it promised well for the second half of the Presidency, the Czechs "scored an own goal themselves"¹⁵. Overthrow of the government during the presidency, according to Jean Quatremer, correspondent for French daily "Liberation", is "evidence of the total provincialism"¹⁶. It even seems that the opposition itself was frightened of what happened afterwards, as the head of the Social Democrats, which is the largest opposition party, Jiří Paroubek, who during the debate said that Topolánek's government is "Euro-shameful", after announcing the results of the vote of censure he proposed that the government would finish the presidency, and so it would operate until the end of June¹⁷. The political turmoil in the Czech Republic resulted in the Union beginning to ignore the Czech Presidency day by day, and out of all the leaders of the largest EU Member States, the chancellor of Germany, Angela Merkel was the only one to arrive at the peak concerning the Eastern Partnership, which took place on 7 May 2009 in Prague¹⁸. Unfortunately, the Czech Presidency is, and probably will be valued very

^{2009,} pp. 77-84, publication available on the Internet at

http://www.prezydencjaue.gov.pl/attachments/255_Publikacja_UAM.pdf 3 Jul 2010.

¹³ Cf. Topolanek upadł, Unia bez głowy, "Gazeta Wyborcza", iss. 71 of 25 Mar 2009, p. 1.

¹⁴ Cf. P.M. Kaczyński, opinion published in "Gazeta Wyborcza", iss. 71 of 25 March 2009, p. 7. 15 Cf. ibidem.

¹⁶ Cf. Jean Quatremer, opinion published in "Gazeta Wyborcza", iss. 71 of 25 March 2009, p. 7.

¹⁷ Cf. L. Palata, Topolanek padł w Pradze, "Gazeta Wyborcza", iss. 71 of 25 March 2009, p. 7.

¹⁸ Cf. L. Palata, Czesi mają rząd, a Europa prezydencję, "Gazeta Wyborcza", iss. 108 of 9-10 May 2009, p. 6.

critically only because of the vote of censure against the Topolánek's government and its fall. Such evaluation is prejudicial, because it is only fragmentary, but unfortunately it was the one that became a "hit" in the media and became deeply rooted in the consciousness of Europeans. It confirms once again the importance of what we call "media personality" and should be a vital warning to other European Union countries.

5. Inability to highlight successes; errors in promoting Presidency

Czechs certainly were successful in some ways, e.g. they launched the Eastern Partnership, or organized well the EU-US summit in Prague. They failed, however, to demonstrate and popularize those achievements. Promotion of the presidency left a lot to be desired as well.

Presidency absorbed a lot of attention in the Czech Republic, although the promotional campaign "Evropě to osladíme!" (Let's sweeten Europe!) with a famous sugar cube was not the best idea, and many Czechs declared that they did not understand it, while others tried to find hidden meaning in it, because in Czech "to sweeten someone" is more or less the same as in Polish, "to salt someone" and has a pejorative connotation. Thus, the promotional campaign of presidency was relatively weak, and the presidency itself was an opportunity to promote Prague, which has already been covered here.

IV. Conclusions, i.e. how to diligently do the "Czech homework"?

During their presidency, Czechs had to deal with a very difficult situation in the EU, and the world. At the time, the Czech Republic was also mired in internal political dispute, so the expectations concerning the Czech Presidency were not high.

Until Topolánek's government had been overthrown, the Presidency, with varying success, coped with a variety of unforeseen difficulties, such as Russia – Ukraine natural gas dispute. Gradually, it met the set out targets, such as the launch of the Eastern Partnership and the advancement in the ratification of the Treaty of Lisbon in the Czech Republic. Many important legal instruments were adopted and a very important plan to tackle financial crisis was agreed on.

The fall of Topolánek's government meant that political Europe had no more respect for it, and taking initiative in the second part of the presidency by the Eurosceptic President of the Czech Republic Václav Klaus did not cause euphoria in the EU.

The Czech administration did a good job, and all the tasks during presidency, preceded by a few years of diligent preparation, were done very well. Unfortunately, the responsible attitude of officials was not matched by maturity of the Czech political circles. Politicians irresponsibly dragged the EU into a bitter, internal political dispute, which resulted in a crisis, and ultimately an overthrow of the government during the presidency. It totally ruined the image of the presidency and is still a reason for its very low ratings. Czech politicians preferred incomprehensible to most Europeans, internal party disputes over interests in the EU, and even the interest of the whole Union, which in such a difficult time of financial crisis needed a strong chairmanship. A presidency that The Czech Republic could not offer.

All in all, the Czech presidency should be assessed moderately positively in the sense that it met the set out targets, and in given circumstances achieved the maximum of what was possible to achieve. The tangible evidence for it is the fact that neither the mission of the Czech nor the French mission in the Middle East did not record any significant success in mediation in the Gaza Strip conflict. Simply, the members of the international community has long been out of their depth when it comes to the problem of peace in the Middle East. The Czech presidency completed the tasks it promised to do and which were expected of it. The image of the presidency was ruined, however, by the image

created by the mass media, the overthrow of the government, and the situations the media fed on.

The most important lesson for politicians of new Member States of the EU should be the overthrow of the Czech government during the presidency and the dire consequences of this move. To provide stable political situation (first of all through avoidance of running parliamentary and presidency elections at the same time) should be a superior intention of both the government and the opposition, knowing that Poland is to take over presidency. Perhaps, we should also adopt in advance internal, precise, national regulations which will define the main principles of the Presidencies of the Council at a national level, delegate the bodies responsible for its preparation. Although the presidency with 27 Member States of the EU is assigned once in a dozen years, but its solid preparation and efficient performance can be very beneficial to the position of any Member

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