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**Estonia's application for membership of the
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2. List of abbreviations

CEEC: Central and Eastern European Countries

COREPER: the Committee of Permanent Representatives

CSCE: Commission on Security and Cooperation in Europe

EC: the European Community

ECP: Estonian Communist Party

EEC: the European Economic Community

EFTA: European Free Trade Association

EP: the European Parliament

ESSR: Estonian Socialist Soviet Republic

EU: European Union

EURATOM: the European Atomic Energy Community.

IGC: Inter Governmental Conference

NGO: Non-Governmental Organisation

UK: the United Kingdom

USSR: Union of Socialist Soviet Republics

VAT: Value Added Tax

WEU: West European Union

3. Introduction

During the Cold War the attention for the Baltic States in Western Europe had declined until an absolute low point. Tallinn, Riga and Vilnius were described in the television news as Russian cities. Only very rarely attention had been paid to the unique history of the Baltic States. The fact that these countries at the Baltic Sea occupied since a long time a crucial position on the European continent had been ignored. The situation in Europe was clear. There was a liberal-democratic bloc in the West and a communist bloc in the East. As a consequence of the Molotov-Ribbentrop pact in 1939 Estonia, Latvia and Lithuania were brought under the sphere of influence of the Soviet-Union. Moreover, under pressure of Stalin the three states were made parts of the Soviet-Union itself. This occupation was *de jure* by most Western countries not recognized, but it was *de facto* accepted at the conference of Teheran in 1943.¹ The fate of the Baltic States seemed to be decided until at the end of the 80s the situation in Europe started to change. At a surprising speed the Cold War came to an end and so also the division of Europe. The reunification of Germany and the disintegration of the Soviet-Union implied a complete change of the political and geographical situation in Europe. In this new European constellation the Baltic States regained their independence.

This unexpected change in the post-war political situation brought a whole spectrum of new possibilities and challenges with it. First of all the newly independent states got confronted with a rediscovering of their identity. Central in this was the rejoining of Europe. Estonia did effort to get rid of its old Soviet identity and to reintegrate itself into Europe. Just as the former Eastern-European satellite states Estonia was searching for connection with the Western European world. Especially the richness of Western Europe appealed. Soon also the hope to become a part of the European Community started to grow. The Community from its side was not at all prepared for this new situation. Instead of a coherent and worked on East policy, crisis management

¹ X., "Ten westen van het oosten, ten oosten van het westen." In: Lewis Carrafiello, Lutgaert Spaepen and Nico Vertongen, *De Balten. Op de tweesprong tussen Oost en West*. Leuven, Garant, 1999, p. 17.

was now ruling.² This is exactly why I decided to do this study about this subject: in Belgium not a lot of attention has been paid to this subject, but the consequences of the new situation in Europe for the European Union will be very important. In this context the Baltic states and then especially Estonia have a crucial position. Estonia is crucial in this discussion for two reasons: it has one of the best-developed economies of all the former Eastern European countries, but it also has one of the most critical political situations of all with its considerable Russian minority. So for this case the Union will really need to think twice: will they look mainly to the economical situation or will they take political considerations first and try not to offend Russia. Another reason for the crucial position of Estonia is its strategic position in the extremely important Baltic Sea. This region has had since centuries a key position in the trade between East and West. Also geopolitical it was a dominant factor for the division of power in Europe because of its position between the two traditional powers Germany and Russia. So how Estonia will integrate itself into the new Europe is more than an academic question. Estonia and the other Baltic states will integrate themselves into the European Union and the NATO. If this will happen without getting a reaction from Russia is a crucial question when looking at the future of the European security. The fact that the aim of the EU is to make Europe an area of peace, stability and prosperity, is central in forming the new Europe highlights the importance of this question.

As said before, the case of Estonia is especially interesting because of its history. First of all, it is interesting to look at its early history to understand that Estonia always has been a part of Europe more than a part of Russia, so the fact that it applies for membership of the European Union makes sense. “ The decisions of Lithuania, Latvia and Estonia to apply for European Union membership have been driven primarily by the inherent historical and cultural gravitation of the Baltic nations in Europe’s development,” as Vygaudas Usackas remarks.³ Secondly, the more recent history is also important as it shows how it got linked to Russia: in a very brutal and forced way. One of the most important tools of Russification of Estonia, especially during the time of the

² Rik Coolsaet, "Het buitenlands beleid van België t.a.v. Midden- en Oost-Europa." In: Karen Malfliet, *Post Perestrojka*. Leuven, Garant, 1993, p. 20.

³ Vygaudas Usackas, "The European Union from a Lithuanian perspective." In: Lithuanian Foreign Policy Review, vol. 1, nr.6, 2000, p. 1.

Soviet occupation, was the immigration of Russians and other peoples of the Soviet Union in Estonia. As a consequence, now Estonia has a very considerable Russian minority within its territory. This minority has not at all been integrated, as most of the Russian-speakers do not even speak the Estonian language. Obviously this minority is an important factor when talking about the application of Estonia. First of all, because of the problem of citizenship as the Estonian state did not automatically give the Estonian citizenship to the Russian-speakers which leaves some of them state-less, a situation that does not fit into the values of the European Union concerning political rights. Secondly, this Russian minority is important as it is Russian and so Russia might get offended when the European Union allows a country to enter which does not respect the rights of the Russian minority on its territory. So these are in short the reasons why a historical chapter is important for what I want to research in this study, the application of Estonia for membership of the European Union.

The second chapter of this study will be the most theoretical one, as it will deal with the judicial part of applying for membership. It will shortly sum up the roles all the different institutions of the European Union have in the whole application process and it will also sum up all the official criteria needed for accession to the European Union. This chapter is important in the light of this study in order to show later to which extent Estonia complies with these criteria, so we can see if officially there are reasons for the European Union not to let Estonia enter. As this chapter will just give an overview of the general process of applying and not specifically of the case of Estonia, it will mainly function as a reminder for the reader at any point of what exactly are the official criteria again.

In the third chapter we will start to look more deeply into the specific Estonian case as it will deal with the history of the relation between the European Union and Estonia starting with the regaining of independence of Estonia, so where the first chapter ended. This chapter is obviously needed, as it will allow us to pay attention on how the European Union dealt with the application of Estonian. It is important because it will enable us to see if the European Union treated the Estonian case like it theoretically has to and

especially if it was treated like any other Eastern and Central European applicant or if it got treated differently.

The fourth chapter finally will deal with the actual situation in the negotiations between the European Union and Estonia. It can be seen as the most important chapter of this study, dealing with the core of this study. So this chapter will be the one from which mainly we will draw our conclusion, but this without forgetting the importance and necessity of the other chapters for this study.

Finally the conclusion will be the most important part of this work in which we will try to defend our view concerning the application of Estonia and in which we will try to answer the question if and when Estonia will enter the European Union. For answering this question we will mainly focus on the difference between the political and economical point of view. Will the European Union just take an official, mainly economical criteria in consideration, or will it in the end leave these official criteria behind? Will it give more importance to the purely political considerations? More specifically to the fact that Estonia still has a special status for Russia as it did belong to the Soviet Union and consequently has an important Russian-speaking minority?

4. The history of Estonia

As we said in the general introduction to this study, Estonia is especially interesting because of its history. It was also said that especially two phases of the Estonian history are important in the context of this study. Firstly, the early history to prove that Estonia has always been a part of Europe more than of Russia. Secondly, the recent history, starting in 1710, and in which period the Russification happened. Then after that the first period of independence, important in the context of this study, because it will help us understand more the current political situation in Estonia, as it has its roots in this period. Then after this period of independence, probably the most important period of its history, Estonia became a Soviet republic. This period left two kinds of heritages. First of all, there was the general Soviet heritage that every ex-Soviet republic experienced: pollution, corruption, and bureaucracy. Especially the pollution has been important in the Estonian case as it laid the first basis for the independence movement and as it is one of its biggest concrete problems it has to deal with during the negotiations.

This chapter has been divided into four different parts, firstly, the pre-independence history in which we will try to prove that Estonia has its roots in Europe and then the Russian occupation and the independence movement as a reaction against Russification. Secondly, the first period of independence, laying the roots for the second and current period of independence and it was this basis on which the Estonian identity mainly has been formed. The third part of this chapter is dealing with the period of Soviet occupation, as said before, important for its heritages for contemporary Estonia. And then, finally, in the fourth part we will focus on the way Estonia regained its independence and in which it will be clear that Estonia is turning its head once more in the direction of Europe and not in the one of Russia.

4.1 Pre-independence history

At the beginning of the thirteenth century the Estonians were a nation of independent clans, living in roughly the same territories as at present. None of the clans at that time paid tribute to any other nation, and politically they were organized into Counties led by Elders. At the beginning of the thirteenth century the Estonians were a political force to be reckoned with among the peoples of the Baltic coast.⁴ But already as early as the 1160s German merchants had begun to infiltrate into Estonian territory. But only in 1200 a great force of Crusaders succeeded in bringing to bear sufficient military power to subdue and Christianize the Livs, Latvians and Estonians.⁵ Although the Germans were mostly victorious in the war that followed, the Germans were forced to seek the help from the King of Denmark. As a result the Danish King landed in Estonia in 1219 and soon afterwards won a great victory over the Estonian force that attacked him.⁶ It was at this point that the Danes founded Tallinn.⁷ Basing themselves in Tallinn, the Danes extended their conquest and in 1227 the whole Estonian territory was under Danish rule.⁸

This defeat meant the end of Estonians not being under foreign rule, and, until they set up their own independent State at the beginning of the twentieth century, they remained a nation of peasants governed by a foreign upper class, which was comparatively small in numbers. They had no say in the political evolution of their country. Yet their subjugation at the beginning of the thirteenth century was by no means

⁴ John Fitzmaurice, "The Baltic, a regional future?" Macmillan, London, 1992, p. 4.

⁵ John Hiden and Patrick Salmon, "The Baltic nations and Europe, Estonia, Latvia and Lithuania in the Twentieth Century." Longman, Essex, 1991, p.11.

Riina Kionka and Raivo Vetik, "Estonia and the Estonians." In: Raivo Vetik, *Inter-ethnic relations in Estonia 1988-1998*. University of Tampere, Tampere, 1999, p. 32.

Romuald Misiunas and Rein Taagepera, "The Baltic States, years of dependence, 1940-1980." Hurst and Co, London, 1983, p. 2.

⁶ Georg Von Rauch, "The Baltic states, the years of independence, Estonia, Latvia, Lithuania, 1917-1940." Hurst, London, 1970, p. 1.

⁷ John Fitzmaurice, 1992, p. 5.

⁸ Eevald Uustalo, "History." In: Johannes Aavik, Helmut Hagar, Harri Kiisk, Ervin Putsep, Armin Tuulse and Ervin Uustalo, *Aspects of Estonian culture*. Boreas, London, 1961, p. 35.

an unconditional surrender: their rights were clearly set out in treaties, which conceded to them a certain amount of autonomy, the right to bear arms and to own land, and absolute individual freedom.⁹

But the legal status of the Estonians began to deteriorate and had done so considerably by the time of the great uprising of 1343-45, by which it was hoped to wipe out foreign rule altogether. As a result an almost permanent tug-of-war went on between these landlords, for none of them was sufficiently strong to allow the development of a central power.¹⁰ Their vassals started regular assemblies in the fourteenth century in order to discuss their mutual problems. They developed in time into Diets, in which the overlords, too, took part, and these Diets remained the only form of co-operative political organization in the Livonian Confederation.¹¹

The loosely knit Confederation, however, was no match for the strong national states that developed in its neighbourhood, and the result was its collapse and division between Sweden, Poland, and Denmark¹². The collapse of the Livonian Confederation brought about a long series of wars. The last of these wars ended in 1611, leaving in the hands of Sweden areas, which were to bear the name of Estonia in the three centuries to come.¹³

Now began the period which country people still call "the good old Swedish days". It was not that the peasants were economically better off, but the improvement was in the legal status of the peasants and in the beginning of popular education.¹⁴

The legal status of the Estonian peasants deteriorated sharply when Peter the Great of Russia in 1710 conquered Estonia.¹⁵ Then Peter had guaranteed to the Baltic German

⁹ Ibid. , pp. 35-36.

¹⁰ John Hiden and Patrick Salmon, 1991, p. 11.

Romuald Misiunas and Rein Taagepera, 1983, p. 2.

¹¹ Eevald Uustalo, 1961, pp. 37-38.

¹² John Fitzmaurice , 1992, p. 10.

¹³ John Hiden and Patrick Salmon, 1991, pp. 11-12.

Romuald Misiunas and Rein Taagepera, 1983, p. 4.

Georg Von Rauch, 1970, p. 2.

¹⁴ John Fitzmaurice, 1992, p. 12.

Eevald Uustalo, 1961, p. 39.

¹⁵ John Hiden and Patrick Salmon, 1991, p. 12.

Andres Kasekamp, *The radical right in interwar Estonia*. Studies in Russia and East Europe, Macmillan, Houndmills, 2000, p. 4.

nobility all the privileges they had had before the Swedish reforms. Later, the nobles succeeded in enlarging these privileges even further, so that the peasants were left without any rights whatsoever. The result was the exploitation of the working capacity of the peasants to the utmost and the catastrophic deterioration in their economic condition.¹⁶ But gradually their misery began to affect the economy of the great estates. Partly due to this, partly due to a more liberal tsar and partly because of disturbances that broke out in Estonia the peasants of Estonia were emancipated from serfdom in 1816, but could not purchase their own land.¹⁷

Liberation from serfdom, however, did not mean any improvement in the economic situation of the peasants. On the contrary, the basic principle of a free contract meant that the peasants lost their right to inherit their farms and were forced to pay whatever rent the landowners demanded.¹⁸ But in the long run even this system proved to be disadvantageous to the landowners. The need for agrarian reform was also strongly underlined by the state of ferment among the peasants in the 1840s.¹⁹ This led in the 1850s and the 1860s to the introduction of new agrarian laws, thus concluding one of the saddest periods in Estonian history.²⁰

The improvement in the economic and legal status of the peasants had been preceded by similar developments in the field of education. Next to the rise in general prosperity and the emergence of a class of Estonian peasant proprietors or small holders, the rapid spread of education was the most important factor in bringing about the movement for a national awakening.²¹

Emanuel Nodel, "Estonia: Nation on the anvil." Bookman associations, New York, 1963, p. 13.

¹⁶ Romuald Misiunas and Rein Taagepera, 1983, pp. 4-5.

¹⁷ Andres Kasekamp, 2000, p. 4.

Riina Kionka and Raivo Vetik, 1999, p. 33.

Emanuel Nodel, 1963, p. 30.

Georg Von Rauch, 1970, p. 6.

¹⁸ Emanuel Nodel, 1963, p. 31.

¹⁹ Ibid., p. 46.

²⁰ John Hiden and Patrick Salmon, 1991, p. 17.

Andres Kasekamp, 2000, p. 4.

Romuald Misiunas and Rein Taagepera, 1983, p. 5.

Georg Von Rauch, 1970, p. 6.

²¹ Romuald Misiunas and Rein Taagepera, 1983, p. 6.

Emanuel Nodel, 1963, p. 48.

Georg Von Rauch, 1970, pp. 6-7.

The foundations for the national awakening of the 1860s had been laid firstly by several men of letters of German origin and later by Estonian intellectuals and their work amongst their own people. The main support for this movement came from the peasant proprietors, now economically independent, and, to a lesser extent, from the rapidly growing urban population.²²

The nationalist movement began in the middle of the 1860s with mainly the promotion of Estonian cultural life²³. But the nationalist movement reached its peak in the latter part of the 1870s, by which time Estonian society had divided into two opposing schools of thought and action, which clashed fiercely in nearly all Estonian organizations. The moderates were led by the initial leaders of the national movement, the Lutheran pastor Jakob Hurt and the journalist Johann Voldemar; the radicals were led by the editor Carl Robert Jakobson.²⁴ This rivalry between moderates and radicals resulted finally in an immediate drop in the activities of the nationalist movement.²⁵

However, it was not its inner weakness that gave a grace stroke to the national awakening, but the intervention of the Russian state. This was when the new Tsar, Alexander III, brought to an end the special position hitherto enjoyed by the Baltic provinces and began the attempt to Russify them. The Estonian national and cultural activities and their great national organizations could not hold out against this campaign.²⁶ But the heritage of the national awakening was not destroyed completely, the fight against national lethargy and against the policy of Russification went on and in the 1890s resistance began to show results.²⁷ At the same time, the economic crisis that coincided with the beginning of the Russification campaign had subsided, and Estonians

²² Helene Carlback-Isotalo, Harald Runblom and Mattias Tyden, *The Baltic region in history*. Uppsala university, Uppsala, 1991, p. 11.

John Hiden and Patrick Salmon, 1991, pp. 16-17.

Emanuel Nodel, 1963, pp. 55-65.

Georg Von Rauch, 1970, pp. 6-9.

²³ John Fitzmaurice, 1992, p. 89.

²⁴ Andres Kasekamp, 2000, p. 5.

²⁵ Helene Carlback-Isotalo, Harald Runblom and Mattias Tyden, 1991, p. 11.

Emanuel Nodel, 1963, pp. 101-104.

Eevald Uustalo, 1961, pp. 44-46.

²⁶ Romuald Misiunas and Rein Taagepera 1983, p. 6.

Emanuel Nodel, 1963, pp. 113-115.

²⁷ John Hiden and Patrick Salmon, 1991, pp. 14-16.

in the towns and Estonian intellectuals had greatly increased in number.²⁸ As far as practical politics were concerned these nationalist groups worked hand-in-hand with local Russians of Liberal views to break the German hegemony,²⁹ and thereby succeeded in 1904 in winning the Tallinn municipal elections and acquiring control over the municipality.³⁰

Parallel with this development, Estonian cultural life, too, revived. On the economic front, the beginnings were made with many co-operative enterprises, especially financial institutions whose aim was to ensure the independence of the Estonian economy from the Germans.³¹ This peaceful progress was interrupted by the Russian Revolution of 1905, which in Estonia, too, resulted in widespread strikes and excesses of all kinds against landowners of German origin and their property. This in turn, led to the bloody repression of the Revolution by Russian punitive expeditions, and the introduction of martial law, which was to be kept in force until 1908 and which paralyzed Estonian political life.³²

²⁸ Andres Kasekamp, 2000, p. 5.

²⁹ John Hiden and Patrick Salmon, 1991, p. 19.

Emanuel Nodel, 1963, pp. 123-124.

³⁰ Romuald Misiunas and Rein Taagepera, 1983, p.6.

Emanuel Nodel, 1963, pp. 129-131.

³¹ Ibid. , pp. 131-134.

³² John Fitzmaurice, 1992, pp. 91-92.

John Hiden and Patrick Salmon, 1991, pp. 21-22.

Romuald Misiunas and Rein Taagepera, 1983, pp. 7-8.

Georg Von Rauch, 1970, pp. 14-15.

4.2. First period of independence

This setback was partly compensated by progress in the economic and cultural fields. Most of the groundwork, which made possible the creation of an independent Estonian Republic at the end of the First World War, was done during this interval of peace.³³

However, the First World War did not directly touch Estonian territory until February 1918.³⁴ This was one of several advantageous factors facilitating the creation of the Estonian republic. Another and more important factor was the Russian Revolution. The February Revolution of 1917 in Russia was exploited by the Estonians rapidly and skillfully to achieve their old political goal, the unification of all areas with an Estonian population into one single administrative unit and the taking over of national affairs by the national majority- the Estonians.³⁵ In June 1917, the Estonians succeeded in carrying out elections to the National Council³⁶ and the following month saw the formation of an executive committee or national government.³⁷ Already in August 1917, the idea of declaring an independent Estonian State had been raised in the National Council, and this aim began to spread among Estonians with great rapidity after the so-called October Revolution in Russia had started on the 7th of November 1917. To save the country from being drawn into the revolutionary whirlpool, the National Council on the 28th of November decided to declare itself to be the highest power in Estonia, which, in effect, meant severance from the Russian state.³⁸

³³ Riina Kionka and Raivo Vetik, 1999, p. 33.

Emanuel Nodel, 1963, pp. 156-157.

Eevald Uustalo, 1961, p. 49.

³⁴ John Fitzmaurice, 1992, p. 93.

John Hiden and Patrick Salmon, 1991, p. 26.

³⁵ Georg Von Rauch, 1970, p. 27.

³⁶ Andres Kasekamp, 2000, p. 7.

³⁷ John Hiden and Patrick Salmon, 1991, p. 30.

Georg Von Rauch, 1970, p. 31.

³⁸ John Fitzmaurice, 1992, p. 94.

Eevald Uustalo, 1961, p. 50.

For the time being, this epoch-making decision remained on a theoretical plane, as on that same day the Bolsheviks dispersed the National Council with armed force. In the future, the only body that was able to function was its Council of Elders, to which the National Council had delegated its powers before it was dispersed. It was during this period of Bolshevik rule that the Council of Elders, headed by the newspaper editor Konstantin Päts, in Tallinn, on the 24th of February 1918, declared Estonia to be an independent republic.³⁹

But then on the 25th of February 1918 German forces reached Tallinn and were trying to annex Estonia by Germany, but all these schemes were brought to naught by the outbreak of the German Revolution on the 9th of November 1918. Only two days afterwards, the Estonian Provisional Government was once again able to exercise its functions and its authority over the country was confirmed in a formal treaty with the representative of the German State on the 19th of November.⁴⁰

The Provisional Government came into power at an exceptionally difficult time. The economic situation was catastrophic, the Government itself had no funds whatsoever and, the most dangerous fact of all taking into account the concentration of Bolshevik troops on the eastern frontier, it had no armed forces or arms for the rapid organization of a potential force.⁴¹ So it was not surprising that during the first month after the Bolshevik attack, December 1918, they were having successes.⁴² This war is called the Estonian war for independence. But by the beginning of 1919, the Provisional Government had succeeded in organizing considerably greater forces and in procuring better arms. This and other advantageous factors culminated, on the 7th of January 1919, in the Estonian counter-attack, which, in just over a month, cleared the whole country of the enemy.⁴³

³⁹ John Hiden and Patrick Salmon, 1991, p. 32.

Andres Kasekamp, 2000, p. 9.

Riina Kionka and Raivo Vetik, 1999, p. 33.

Romuald Misiunas and Rein Taagepera, 1983, p. 8.

Georg Von Rauch, 1970, p. 45.

⁴⁰ John Fitzmaurice, 1992, p. 94.

John Hiden and Patrick Salmon, 1991, p. 32.

Andres Kasekamp, 2000, p. 9.

⁴¹ Georg Von Rauch, 1970, p. 49.

⁴² Ibid., pp. 49-51.

⁴³ John Hiden and Patrick Salmon, 1991, pp. 32-33.

Georg Von Rauch, 1970, p. 53.

But this was not the end of the War of Independence, and the Estonian forces still had to throw back several attacks of far greater power than the first Bolshevik onslaught. The final peace treaty with the Soviet Union was concluded in Tartu only on the 2nd of February 1920⁴⁴, after which *de jure* recognition for the Estonian Republic began to be forthcoming gradually. In September of that year, the new Republic was accepted as a member of the League of Nations.⁴⁵

Estonia now had applied herself to two tasks with equal courage and success – the waging of an onerous war and, at the same time, the creation of a State administration. Elections to the Constituent Assembly had been carried out in the midst of some of the most difficult and bloody fighting of the war. The main task of the Assembly was to give the new State a Constitution, a task that was not completed until after the end of the war.⁴⁶

The Constitution represented an effort to translate theoretical principles, with as little compromise as possible, into a democratic regime.⁴⁷ However, it soon began to be evident that the Constitution had some important shortcomings. The result was that governments were short-lived and from May 1919 to October 1933 there were no less than twenty governments under ten prime ministers.⁴⁸ In spite of this quick change of governments it was a period of all round progress. By 1925, the economic difficulties inherent in the founding of a new State were surmounted. State finances were kept in good order until the world economic crisis and all the financial years between 1922 and 1930 ended with a surplus.⁴⁹ Great strides forward were taken in the cultural fields too and also special attention was given to minority rights.⁵⁰

⁴⁴ Riina Kionka and Raivo Vetik, 1999, p. 34.

⁴⁵ John Hiden and Patrick Salmon, 1991, pp. 38-39.

Andres Kasekamp, 2000, p. 11.

Romuald Misiunas and Rein Taagepera, 1983, p. 9.

Georg Von Rauch, 1970, pp. 72-73.

⁴⁶ Ibid. , pp. 76-77.

⁴⁷ Romuald Misiunas and Rein Taagepera, 1983, p. 10.

⁴⁸ John Hiden and Patrick Salmon, 1991, p. 50.

Andres Kasekamp, 2000, p. 13.

Romuald Misiunas and Rein Taagepera, 1983, p. 11.

⁴⁹ John Hiden and Patrick Salmon, 1991, p. 86.

⁵⁰ Ibid. , pp. 46-47.

Andres Kasekamp, 2000, p. 19.

The nation was making progress in many fields, but the lack of stability of government was a serious shortcoming, and dissatisfaction with this gained more and more among the people. It expressed itself quite early in a demand for the reform of the Constitution.⁵¹ With the coming of a sharp economic crisis at the beginning of the 1930s, these demands received a new impetus and, at the same time, there sprang up a new, radical rightwing, political movement, called the League of Veterans, demanding decisive power for the President. This mass movement grew so rapidly that, in October 1933, it succeeded in having its own Constitutional proposals accepted in a referendum.⁵² As a reaction to this movement, the President, Konstantin Päts, declared a State of Emergency and forbade all the activities of all the political parties.⁵³ This was the beginning in Estonia of the so-called “Period of Silence”, when political activity by the parties was forbidden and the right of free speech restricted.⁵⁴

Georg Von Rauch, 1970, pp. 128-145.

⁵¹ Ibid. , p. 148.

⁵² Andres Kasekamp, 2000, pp. 43-48.

Georg Von Rauch, 1970 , p. 149.

⁵³ John Hiden and Patrick Salmon, 1991, p. 51.

Georg Von Rauch, 1970, pp. 150-151.

⁵⁴ John Fitzmaurice, 1992, p. 104.

John Hiden and Patrick Salmon, 1991, p. 52.

Andres Kasekamp, 2000, pp. 98-106 and pp. 120-131.

Georg Von Rauch, 1970, pp. 154-161.

4.3. Soviet occupation

At the beginning of World War II the fate of Estonia was directly decided by the non-aggression pact between the Soviet Union and Nazi Germany, which contained secret clauses for the division of the Baltic States and Poland into spheres of influence.⁵⁵ Step by step the Soviet Union took over Estonia. So it came as no surprise when, on the 21st and on the 22nd of July 1940 the new, not freely elected⁵⁶, Parliament declared Estonia to be a Soviet Socialist Republic and asked the country to be accepted as a member of the Soviet Union.⁵⁷ The acceptance took place on the 6th of August 1940.⁵⁸

Even before these events had taken their course the notorious Soviet political police had begun their activities in Estonia. The nationalization of industry and commerce was also carried out rapidly. A reign of terror accompanied these harsh measures.⁵⁹ With during the first night of Soviet occupation already 10 000 Estonians deported to Siberia as a result.⁶⁰ The German forces, which had attacked the Soviet Union on the 21st of June 1941⁶¹, reached the Estonian border on the 7th of July, but they were unable to capture Tallinn until the 28th of August.⁶² Although the German occupation proved to be far more humane, the Estonian nationalist movement had to go underground because of the hostility of the occupation regime and the numerous arrests.⁶³ But in mid-September

⁵⁵ John Hiden and Patrick Salmon, 1991, p. 105.

Riina Kionka and Raivo Vetik, 1999, p. 34.

Romuald Misiunas and Rein Taagepera, 1983, p.15.

Georg Von Rauch, 1970, pp. 208-209.

⁵⁶ Riina Kionka and Raivo Vetik, 1999, p. 34.

⁵⁷ John Fitzmaurice, 1992, pp. 45-46 and p. 112.

Andres Kasekamp, 2000, p. 133.

Georg Von Rauch, 1970, p. 226.

⁵⁸ John Hiden and Patrick Salmon, 1991, p. 114.

Romuald Misiunas and Rein Taagepera, 1983, p. 28.

⁵⁹ John Hiden and Patrick Salmon, 1991, pp. 114-115.

Romuald Misiunas and Rein Taagepera, 1983, pp. 29-44.

Georg Von Rauch, 1970, pp. 227-228.

⁶⁰ Riina Kionka and Raivo Vetik, 1999, p. 35.

⁶¹ Georg Von Rauch, 1970, p. 228.

⁶² Romuald Misiunas and Rein Taagepera, 1983, p. 47.

⁶³ John Hiden and Patrick Salmon, 1991, pp. 119-120.

Romuald Misiunas and Rein Taagepera, 1983, pp. 47-68.

1944 the Germans decided to withdraw their forces from Estonia⁶⁴ and on the 22nd of September 1944 Tallinn fell to the Russians.⁶⁵

By the end of November, the Soviet Union had conquered the whole of Estonia and a Communist Government was once again active in the country.⁶⁶ Just as during the previous occupation of 1940-41, this Government was subservient to the Central Government of the Soviet Union and merely carried out orders from Moscow.⁶⁷ At the end of 1949 a purge began of the Estonian Communist leaders themselves and lasted a whole year. They were accused of bourgeois nationalism and were mostly replaced by Russian Estonians.⁶⁸ So began the immigration in Estonia of many Russians who took up leading posts, so creating conditions of strong antipathy between Estonians and Russians.⁶⁹

The most significant turning point during post World War II Soviet rule undoubtedly came with the death of Stalin in March 1953. Politically and economically, his absence began to be felt almost immediately. Nevertheless, it took both the Moscow and the Tallinn leadership several years to assess the situation and decide on a new course of action. Thus, there was a time lag in moving away from Stalinism, and this was particularly the case regarding cultural affairs.⁷⁰

One of the darkest sides of Stalinism was its impact on cultural output. Although official guidelines were not yet categorical in the early postwar years, the range of cultural expression narrowed dramatically in the late Stalinist era. Not only did those in the Estonian creative intelligentsia have to eschew “formalism” and strive for ideological purity, but as members of a non-Russian nationality they also had to avoid the sins of

⁶⁴ Riina Kionka and Raivo Vetik, 1999, p. 35.

⁶⁵ John Hiden and Patrick Salmon, 1991, p. 124.

Romuald Misiunas and Rein Taagepera, 1983, p. 68.

⁶⁶ Georg Von Rauch, 1970, p. 231.

⁶⁷ Romuald Misiunas and Rein Taagepera, 1983, p. 74.

⁶⁸ John Fitzmaurice, 1992, p. 114.

Romuald Misiunas and Rein Taagepera, 1983, pp. 78-79.

⁶⁹ John Fitzmaurice, 1992, p. 114.

John Hiden and Patrick Salmon, 1991, p. 126.

Romuald Misiunas and Rein Taagepera, 1983, pp. 107-109.

⁷⁰ John Fitzmaurice, 1992, p. 117.

Eevald Uustalo, 1961, p. 65.

“bourgeois nationalism”. The bleakest period in Estonian culture under Stalin came in 1948-1953, and as said before, the thaw did not begin until the mid-1950s.⁷¹

Industrially Estonia became fully integrated into the highly centralized Stalinist economic system, and its major role in the Soviet Union’s fourth five-year Plan was to develop its vast oil-shale resources into a major supplier of the energy needs of the northwestern USSR. Primarily because of these large-scale capital investments in the oil-shale industry, Estonia achieved high industrial growth rates in the first postwar decade.⁷²

The Stalinist era in Estonian agriculture was dominated by first the specter and then the reality of collectivization. As in other spheres of activity, Stalin’s rural policies in his later years could offer nothing more than a repetition of the wrenching Soviet experience of the 1930s. However, it is noteworthy that mass collectivization was not begun until some four and a half years after the reestablishment of Soviet rule in Estonia. The new regime moved circumspectly for several reasons. Most important, Estonia and the other newly acquired western regions had not been thoroughly Sovietized before they were lost to the USSR in 1941. Thus, a certain period of stabilization, especially after three years of Nazi rule, was necessary. Furthermore, the Soviets lacked both cadres and grassroots support in the rural areas, and for all the sociopolitical benefits of collectivization from the regime’s point of view, the likely economic consequences could not be taken lightly.⁷³

At the time of Stalin’s death in 1953, the Estonian future looked extremely bleak. The elite of the independence era had been physically removed from the scene, primarily through Stalinist repression and wartime emigration. Overall, the ethnic Estonian population declined by a startling one-third in 1939-1955. At the same time, large numbers of non-Estonians, mainly Russians, were immigrating to Estonia. Native Estonians had also been removed from the Estonian Communist Party (ECP) leadership.⁷⁴ Russified Estonians, who had spent most of their lives in the Soviet Union,

⁷¹ Romuald Misiunas and Rein Taagepera, 1983, pp. 118-120.

⁷² John Hiden and Patrick Salmon, 1991, pp. 130-131.

Riina Kionka and Raivo Vetik, 1999, pp. 35-36.

⁷³ Romuald Misiunas and Rein Taagepera, 1983, pp. 96-104.

⁷⁴ John Fitzmaurice, 1992, p. 114.

John Hiden and Patrick Salmon, 1991, pp. 132-133.

were assimilated as Russians, and returned to Estonia to make careers only after the Soviet annexation replaced them.⁷⁵ Finally Estonian culture appeared to be on the verge of extinction in the face of the heavy-handed application of the “elder brother” concept of the superiority of all things Russian.

Although the Soviet system was not fundamentally altered in the years after 1953, the post-Stalin era witnessed significant changes in Estonian life. Taken together, these developments constituted the major transformation of the post-World War II era. For the first time since before Stalinism, the Estonian Communist Party regained some decision-making power. After the disastrous first postwar decade, the standard of living improved considerably, especially in the rural areas.⁷⁶ The feared security forces were downgraded in importance, and within a few years of Stalin’s death many of the surviving deportees returned from the camps and from exile. Gradually the Estonian intelligentsia began to reassert itself, and in the course of the 1960s nothing short of a renaissance was taking place in cultural life.⁷⁷

The mid-1960s to the mid-1970s can be characterized as a period of consolidation of the gains made in the earlier post-Stalin years. Living standards continued to rise, as did the ethnic Estonian proportion in the ECP, at least until the start of the 1970s. There were significant new cultural achievements⁷⁸, and the general mood, despite the impact of the invasion of Czechoslovakia, remained upbeat to the end of the 1960s. The centennial of the first all-Estonian song festival in 1969 proved to be a powerful national demonstration; about one in four Estonians in the ESSR attended the event.⁷⁹ Contacts with Western culture also mushroomed through a growing influx of tourists and the availability of Finnish television in the northern third of Estonia.⁸⁰

In the mid-1970s, however, the mood began to shift, and since that time there has been increasing cause for pessimism. Living standards no longer improved and may have declined. Non-Estonian immigration fell in the late 1970s but rose again in the early

Riina Kionka and Raivo Vetik, 1999, p. 35.

⁷⁵ Riina Kionka and Raivo Vetik, 1999, p. 36.

⁷⁶ Romuald Misiunas and Rein Taagepera, 1983, p. 182.

⁷⁷ John Fitzmaurice, 1992, p. 117.

Romuald Misiunas and Rein Taagepera, 1983, pp. 126-130 and 145-150.

⁷⁸ *Ibid.*, pp. 150-155.

⁷⁹ John Fitzmaurice, 1992, pp. 117-118.

⁸⁰ Romuald Misiunas and Rein Taagepera, 1983, p. 174.

1980s. These trends and others - including the growing role of Russian in education, administration, and everyday life; the increasing scarcity of printed matter in Estonian; and restrictions on research in Estonian culture⁸¹ - led to unprecedented social unrest in 1980.⁸²

After the death of Leonid Brezhnev in 1982 the crisis of the Soviet system could not be long delayed. Mikhail Gorbachev, who came to power in 1985, was the first Soviet leader to acknowledge the existence of such a crisis. Of all the nationalities the Baltic peoples and especially the Estonians were the most determined and the best placed to exploit the new conditions. In this sense Gorbachev's reforms occasioned rather than caused the remarkable contemporary reawakening of the Estonian republic.⁸³

Economic and ecological considerations were already radicalizing political life in Estonia during the 1980s. Major protests about the environment had been held in Tallinn in spring 1987.⁸⁴ This successfully blocked the plans of the Soviet central authorities to begin phosphate mining in northeastern Estonia, already a major ecological disaster area. Such small but significant steps towards organized protest encouraged key individuals within the government establishments in Estonia to contemplate reform more seriously as glasnost began to take root. As a result, by the end of 1988 the reform wing had gained the decisive positions in the state and Party leadership of Estonia.⁸⁵

⁸¹ Riina Kionka and Raivo Vetik, 1999, pp. 37-38.

Romuald Misiunas and Rein Taagepera, 1983, pp. 202-204.

⁸² John Hiden and Patrick Salmon, 1991, p. 144.

Riina Kionka and Raivo Vetik, 1999, p. 38.

Romuald Misiunas and Rein Taagepera, 1983, p. 242.

⁸³ John Fitzmaurice, 1992, pp. 118-122.

John Hiden and Patrick Salmon, 1991, p. 147.

⁸⁴ John Fitzmaurice, 1992, p. 121.

⁸⁵ John Hiden and Patrick Salmon, 1991, p. 149.

4.4. The way to regaining independence

The Estonian cause was furthered by the development of the so-called Popular Front, which came into being in Estonia during 1988. These were not political parties but coalitions of reformists and populist forces, including communists outside and within the governing republican establishments.⁸⁶ Their demands by autumn 1988 included, as well as a desire for more control over their economic affairs, calls for cuts in immigration from the other Soviet republics and for greater cultural and ecological self-determination.⁸⁷

Historic Supreme Soviet elections in the USSR took place on the 26th of March 1989. The fact that multi-candidate choice was available for the first time encouraged the Popular Fronts and other radical groups to organize and to spread their own electoral message. This was done with no small success even though there was still only one legal party, the Communist Party, and most of the candidates were members of it.⁸⁸

But once again, there was no call for political independence, only economic independence from Moscow was demanded by 1990.⁸⁹ The strategy of the more radical congress movement, however, exploited more systematically the declaration of the USSR Supreme Soviet of December 1989, that the Nazi-Soviet pacts were null and void. Congress spokesmen pushed this argument to its logical conclusion by insisting therefore on the “calm restoration” of the old state of Estonia. That this strategy had spread beyond the congress movement was shown at an important assembly convened in early February 1990 for all Estonian elected representatives.⁹⁰

The assembly voted to open talks with Moscow to restore its lost independent statehood. The Chairman of the Estonian Supreme Soviet presided over the assembly.

⁸⁶ John Fitzmaurice, 1992, p. 122.

John Hiden and Patrick Salmon, 1991, p. 149.

Riina Kionka and Raivo Vetik, 1999, p. 40.

⁸⁷ John Hiden and Patrick Salmon, 1991, p. 150.

⁸⁸ Ibid. , p. 152.

⁸⁹ Ibid. , p. 153.

⁹⁰ John Fitzmaurice, 1992, pp. 124-125.

He had already informed Gorbachev of the planned events and that the Estonian goal was full independence. The unprecedented agreement between Estonian political groups about this was evidence enough against the Moscow line that only the extremists in Estonia wanted independence.⁹¹

On the 30th of March 1990 the new Estonian Supreme Soviet made its own declaration of independence.⁹² More exactly, it declared the annexation of 1940 to be illegal and resolved to begin a “transition period” towards the “reformation of the constitutional institutions of the Republic of Estonia”.⁹³ By mid-June Moscow had moved from its insistence on a “respectful dialogue”. The term “negotiations” was used for the first time, when Estonia was urged to freeze its declaration of independence so that talks could begin.⁹⁴ By September 1990 direct consultations had started between Moscow and Estonia.⁹⁵

Independence from Moscow increased step by step: the Estonian police and the basis for the defense forces were formed, payments into the USSR State Budget were cut down and the economic border was established. Co-operation between the Baltic States intensified and the Council of the Baltic States was established.⁹⁶ Transition to market economy began, prices were liberalized, many small enterprises were privatized and farms established.⁹⁷ Negotiations between the Republic of Estonia and the USSR were unsuccessful. In January 1991, Moscow interfered directly with the internal affairs of Estonia, but this did not lead to the fall of the legal government.⁹⁸ On the referendum of the 3rd of March 1991, 77.8% of the population (including 1/3 of the immigrants living here) supported restoring the independence of Estonia.⁹⁹ During the 19th of August 1991 coup in the USSR, the Estonian organs of State power decided that the orders of the Committee for the State of Emergency that had seized power in the USSR were not to be

John Hiden and Patrick Salmon, 1991, p. 160.

⁹¹ Ibid. , pp. 160-161.

⁹² Riina Kionka and Raivo Vetik, 1999, p. 41.

⁹³ John Hiden and Patrick Salmon, 1991, p. 162.

⁹⁴ Ibid. , p. 163.

⁹⁵ Ibid. , p. 166.

⁹⁶ John Fitzmaurice, 1992, p. 132.

⁹⁷ Ibid. , p. 133.

⁹⁸ Ibid. , p. 137.

⁹⁹ Riina Kionka and Raivo Vetik, 1999, p. 42.

carried out in Estonia. On the 20th of August 1991, the Supreme Council passed a resolution on the national independence and applied for re-establishing diplomatic relations. On the 24th of August, Russia acknowledged the independent Republic of Estonia.¹⁰⁰ On the 27th of August, the European Community states, on the 2nd of September the United States and on the 6th of September the Soviet Union, recognized the independence of Estonia. On the 10th of September, Estonia became a member of the CSCE and on the 17th of September, of the United Nations Organization.¹⁰¹

¹⁰⁰ Ibid. , p. 43.

¹⁰¹ John Fitzmaurice, 1992, p. 137.

4.5. Conclusion

The first thing we wanted to show was that Estonia grew up as a country oriented towards Europe and not towards Russia. I think that for proving this point the most important period in the Estonian history has been the Swedish one. It was during the reign of Sweden that the Estonian peasants started to get their first education. And as every education does it brought culture and gave the people an identity. As this education happened under Swedish rule, it is obvious that it was a European education, transmitting the typical Western and more specifically Scandinavian culture and values. This Swedish rule went on for about one century, so for sure long enough to leave its mark on the Estonian population. This can be also proven by the fact that even nowadays people speak about the “good old” Swedish days. Then when the Russians took over in 1710 the situation of the peasants got much worse and a part of that was that the education of the peasants almost completely stopped. So even if Russia occupied Estonia longer than did Sweden before, Sweden left a bigger mark, as the Russians did no effort to educate the Estonians. Then when the education situation got better for the Estonian peasants it did not help to Russify them, on the contrary, the education gave birth to the national awakening and the start of the formation of a national identity. Also important during this Russian period was that basically the Russians left Estonia to be governed by its German nobility. So it is clear that Estonians have never been really intensely Russified during history, so we can say that they have a Western European culture and values more than a Russian one, so they clearly belong to Europe.

Then important to remember from the Soviet period in the history of Estonia is that from the beginning Estonia had its industrial role as a provider of the energy needs for northwestern Russia with its vast oil-shale resources. Because of this Estonia grew rapidly industrially, but it also laid the seeds for the massive pollution that nowadays forms a big obstacle for Estonia entering the European Union. So this function of Estonia in the Soviet planned economy had both a positive and a negative consequence for its application for membership of the European Union. Positive as it was a start for the good

economic situation that Estonia now has compared to the other ex-Soviet republics. Negative as Soviet industry always brings with itself massive pollution.

This pollution then was also the start of the independence movement at the end of the 80s, starting with massive protest against the environmental situation of Estonia. Also this way of protest proves that Estonia is a European country, as environmental protest was something typical European for that time.

5. Historical and theoretical overview of the European Union and its enlargement policy

This second chapter of this study will be the most theoretical one, as it will deal with the judicial part of applying for membership. This chapter is important in the light of this study in order to show later to which extent Estonia complies with these criteria, so we can see if officially there are reasons for the European Union not to let Estonia enter. As this chapter will just give an overview of the general process of applying and not specifically of the case of Estonia, it will mainly function as a reminder for the reader at any point of what exactly are the official criteria again.

First I start with a historical overview of the EU's previous enlargements and also what one can expect of the future enlargements. This overview is useful, because the reader can use it as a reminder of what chronologically happened when reading the other parts that are not always written in a chronological order.

The next part of this chapter examines the relation between the three most important EU-institutions, the Parliament, the Council and the Commission, and enlargement, especially what happened in the past. This is to show what exactly the role of these institutions are in the enlargement process and also what effects this process has on these institutions and so to show how important enlargement is for the institutions of the European Union.

In the third and last part of this chapter I focus more specifically on the enlargement to come, the one of the Central and Eastern European Countries (CEEC's). As this study will handle about Estonia and the European Union, this future enlargement is the most important in the context of this study.

A conclusion at the end of this chapter is not very useful. I am not yet trying to show something with this chapter. So it should be more seen as a reminder for the reader of this study of what exactly is enlargement. When the next chapters of this study might

be a bit confusing, the reader can always use this third chapter to understand again what this study is handling about.

5.1. A historical survey of the EU's enlargements

Although the openness of the European Union to new members is clearly expressed in the Treaty of Rome, the events of the 1960s may seem to indicate otherwise. Consequently, despite the fact that the United Kingdom had refused to join the European Coal and Steel Community or to participate in the preparation of the Rome treaties, the other five members retained their enthusiasm for the inclusion of Britain. Even after organizing the formation of the European Free Trade Association (EFTA) in 1960, a move particularly provocative to the French, Britain reversed itself on EEC membership in 1961 with a formal application from the Macmillan government. Two vetoes by Charles de Gaulle, in 1963 and 1967, did not preclude the reactivation and eventual success of the United Kingdom's application in 1972.¹⁰²

All subsequent enlargements would be affected by the decision to apply existing EC conditions to its first enlargement. According to Preston, the principle that an applicant accepts the *acquis communautaire* in full with no permanent opt-outs goes right back to de Gaulle's first rejection of the UK's application in January 1963. The French were afraid that the UK's commitments to the Commonwealth and its EFTA partners could not be squared with EC membership.¹⁰³

The second and third enlargement saw the accessions of Greece (in 1981) and Spain and Portugal in 1986. All three applied to join the EC in the mid to late 1970s and shared three key characteristics: they were all southern, recently freed of authoritarian rule and relatively less developed economically than the EU's existing members. The 1981 and 1986 enlargements are in fact frequently grouped under the heading "Mediterranean enlargement". In all, it took Greece six years from the time of applications to its actual

¹⁰² Desmond Dinan, "The Commission and Enlargement." In: John Redmond and Glenda Rosenthal, *The expanding European Union: past, present, future*. Lynne Rienner Publishers, Colorado, 1998, p. 19.
John Redmond and Glenda Rosenthal, "Introduction." In: John Redmond and Glenda Rosenthal, *The expanding European Union: past, present, future*. Lynne Rienner Publishers, Colorado, 1998, p. 6.

¹⁰³ Karlheinz Neunreither, "The European Parliament and Enlargement, 1973-2000." In: John Redmond and Glenda Rosenthal, *The expanding European Union: past, present, future*. Lynne Rienner Publishers, Colorado, 1998, pp. 66-69.

entry and Spain and Portugal nine, but neither set of negotiations compares with the twelve years it took Britain to achieve membership. As Laurent indicates, with the six, eight, and ten years it took the new members to move from accession to full integration, “enlargement, defined as joining and truly adhering to the integrated conditions of the member states, has been painfully slow and an internally combative process.”¹⁰⁴

The most recent enlargement, in which Austria, Finland and Sweden took the EU's membership from twelve to fifteen in 1995, has been the quickest and the most complex to date. Initially, there were five applicants, but Switzerland and later Norway cancelled their applications after the population voted against EU membership in a referendum.¹⁰⁵

Now we will turn to the history of the applications of countries that are not yet members or maybe never will be. Turkey has an association agreement dating back to 1963 and has been implementing a customs union with the EU since January 1996. It applied for full membership in 1987. The EC delayed the Commission's opinion until December 1989 and then rejected it. Although a customs union finally started to be implemented in January 1996 after many debates and many threats, there has been little progress toward actual membership, largely because of doubts about Turkey's democratic credentials, because of the at that time still existing death penalty and reports of widespread human rights violations, especially with respect to the Kurdish minority. There are also fears, as the Federal Trust points out in a recent monograph, about the "economic consequences of Turkish accession in terms of trade, the budget and labor market, an uneasy awareness of the strength of Islamic fundamentalism, and a wide skepticism about its European identity."¹⁰⁶

John Redmond and Glenda Rosenthal, 1998, p.6.

¹⁰⁴ Desmond Dinan , 1998, p.19.

Karlheinz Neunreither, 1998, pp. 69-73.

Peter Van Ham, *The EC Eastern Europe and European unity. Discord, collaboration and integration since 1947*. Pinter, London, 1993, pp. 195-199.

¹⁰⁵ Elizabeth Bomberg and John Peterson, "Northern Enlargement and EU decisionmaking." In: Piere-Henri Laurent and Marc Maresceau, *The state of the European Union: Deepening and widening*. Lynne Rienner, Colorado, 1998, p.43.

Desmond Dinan , 1998, pp. 19-20.

Karlheinz Neunreither, 1998, pp. 74-77.

¹⁰⁶ John Redmond and Glenda Rosenthal, 1998, p.8.

The European Commission has taken a different stance on the 1990 applications of the other two Mediterranean's, Cyprus and Malta, and issued moderately favorable opinions in 1993. The Corfu summit in June 1994 went one step further and assured Malta and Cyprus that they would be included in the next phase of EU enlargement. This was confirmed at the Essen summit at the end of that year, and in March 1995, Malta and Cyprus were assured by the Council that membership negotiations would begin within six months after the end of the 1996 Intergovernmental Conference. "Structured dialogue" with the two island states began to prepare them for membership. It is unclear to what extent the main difficulty in the Cypriot case - the lack of some satisfactory settlement of the Cypriot partition problem - is still an obstacle to accession. However, while prospects for Cyprus are perhaps now better than they have ever been, this is no longer true for Malta.¹⁰⁷

The election of a Labor government committed in its manifesto to withdrawing the Maltese membership bid has led to confusion. As a consequence the Maltese membership bid now seems to be frozen, and in early 1997, Malta was no longer participating in structured dialogue with the EU, but the Maltese government was preparing new proposals for EU-Malta relations.¹⁰⁸

But these problems are nothing compared with what the EU is facing concerning the inclusion of the Central and Eastern European Countries (CEEC's) as members of the European Union. A new form of association, the so-called Europe Agreements, has been negotiated with many of the CEEC's, and more are likely to follow. These agreements provide for association institutions, political dialogue, and a free trade area in industrial goods and more limited concessions in agriculture, economic and financial cooperation, and cultural cooperation. In other words, a framework is being established for the gradual political and economic integration of the CEEC's into the EU.¹⁰⁹

¹⁰⁷ Ibid. , p. 8.

¹⁰⁸ Ibid. , pp. 8-9.

¹⁰⁹ Karlheinz Neunreither, 1998, pp. 77-80.

5.2. The relation between the different EU-institutions and the enlargement process

In this part of the chapter I will examine what effects enlargement has on the three most important institutions of the European Union, the Commission, the European Parliament and the Council of Ministers and also what effect they have on enlargement and what their role is in the enlargement process. This will of course basically be based on previous enlargements, but it is clearly indicated that one can expect that the situation will be more or less the same for what future enlargements are concerned.

3.2.1. The Commission

The institutional history of the European Commission is one of almost continuous adjustment in response to successive enlargements. Today's European Union has double the population, more than double the membership, nearly three times the number of official languages, and an immensely greater range of responsibilities than the original European Economic Community. Yet, apart from a larger college of commissioners and a threefold increase in the size of its permanent staff, today's Commission looks remarkably like the original model. Such continuity is especially striking because reformers have repeatedly attempted to overhaul the institution on the basis of impending enlargement. Under these circumstances, it is surprising not that the Commission is unwieldy and somewhat inefficient, but that it functions as well as it does.¹¹⁰

The institutional history of enlargement therefore suggests that the Commission will muddle through future rounds of accession agreements. But this time so great is the

¹¹⁰ Andras Inotai, "The CEEC's: From the Association Agreements to full membership?" In: John Redmond and Glenda Rosenthal, *The expanding European Union: past, present and future*. Lynne Rienner Publishers, 1998, pp. 160-161.

likely impact of the enlargement to come that it loomed over the agenda of the IGC preparing the Amsterdam Treaty, but again attempts to drastically change the Commission have failed.¹¹¹

Enlargement is a protracted and variable process, entailing five stages: preapplication, application, negotiation, ratification, and implementation. The length of each stage differs from case to case, depending on the applicant country's particular economic, political, and administrative circumstances, and on general circumstances within the EU itself. The Commission is formally and/or informally involved in each stage of the enlargement process, to a greater or lesser extent. The Commission's informal involvement may not necessarily begin at the same stage of each enlargement, but it continues through a number of successive stages.¹¹²

The preapplication stage is the least definite of the five. It relates to the period during which an application is considered inevitable or imminent, thus allowing or obliging the Commission to make some preparations, including preliminary, unofficial estimates of the political and economic impact of the expected enlargement on the EU, and its administrative impact on the Commission itself.¹¹³

The length of the application stage, the time between receipt of a membership application and the opening of accession negotiations, varies from case to case. The Commission's formal involvement at this time, and its most conspicuous contribution to the enlargement process, is to prepare and present an opinion on the applicant's suitability for membership and on the likely impact of enlargement on the Union.¹¹⁴

The negotiation stage of enlargement has ranged from less than one year to more than six years. As the Commission itself observed during the negotiation stage of the first enlargement, its main role during this stage is "to reflect and to take action". Thus, the Commission submits compromise solutions that usually become the basis for joint positions of the existing member states and then for an agreement between them and the

¹¹¹ Elizabeth Bomberg and John Peterson, 1998, pp. 43 and 56-61.

Piere-Henri Laurent and Marc Maresceau, "Introduction: moving to a multispeed Europe." In: Piere-Henri Laurent and Marc Maresceau, *The state of the European Union: deepening and widening*. Lynne Rienner Publishers, 1998, pp. 1-2.

¹¹² Desmond Dinan, 1998, p. 20.

¹¹³ *Ibid.*, p. 20-21.

candidates. Although East Germany did not accede to the EU under article 237 of the EEC Treaty, but joined instead through the West German government's use of article 23 of the Basic Law, the short prelude to East Germany's absorption into the Union amounted to an accelerated negotiation stage.¹¹⁵

During the subsequent ratification stage, the Commission president allocates portfolios to the new member states' Commission nominees. This process not only involves the usual amount of lobbying by member states, but also offers an opportunity for the Commission president, existing member states, and acceding member states to assuage public opinion in their various constituencies. Thus, new commissioners, especially from large member states or from member states in which negotiation and ratification of the Accession treaty proved unusually contentious, inevitably receive portfolios that are especially relevant to their countries' special interests and concerns.¹¹⁶

Finally, in the implementation stage of enlargement, after the applicant countries have joined, the Commission has numerous responsibilities with regard to putting the Accession treaties into effect and extending the EU regime to the new members.¹¹⁷

The links between enlargement, deeper integration and institutional reform are clear. The Commission consistently argued that a wider Union would be a weaker Union unless the member states agreed to integrate further on the occasion of enlargement. But the logic of that argument, and the Commission's powers of persuasion, was never sufficient by themselves to impel the member states to act. It was other factors, such as the changing political and economic circumstances of the early 1980s, which led the member states to renew their commitment to the single market and to adopt the necessary institutional reforms, thereby launching the only appreciable deepening of European integration concurrent with enlargement.¹¹⁸

The EU has already embarked on a new series of enlargements. In some respects, the Commission's role in the new enlargements will be identical to its role in previous enlargements. Yet, the new enlargements are likely to differ radically from earlier ones,

¹¹⁴ Ibid. , p. 21.

¹¹⁵ Ibid. , p.21.

¹¹⁶ Ibid. , p.21.

¹¹⁷ Ibid. , p.21.

thereby presenting the Commission with unique challenges and responsibilities. First, the exceptionally small size of the two Mediterranean applicants, Cyprus and Malta, will affect their representation and involvement in the EU's institutions. Moreover, Cyprus is bitterly divided between the Greek south and Turkish north.¹¹⁹

Second, the large number and varying size of the Central and Eastern European potential members, and their relatively low level of economic development, have implications for the enlargement process, and especially for the future functioning of the EU's institutions and policies. As a result, the Union has adopted a new approach to the earlier stages of the Central and Eastern European Countries enlargement, modifying the Commission's role accordingly.¹²⁰

3.2.2. The Council of Ministers

All the previous reforms of the Council of Ministers were also related to enlargements.¹²¹ The search for better management and coordination received particularly strong stimulus with the 1972 and 1974 summits in Paris. These proposed a wide range of new issues to be dealt with at the European level by the newly enlarged Community of Nine. It was then that the half yearly held summits were institutionalized.¹²² In December 1978 then a Committee of Three Wise Men was set up to report on institutional arrangements. In relation to the Council structure, the Three Wise Men called for a "clearer definition and the consistently more efficient execution of responsibilities for the management of business". They also suggested that political priorities needed to be established at the highest level, with improved coordination at both the Community and national levels. They also made a number of practical suggestions relating to the presidency of the Council and to the Committee of Permanent

¹¹⁸ Ibid. , p.21.

¹¹⁹ Ibid. , p. 34.

¹²⁰ Geoffrey Edwards, "The Council of Ministers and Enlargement: a search for efficiency, effectiveness and accountability?" In: John Redmond and Glenda Rosenthal, *The expanding European Union: past, present and future*. Lynne Rienner Publishers, 1998, p.62.

¹²¹ Andras Inotai, 1998, pp. 160-161.

Representatives (COREPER). The Three Wise Men also proposed increased use of majority decisions as well as the devolution of decisions to lower levels, including more delegation of management tasks to the Commission. The most important effect of this report was that the COREPER became more important and started to take about 80 per cent of the decisions of the Council. Also the Presidency of the Council became more important after this report. Finally, a provision considerably more politically significant to the governance of the EU, even if it appeared in the original Treaties, has been the increased use of majority voting in the Council.¹²³

Also in the light of the next round of enlargement the Council will have to adopt changes in order to adjust to the new situations of a European Union with much more members. Especially a difficult point is how the Qualified Majority Voting will be organized once the new members will access to the European Union.¹²⁴ But what has been said about the IGC of 1996 concerning the Commission is also true for the IGC concerning the Council: a lot should have been done, but in the end not much has changed with the Amsterdam Treaty of 1997.¹²⁵

3.2.3. The European Parliament

The increase in membership, combined with the increase in working languages from four to eleven, has dramatically changed the working methods, the internal structure and coherence, and the possible political impact of the European Parliament (EP).¹²⁶ Discussions on its evolution are generally held less in terms of size and resulting working methods and more in terms of powers and functions. Increases in the power of the EP did not in fact coincide with any of the enlargements, which results in a rather complicated picture: the breaking-in period covered the years 1953-1958, during which the parliamentary "club" became established, composed of seventy-eight members delegated

¹²² Desmond Dinan, 1998, pp. 30-31.

¹²³ Ibid. , p. 32.

¹²⁴ Piere-Henri Laurent and Marc Maresceau , 1998, p. 1.

¹²⁵ Geoffrey Edwards, 1998, p. 62.

from their national parliaments. As the European Economic Community and the European Atomic Energy Community (EURATOM) came into force in 1958, three communities with three legal identities were formed. The EP's composition was increased to 142, almost twice its former size. This encouraged the national parliaments to designate special delegations to the new assembly. But during the following years, a substantial number of the members were still delegates to both the Council of Europe Assembly and the EP.¹²⁷

In 1973, the first enlargement took place and the United Kingdom, Ireland and Denmark joined the Community of the Six; Parliament's membership had increased to 198 members. Direct elections, instituted in June 1979, were the next important landmark in the history of the EP and the event that divided its whole existence into two separate parts. A total of 410 members took up their mandate, again more than doubling the former number. Greece joined at the beginning of 1981, adding 24 members, and Spain and Portugal joined in 1986, adding 84, making a total of 518.¹²⁸

With German reunification, 18 more members were agreed upon, first as observers and then, by modification of the Treaties, as full members starting with the direct elections of June 1994. Since the other member states did not want to have an increase in German members alone, their membership was also changed, resulting in a total increase of 49 members. Finally, in January 1995, Austria, Finland and Sweden joined the European Union (EU), bringing the membership in the EP to 626.¹²⁹

¹²⁶ Andras Inotai, 1998, pp. 160-161.

¹²⁷ Geoffrey Edwards , 1998, p. 60.

¹²⁸ Karlheinz Neunreither , 1998, p. 66.

¹²⁹ Desmond Dinan, 1998, p. 38.

Geoffrey Edwards, 1998, p. 62.

5.3. *The procedure for the eastern enlargement*

The forthcoming eastern enlargement of the European Union will most probably follow the traditional, federalist-based procedure in accordance with existing rules. This approach requires the Central and East European Countries (CEEC's) accessing to the EU to commit themselves to the maximum in terms of integration rules and obligations, that is, to the *acquis communautaire*, probably with a rather long transitional period. Since the first enlargement of the EC, the methods of admission of new member states have been based on rules of "joining the club", on the acceptance of already existing commitments of the current members and their implementation after a clearly defined transitional period. This kind of leap onto a moving train presupposes similar political and economic systems in the old and the new member states and, in particular, a high capacity of adaptation on the part of the newcomers.¹³⁰

The associated central European countries prompted the Copenhagen criteria, at least partly. At its Copenhagen summit in the summer of 1993, the EU formulated some conditions to be fulfilled by the would-be members. The list of conditions covers a wide but rather "soft" range of political, legal, and economic conditions, including the stabilization of law and democracy, readiness to adopt the *acquis communautaire*, the establishment of an effective market economy, and the adoption and fulfillment of the convergence aims of the Maastricht Treaty. For several reasons, this set of criteria represents an unprecedented step by the EU in comparison with earlier enlargements. For the first time, specific conditions have been imposed on acceding countries. The Treaty of Rome laid down only one condition: the entrant nation must be European. So the Copenhagen decision, in fact, discriminates against the transitional countries. Of course, there were prerequisites in the previous enlargements too, but these affected only the

¹³⁰ Andras Inotai, 1998, pp. 164-165.

conditions of accession, not the starting of negotiations and the very chances of joining.¹³¹

Then, during the 1995 German presidency, Brussels produced a White Book containing more detailed conditions of membership for new applicants, based mainly on the *acquis communautaire* and the rules of the internal market. The criteria in the White Book are not binding, but they do contain important elements for assessing the integration capability of the applicant countries. Unfortunately, the White Book follows the EU tradition by making future accession exclusively dependent on the ability of the associated countries and not on mutual adjustments. There was no indication as to how applicants should evolve from their present status toward full membership, or how the EU would support this process. Moreover, for political reasons, a clear timetable was not made public. Although the EU has already acknowledged the fundamental differences among CEEC's, no "geographic sequencing" of an eastern enlargement is envisaged.¹³²

¹³¹ John Redmond and Glenda Rosenthal, 1998, pp. 3-4.

¹³² Elizabeth Bomberg and John Peterson, 1998, pp. 56-61.
Andras Inotai, 1998, pp. 173-174.

6. ESTONIA AND THE EUROPEAN UNION

In this third chapter we will start to look more deeply into the specific Estonian case as it deals with the history of the relation between the European Union and Estonia starting with the regaining of independence of Estonia, so where the first chapter ended. This chapter is obviously needed, as it will allow us to pay attention on how the European Union dealt with the application of Estonian. More exactly it will enable us to see if the European Union treated the Estonian case like it theoretically has to and especially if it was treated like any other Eastern and Central European applicant or if it got treated differently.

First of all in this chapter a really basic chronology will be given of the official relation between Estonia and the European Union. This is meant for the reader so he can whenever he wants go back to this and keep in his mind what were the concrete steps in this relation while going on reading. Then we will focus on the association treaty between Estonia and the European Union. The importance of this treaty can almost not be underestimated as it indicated that the European Union recognized Estonia as a normal European country, so ready to apply for membership. This despite the fact that some years ago the Union even stated that it would not allow ex-Soviet republics applying. Then it will focus on the next, logical step in this process, the actual application for membership of Estonia. The rest of this chapter then will have the first part of the negotiations as its subject, looking at all the criteria needed for accession, the economical ones, the political ones and the adoption of the *acquis*. This is needed in the context of this study to show that Estonia has followed the normal path that every other Eastern or Central European country had to follow in applying, so it was at that point not at all treated differently from the other countries applying.

6.1. A short chronology of the relation between Estonia and the EU

August 1991: the European Community recognizes the independence of Estonia and starts official relations with Estonia.¹³³

January 1992: an Estonian ambassador is placed at the European Commission in Brussels.¹³⁴

November 1994: Estonia becomes an associated member of the West European Union (WEU).¹³⁵

January 1995: the free-trade agreement between Estonia and the EU comes into force.¹³⁶

June 1995: Estonia signs the Association agreement with the EU.¹³⁷

November 1995: Estonia hands in its application for EU membership.¹³⁸

July 1997: The European Commission publishes a report in which it recommends the EU to start negotiations with Estonia.¹³⁹

¹³³ Anne Härmaste, "Estland op weg naar lidmaatschap van de Europese Unie." In: Lewis Carrafiello, Lutgart Spaepen and Nico Vertongen, *De Balten; Op de tweesprong tussen Oost en West*. Leuven, 1999, p. 191.

Romanas Vilpishauskas, "Regional integration in Europe: analysing intra-baltic co-operation in the context of EU integration." In: Lithuanian political science yearbook 1999. Institute of international relations, Vilnius, 2000, p. 227.

¹³⁴ Anne Härmaste, 1999, p. 191.

¹³⁵ Heinz Timmerman, "Relations between the EU and Russia: The agreement on Partnership and Co-operation." In: Journal of communist studies and transition politics, vol. 12, nr. 2, June 1996, p. 202.

Peter Van Ham, "The Baltic states and Europe. The quest for security." In: Birthe Hansen and Bertel Heurlin, *The Baltic states in world politics*. Curzon, Richmond, 1998, p. 32.

¹³⁶ Jaak Leiman, Alari Purju and Ulo Tartu, "Estonian export policy in the framework of EU integration." Painotalo Gillot OY, Turku, 1998, p.25.

Jaanus Salum, "Trade agreements." In: Estonian economy 1995-1996. Ministry of economic affairs of the republic of Estonia, Tallinn, 1995, p. 55.

Romanas Vilpishauskas, 2000, p. 231.

¹³⁷ John Van Oudenaren, "EU enlargement. The return to Europe." In: Ronald Tiersky, *Europe today. National politics, European integration, and European security*. Rowan&Littlefield, Oxford, 1999, p. 406.

Romanas Vilpishauskas, 2000, p. 232.

¹³⁸ Graham Smith, *The post-Soviet states. Mapping the politics of transition*. Arnold, London, 1999, p. 180.

Peter Van Ham, In: Hansen, 1998, p.28.

¹³⁹ Jaak Leiman, Alari Purju and Ulo Tartu, 1998, pp. 25-26.

Peter Van Ham, "The Baltic states and zwischeneuropa: "geography is destiny?"" In: International realtions, vol. 14, nr. 2, august 1998, p. 55.

December 1997: At the top summit in Luxembourg the EU decides to start accession negotiations with six countries, including Estonia.¹⁴⁰

February 1998: The Association treaty comes into force.¹⁴¹

March 1998: An intergovernmental conference in Brussels is the start for the official accession negotiations with the EU.¹⁴²

¹⁴⁰ Jaak Leiman, Alari Purju and Ulo Tartu, 1998, pp. 25-26.

Graham Smith, 1999, p. 180.

Peter Van Ham, *international relations*, 1998, p. 55.

¹⁴¹ Anne Härmaste, 1999, p. 192.

Romanas Vilpishauskas, 2000, p. 232.

¹⁴² Peter Van Ham, *international relations*, 1998, p. 55.

William Wallace, "From the Atlantic to the Bug, from the Arctic to the Tigris? The transformation of the EU and NATO." In: *International Affairs*, vol. 76, nr. 3, July 2000, p. 25.

6.2. Estonia and the association treaty

The Association treaty was being signed on the 12th of June 1995¹⁴³ and ratified, with an absolute majority, by the Estonian parliament, the *Riigikogu*, on the 1st of August 1995. In the course of November 1995 the European parliament and the member states ratified the treaty. The Association treaty or Europe-agreement is an important step towards membership of the Union. An associated member takes part in the most important meetings and is from nearby involved in the enlargement process. The agreement creates a completely new and all-inclusive bilateral cooperation level for formal meetings between the EU and the associated member. This cooperation includes for an unlimited period all the most important economical, political and social aspects of the European policy. In the case of Estonia was the trust in the economic reforms so big that there was no time limit attached to the Association agreement.¹⁴⁴

The whole content of the Free trade agreement was incorporated into the Europe-agreement. Economically the agreement is especially important for the leveling of the import taxes, because Estonia already knows a very liberal trade regime.¹⁴⁵ Because of the fact that Estonia has almost no import taxes, the trading partners of Estonia are in a better position than the Estonian exporters. The Europe-agreement has to make the trade regime more equal for Estonia.¹⁴⁶ Apart from this the agreement also provides a further development of free traffic for services, payments and capital. All this upon agreement with the trade and the investments between the parties. This makes the internal reforms easier and also makes them fit in with the entrance of Estonia into the Union.¹⁴⁷ Apart from the liberalization of trade, the Association agreement also provides in new fields of

¹⁴³ John Van Oudenaren, 1999, p. 406.

Romanas Vilpishauskas, 2000, p. 232.

¹⁴⁴ Bengs Christer and Kaisa Schmidt-Thome, *ESDP and spatial planning and development in the Baltic countries*. Nordregio, Stockholm, 1999, pp. 8-9.

John Van Oudenaren, 1999, pp. 405-408.

¹⁴⁵ Jaak Leiman, Alari Purju and Ulo Tartu, 1998, p. 26.

¹⁴⁶ Jaanus Salum, 1995, pp. 55-57.

¹⁴⁷ Jaak Leiman, Alari Purju and Ulo Tartu, 1998, p. 26.

cooperation. These new fields concern among other things the free movement of employers, free right of establishment of firms, science, education, tourism, copyrights, transport, telecommunication, energy, nuclear security, financial services, customs, the struggle against criminality, culture... One of the more concrete new possibilities is the participation in a lot of different European cooperation programs. As a consequence Estonia can participate into the Da Vinci-program for adult education, the Socrates-program for education and the international cooperation called "Youth for Europe III-Programme" that is concerned with projects for young people. These three programs together had a budget for the period 1995-1999 of 1,596 millions of Euro for all the member states and the associated countries. Apart from this the Europe-agreement also includes cooperation between the EU and Estonia concerning science and technology, more precisely the promotion of research and development. An example of such cooperation is the "Fifth Framework-Programme". The close cooperation between Brussels and Tallinn also includes, on top of this, the common fight against criminality. With this is meant the exchange of information, standardization of procedures and the institutionalization of administrative and technical support used for the fight against fiscal fraud, drug traffic and other criminal activities. The cooperation should finally also lead to technical assistance and modernization of many sectors like farming, the industry, energy, regional development and social policy.¹⁴⁸ Also concerning environmental protection the European Union and Estonia will cooperate via the exchange of information and experts, institutionalization, training programs, technology-exchange, standardization to the European norm, specific education...¹⁴⁹

The Europe-agreement has added an important political dimension to the cooperation with Estonia. The status of associated member opens a structural political dialogue between both parties. The importance of this structural dialogue has increased since the European summit of Copenhagen in 1993 during which the EU the striving for membership of the Central and Eastern-European countries recognized as an aim. At the

¹⁴⁸ Jussi Jauhiainen, *Regional development and regional policy EU and Baltic Sea Region*. University of Turku, Centre for extension studies, 1999, pp. 87-88.

Runno Lumiste, "Industry." In: Estonian economy 1996-1997. Ministry of economic affairs of the republic of Estonia. Tallinn, 1996, pp. 98-99.

Romanas Vilpishauskas, 2000, p. 224.

¹⁴⁹ Anne Härmaste, 1999, pp. 192-193.

European summit of Essen, one year later, it was stated that all countries that signed the European agreement would be considered for membership and were therefore subjected to the so-called "pre-accession strategy". Essentially the Europe-agreement is one of the last steps on the way to full EU-membership.¹⁵⁰ This is recognized in the preamble of the agreement: "Recognizing the fact that Estonia's ultimate objective is to become a member of the European Union and that association through this Agreement will, in the view of the Parties, help to achieve this objective..." Moreover article one states that one of the most important aims of the agreement is: "to provide an appropriate framework for gradual integration of Estonia in the European Union."¹⁵¹

Different administrative bodies are responsible for the implementation of the agreement and its attached mandates. They have to make the institutionalization of the relations between the EU and Estonia easier at government level, parliament level and on the level of the different sectors and so create a forum for further negotiations about full membership. The Association council exists on the ministerial level. According to article 109 of the agreement this council is responsible for the general implementation of the agreement. The council is the highest political body in the negotiations. The council consists both of members of the European council of ministers as representatives of the European Commission and also the Estonian minister of foreign affairs. The "Parliamentary Committee" consists of representatives of the Estonian and the European parliament and can formulate proposals or suggestions to the Association council. The Association committee assists the Association council with his work. This committee consists of the highest officials and official representatives and is responsible for the concrete implementation of the agreement. Apart from this there are also different subcommittees who concentrate on very concrete policy matters and who can formulate suggestions to the Association committee. Since January 1996 there has been a delegation of the European Commission based in Tallinn. This local delegation supports the different committees and councils.¹⁵²

Romanas Vilpishauskas, 2000, p. 232.

¹⁵⁰ Peter Van Ham, In: Hansen, 1998, pp. 25-26.

John Van Oudenaren, 1999, pp. 411-412.

¹⁵¹ Anne Härmaste, 1999, p. 193.

¹⁵² Ibid. , p. 194.

6.3. Estonia and the application for membership of the European Union

The dynamic developments in the relation between the European Union and Estonia got a natural continuation in the Estonian application for membership on the 24th of November 1995. For Estonia this application was based on a double engagement: on one side the defense of the principal aims on which the Union is based and on the other hand the deepening of the economical, political and monetary union.¹⁵³

In December 1995 the heads of state and government of the EU-member states asked the European Commission to prepare an Opinion or Avis in which would be researched if and how well the associated countries were prepared to start the negotiations for accession. An important part of this Opinion was composed of the answers to a list of questions that each involved country had to fill in. In April 1996 Estonia received its question list. The answers were delivered to Brussels on the 26th of July 1996. After that some modifications and clarifications followed. Then the EU-Commission made a provisional report that was carefully studied by the European Parliament and the member states. On the 16th of July 1997 the European Commission finally published its official opinion concerning the ten Central- and Eastern European countries and Cyprus. The Commission suggested the Council of Ministers to start negotiations with six countries, among which Estonia.¹⁵⁴

The Estonian government and administration studied the Avis carefully. The answer was given in October 1997 in the so-called "Road map to reform", a scenario for the further Estonian plans concerning European integration. The scenario contained all necessary measures that had to be taken in the near future to meet all the criteria for membership. At the summit of Luxembourg in December 1997 the European Council confirmed the Avis of the Commission. Estonia belongs together with Poland, Hungary,

¹⁵³ Graham Smith, 1999, p. 180.

Peter Van Ham, In: Hansen, 1998, p.28.

¹⁵⁴ Anne Härmaste, 1999, p. 194.

Peter Van Ham, In: Hansen, 1998, pp. 26-27.

the Czech Republic, Slovenia and Cyprus to the first group of candidates for membership.¹⁵⁵

¹⁵⁵ Anne Härmaste, 1999, p. 195.
Jussi Jauhiainen, 1999, p. 110.

6.4. *The accession negotiations*

The historical decision of Luxembourg proved the economical success story of Estonia. Because of its pragmatic and strong stand it took Estonia had in the context of the Association treaty already made on different matters a lot of progress what the integration with the EU was concerned. The formal negotiations with the EU started on the intergovernmental conference in Brussels on the 31st of March 1998. The British who were heading the EU at that time were very delighted about the Estonian candidate.¹⁵⁶

The accession negotiations were to be concentrated mainly on the acceptance and implementation of the complete *acquis communautaire*, this is the thing that the EU already did concerning political and legal matters and who form the basis for the economical, political and monetary union. This *acquis* was during the negotiations also subject to changes and technical adjustments.¹⁵⁷ Estonia was convinced that the negotiation process would go as smoothly as the one with the other five candidates for membership and that progress in the talks would be based on the achievements of each country individually. Estonia wanted to engage itself to make even bigger integration-efforts during the negotiations and was full of confidence that it can counter eventual new challenges by conducting an active policy.¹⁵⁸

For Estonia the following negotiation topics were very important

First of all the energy policy of Estonia, because Estonia depended for its energy needs for a big part on oil containing heat. This unique natural resource guarantees that Estonia can supply its own electricity. A big part of the population in the northeast of the country is active in the production, the procession and the use of heat. Socio-economically viewed the complete Estonian economy and industry depended on this

¹⁵⁶ Anne Härmaste, 1999, p. 195.

John Van Oudenaren, 1999, p. 423.

¹⁵⁷ John Van Oudenaren, 1999, p. 421.

¹⁵⁸ Anne Härmaste, 1999, p. 195.

production. That is why it deserved special attention in the negotiation process, more specifically a special status, like coal. Temporary measures have to be taken for the keeping of a strategic reserve and for the restriction of the air pollution. Fitting the Estonian electricity production in with the European standards is a difficult, long and expensive task and depended for a big part on a flexible approach of both parties. Estonia should also keep the freedom to produce atomic energy.¹⁵⁹

Then secondly, the Estonian agricultural policy. The Estonian agriculture had already been subject to a very important restructuring process. The access of Estonian agricultural products to the European market was restricted or had been blocked. Estonia was willing to accept the common agricultural policy of the EU and to obey its conditions. But because the Estonian agriculture was homogenous and small-scaled, it should not cause too many problems to integrate the common agriculture policy of the EU. Agriculture was also closely linked with the regional and social policy. The improvement of the life on the countryside was a priority of the Estonian policy. The adjustment of the Estonian agricultural policy to the European norm had to be accompanied by structural measures to get rid of the disadvantages it would cause in certain regions and to improve the general output of the Estonian agriculture. More social problems or regional inequalities had to be avoided at all costs.¹⁶⁰

Thirdly the field of fishing as Estonia knew a long tradition of fishing in the Baltic Sea and had also a tradition of industrial fish processing. Some islands and coastal areas depended mainly on the catching of fish. The fish industry was consequently very important in the Estonian economy. Estonia wanted to link its complete integration into the European fishing policy to some specific conditions that would preserve the traditional catching of fish and had to guarantee the entry to areas full of fish.¹⁶¹

¹⁵⁹ Mari Koppel, "Energy production and the fuel industry." In: Estonian economy 1995-1996. Ministry of economic affairs of the republic of Estonia, Tallinn, 1995, pp. 93-95.

Mari Koppel, "Energy production and the fuel industry." In: Estonian economy 1996-1997. Ministry of economic affairs of the republic of Estonia, Tallinn, 1996, pp. 105-118.

¹⁶⁰ Bengs Christer and Kaisa Schmidt-Thome, 1999, pp. 40-41.

Runno Lumiste, 1996, pp. 82-83.

¹⁶¹ Anne Härmaste, 1999, p. 196.

Olav Kutsar, "Food industry." In: Estonian economy 1995-1996. Ministry of economic affairs of the republic of Estonia, Tallinn, 1995, p.74.

Then fourthly transport, because of the membership of the EU the Estonian transport network is becoming a part of the European network, more specifically of the Northern European. Estonia and the European Union aimed to have good functioning transit corridors and border posts to and with Russia. In this context was the building of the post Narva-Ivangorod on the Russian border very important for the trade between the EU and Russia.¹⁶²

Environmental issues were a big policy matter in Estonia, so it is also one in the accession negotiations. The European Commission noted in her Opinion that the percentage of the budget the Estonian government spend on the environment more was than the European average. The Estonian government promised itself to invest further in the environment. The harmonization with the European environmental norms was as a consequence a priority for the Estonian integration policy. Estonia focused mainly on the struggle against pollution of the Baltic Sea and the groundwater, as they were the most important sources of drinkable water for Estonia.¹⁶³

Concerning the environmental *acquis communautaire* Estonia still had to get over a part of its Soviet heritage. For this big environmental investments were necessary that did not fit into the budget of the government. So also here temporary measures would have to be taken. Apart from this Estonia possessed a rich natural habitat that needed special protection, aiming at letting plants, animals and landscapes survive. The living conditions of these species and their natural habitat differed greatly from the rest of Europe. Estonia, as a member of the EU, wanted to protect this unique natural environment.¹⁶⁴

¹⁶² Bengs Christer and Kaisa Schmidt-Thome, 1999, pp. 32-33.

Jussi Jauhiainen, 1999, pp. 106-107.

Priit Lind, "Transport and communication." In: Estonian economy 1996-1997. Ministry of economic affairs of the republic of Estonia, Tallinn, 1996, pp. 138-139.

Tiit Reiman, "Foreign trade." In: Estonian economy 1996-1997. Ministry of economic affairs of the republic of Estonia, Tallinn, 1996, pp. 69-70.

¹⁶³ Bengs Christer and Kaisa Schmidt-Thome, 1999, pp. 37-38.

Eva Kraav, "Natural resources and the environment." In: Estonian economy 1995-1996. Ministry of economic affairs of the republic of Estonia, Tallinn, 1995, pp. 124-125.

Toomas Pallo, "Environment." In: Estonian economy 1996-1997. Ministry of economic affairs of the republic of Estonia. Tallinn, 1996, pp. 160-161.

¹⁶⁴ Bengs Christer and Kaisa Schmidt-Thome, 1999, pp. 38-39 and 42-43.

Eva Kraav, 1995, pp. 125-126.

Toomas Pallo, 1996, pp. 162-163.

Then also the regional policy is important in the Estonian case as regional differences had a completely different cause in Estonia as in the fifteen members. The planned economy of the Soviet Union created regionally social and economic inequalities. There had to be efforts made to adjust the regional development policy to the European standard.¹⁶⁵

¹⁶⁵ Bengs Christer and Kaisa Schmidt-Thome, 1999, pp. 34-38.

Jussi Jauhiainen, 1999, pp. 90-91 and pp. 110-114.

Priidu Ristkok, "Regional development." In: Estonian economy 1995-1996. Ministry of economic affairs of the republic of Estonia, Tallinn, 1995, p. 26.

Romanas Vilpishauskas, 2000, p. 224.

6.5. Estonia and the European policy

At the intergovernmental conference of March 1998 Estonia had formulated his view on the different European policy topics. Estonia accepted the Treaties of Maastricht and Amsterdam and was willing to participate actively in the implementation of all its aspects. Estonia aimed at realizing the principles and aims of the economic and monetary union. The country was willing to make the necessary steps in order to guarantee the necessary economical growth and to assure the compatibility of the Estonian Krone aiming at the third phase of the monetary union. Estonia also wanted to improve the integration concerning the social topics, like employment policy, the professional education and the overall working conditions. It aimed at joining the Social Charter as soon as possible. Estonia completely agreed with the European foreign and security policy.¹⁶⁶

The Estonian government wanted to deliver an active participation and especially links great importance to its relations with its neighbors. Estonia wanted to keep the existing political, cultural and economical relations with Latvia and Lithuania and lobbied for a soon membership of these countries.¹⁶⁷ Also to the relations with the Ukraine great importance was added. Estonia is actively participating in the improvement of the relation between Brussels and Kiev. Estonia also wanted to strengthen the ties between the EU and Russia. As a neighbor of Russia Estonia only gets advantages when they cooperate closely.¹⁶⁸ The Estonian negotiators had also always focused on cooperation on the domestic and judicial front. This involved mainly the struggle against drug traffic, organized crime, fiscal fraud and illegal immigration.

¹⁶⁶ Kari Möttölä, "Security around the Baltic Rim: concepts actors and processes." In: Lars Hedegaard and Bjarne Lindström. *The NEBI Yearbook 1998. North Europe and Baltic Sea Integration*. Springer-Verlag, Berlin, 1998, pp.166-168.

¹⁶⁷ Jussi Jauhiainen, 1999, pp. 101-102.

Atis Lejins, *The quest for Baltic unity: chimera or reality?* 1998, pp. 164-174.

Kari Möttölä, 1998, p. 172.

Romanas Vilpishauskas, 2000, pp. 215-218.

¹⁶⁸ Kari Möttölä, 1998, p. 169.

The exchange of information and cooperation were on this matter absolutely necessary. For this Estonia wanted to sign the relevant international treaties. Estonia realized that membership would bring with it an important responsibility as it will become an outside border and that was why Estonia wanted this border to function as well as possible. This implied the signing of the Schengen-protocol.¹⁶⁹

Peter Van Ham, In: Hansen, 1998, p. 31.

¹⁶⁹ Anne Härmaste, 1999, p. 198.

6.6. Structure and preparation for membership of the European Union

In Estonia the development and implementation of the European policy had been divided over four bodies: the committee of ministers, the council of high officials, the group of experts and the bureau of European integration.

The committee of ministers discusses and decides about the general policy and suggests proposals to the government. The committee is headed by the Prime Minister and consists further of the most important ministers and secretaries of state. The Prime Minister is ultimately responsible for the Estonian integration policy. The council of high officials is the most important coordinating body and meets every fourteen days. The bureau for European integration is a permanent secretariat that works for the council of the high officials. The bureau makes analyses for the first minister and is responsible for the harmonization policy. It therefore has an enormous databank. In each ministry experts are being grouped to discuss individual themes.

The parliament has formed a committee for European matters in January 1997 in which all parties are represented. The committee has to control the activities of the government and has also to establish relations with the European parliament and with other EU-institutions. Another task of this committee is to inform the public about the European integration process. In order to improve the cooperation with the EU and in order to strengthen the position of Estonia in Europe the government decided in January 1997 to establish five new embassies. Now with the exception of Luxembourg Estonia has an embassy in each of the member states.¹⁷⁰

¹⁷⁰ Ibid. , pp. 198-199.

6.7. The Estonian position papers on each of the twelve chapters of the EU-acquis

On the 10th of September 1998 the Estonian ambassador with the EU handed in the position papers on the twelve chapters of the *acquis communautaire* to the Enlargement task force of the commission. The position papers consisted of a summary of the screening results and formulated concrete the Estonian desiderata for the negotiation talks. Estonia expressed its satisfaction with the ongoing screening process. The Estonian legislation was at that time already almost completely conform the European norms. In the near future Estonia wanted especially to make progress on the negotiations about company law, fishery and statistics.¹⁷¹

¹⁷¹ Ibid. , p. 199.
Runno Lumiste, 1996, pp. 101-102.

6.8. The start of substantial negotiations between Estonia and the EU

On the 10th of November 1998 a second meeting on the ministerial level between Estonia and the European Union was being organized in the context of the Enlargement conference. The further developments on the different policy topics were being discussed. After the meeting the negotiators concluded that what small and middle-scaled companies, science, research, education and youth policy were concerned no further negotiations were necessary. On the subject of culture and audiovisual policy, telecommunication and information technology, industrial policy and common foreign and security policy the conference decided that the talks would continue on the basis of further information, given by Estonia. The EU expressed its satisfaction with the Estonian position papers and stated that the continuation of the negotiations would depend on the Estonian ability to implement the European legislation.¹⁷²

¹⁷² Lutgart Spaepen, "De Europese unie breidt uit naar het Oosten: ja, maar wanneer en hoe?" In: Lewis Carrafiello, Lutgart Spaepen and Nico Vertongen, *De Balten; Op de tweesprong tussen Oost en West*. Leuven, 1999, pp. 187-188.

6.9. Conclusion:

As said in the introduction one of the main points of this chapter was to prove that Estonia was not treated differently from the other Central and Eastern European countries by the European Union, at least in the beginning of the negotiations phase. This point can the best be proven by the fact that on the 16th of July 1997 the European Commission published its official opinion concerning the ten Central- and Eastern European countries and Cyprus. The Commission suggested the Council of Ministers to start negotiations with six countries, among which Estonia. At the summit of Luxembourg in December 1997 the European Council confirmed the Avis of the Commission. Estonia belongs together with Poland, Hungary, the Czech Republic, Slovenia and Cyprus to the first group of candidates for membership. So not only has Estonia been treated similar to the Central and Eastern European countries, it even belonged to the first group of candidate members. Even though the European Union has by now given up this group classification, Estonia can still be seen as a frontrunner in the group of applicants.

We have shown in this chapter that Estonia is or at least will be soon more or less ready for accession at least what the economical criteria and the adoption of the *acquis* is concerned. The biggest prove for this is that in the case of Estonia the trust in the economic reforms was so big that there was no time limit attached to the Association agreement. Then also the historical decision of Luxembourg proved the economical success story of Estonia. Then the summing up off all the areas of the economical criteria shows clearly that in this field not so big problems are to be detected. Only maybe the environmental problems and attached to this the energy question could bring some minor problems, but it is clear that the political criteria form the biggest obstacle. Then in the next part of this chapter it is proven that also the European policy does not form a problem at all during the negotiations as Estonia agrees completely with all of them. Also what the implementation of the *acquis* is concerned this chapter clearly proves that Estonia already early almost completely finished this job. As said in this

chapter: “The Estonian legislation was at that time already almost all conform the European norms.” So we can conclude that the political criteria formed at that time the biggest obstacle in the negotiations and then more exactly the matter of the Russian minority. Apart from this only the environmental part of the economical criteria was causing problems, but in this case Estonia was trying to get more time from the Union and it also seemed that the Union would agree.

7. Latest view of the EU on the application of Estonia

The advises of the Commission and the studying of them by the Council made clear that the candidates for membership still had to do further efforts in their preparation for membership. The pre-membership strategy, and its central point, the Partnership for membership, has to help the candidates for membership with their preparation for membership. During the European Summit in Luxembourg, a follow-up procedure was set up. This implies that the Commission is obliged to give a report to the Council concerning the efforts the candidates for membership made in their way to membership. Prior to these reports the implementation of the partnerships for membership and the situation concerning the implementation of the *acquis* is being looked at in the context of the organs set up by the Europe-agreements.¹⁷³ So an analysis of the partnerships and these reports will give a deeper picture of the position of Estonia on its way to membership of the European Union. Moreover Estonia started on the 31st of March 1998 the bilateral negotiations about the conditions for joining the EU. The situation in these negotiations will allow us to identify the biggest obstacles for Estonia on their way to membership.

So this chapter will be the most important for basing our conclusion on as it deals with really the actual situation of the negotiations. In our final conclusion at the end of this study we continue this chapter when analysing really the most recent situation in the negotiations looking at the most recently published reports. So it is clear that a conclusion at the end of this chapter does not make much sense as all what we would say, will also be said in the final conclusion.

As said before the European Commission took the controversial decision in 1997 to start accession negotiations with Estonia. But this does not imply that Estonia fits into all the

¹⁷³ "The conclusions of the European Council of Luxemburg." Found on the 7th of June 2002 on <http://ue.eu.int/nl/Info/eurocouncil/index.htm>.

accession criteria. When we look at the Commission-advice some problems can be detected.

7.1. *The language question*

The commission sees Estonia as a democratic state, with a functioning multiparty system and with free and reliable elections. But this does not mean that some critical remarks were made what the political criteria were concerned. So stated the Commission that the functioning of the judicial system has to be developed further and that the fight against corruption has to be intensified.¹⁷⁴ Apart from this important lacks concerning the rights and protection of minorities were being remarked. This matter is very important in the case of Estonia as minorities make up 35 percent of the Estonian population. Russians are with 28 percent by far the most important group of minority.¹⁷⁵ We can remark that other Russian speaking communities, like the Ukrainians and Belarussians, are counted sometimes as Russians. On top of this most Russians live in the Northeast of Estonia where they form an enormous majority. The city Narva for example is almost completely Russified, with only four percent of ethnic Estonians living there.¹⁷⁶ This situation, a result of the Soviet Russification policy, formed a big challenge after the re-gaining of the independence. In a very short period of time the Russians in Estonia saw their position change from a highly privileged one under Soviet rule to one of a minority after the re-gaining of the Estonian independence. For the ethnic Estonians on the other hand this new situation led to a stronger national consciousness and to the development of process of nation forming. So the question was how to solve this situation of Russians and Estonians living together.¹⁷⁷

¹⁷⁴ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 20. Found on the 7th of June 2002 on <http://europa.eu.int/comm/enlargement/dwn/opinions/estonia/es-op-en.pdf>

¹⁷⁵ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 19.

¹⁷⁶ Nico Vertongen, "De Baltische landen op zoek naar veiligheid." In: Lewis Carrafiello, Lutgart Spaepen and Nico Vertongen, *De Baltten: op de tweesprong tussen Oost en West*. Garant, Leuven, 1999, p. 111.

¹⁷⁷ Aksel Kirch, "Russians in contemporary Estonia - different strategies of the integration in to the nation-state." Internet document: <http://www.ies.ee/15102000.htm>. Read on the 7th of June 2002.

The answer of the new rulers was a very strong anti-Russian nationalism. "From its inception as an independent state. Estonia's nationalism has taken the form of a fiercely inclusive model, where the "other" is clearly manifest in attitudes towards Russians." as Mannin states.¹⁷⁸ It was said that the Russian presence was a threat for the own language and culture, which made special protection measures necessary. And the unconditional allowance of the citizenship to those who settled themselves in the country as a consequence of the Soviet occupation was seen by a majority of the original population as a threat for the just regained sovereignty.¹⁷⁹ Such thoughts were even reinforced by the process of the forming of a national identity, a typical process for all the Central and Eastern European countries just after the revolutionary changes. The Estonians in this case like to identify themselves with the Scandinavians and more specifically with the Finns, with whom a lot of similarities are being underlined.¹⁸⁰ The Russians become in this way the "significant others" with whom differences are being stressed. This combined with the memories of the Soviet era led to a situation in which the Russians are regarded by a big part of the Estonians as unwanted Soviet immigrants.¹⁸¹

These conditions led to a radical change in the political and judicial position of the ethnic Russians. This became very clear after the adoption of the new constitution and the law on the citizenship. In both documents they start with the "restoration principle". Contemporary Estonia is not being regarded as a new, independent state, but as a historical and judicial continuation of the state during the interbellum. Based on this argumentation the Estonians decided to give unconditional citizenship to all those who had been Estonian citizens before 1940 and their offsprings. About 40 percent of the population became in this way excluded from citizenship. Even if the law pretended not to discriminate on an ethnical basis, it was clear that this law of Estonian citizenship was

¹⁷⁸Mike Mannin, *Pushing back the boundaries. The European Union and Central and Eastern Europe*. Manchester University Press, Manchester, 1999, p. 59.

¹⁷⁹ Hilde Hardeman, *Bescherming van minderheden in Centraal- en Oost-Europa*. Leuven instituut voor Centraal- en Oosteuropese Studies, Leuven, 1994, p. 56.

¹⁸⁰ But the difference in the language policy is usually not stressed in Estonia, because the rights of the much smaller Swedish speaking minority in Finland are much bigger than the rights of the Russian speaking minority in Estonia.

¹⁸¹ Nico Vertongen, 1999, p. 118.

Raivo Vetik, "Construction of the ethnic "other" in Estonian news media 1988-1996." In: Raivo Vetik, *Inter-ethnic relations in Estonia 1988-1998*. University of Tampere, Tampere, 1999, pp. 198-208.

excluding almost all the ethnic Russians.¹⁸² They could only obtain the Estonian nationality after minimum two years of permanent residence, being counted from the moment of the Estonian independence (30th of March 1990), and with a waiting time of one year. On top of this knowledge of the Estonian language and laws was required and had to be proved by means of an exam. Persons without a stable source of income were automatically excluded.¹⁸³

Not mentioning if these conditions are just or not, this led to the situation that those inhabitants not getting the citizenship automatically were excluded from participation in the first post-communism parliamentary elections in September 1992. This implied that in some regions in North-Estonia only a very few percentage of the population was allowed to vote.¹⁸⁴ It is clear that this situation causes problems for the Russian minority. The Estonian law on the citizenship saw them not only not as citizens, but even did not recognise them as a national minority group. This because it is generally accepted that only citizens of a certain state can be recognised as members of a minority within that state.¹⁸⁵ It is clear that this principle poses serious problems when implied to the Estonian situation. This is especially the case because the disintegration of the Soviet Union led to the existence of a big group of people without recognised passport. Concerning the Estonian situation the Estonian representatives like to point article 9 of the constitution out which says that “The rights, liberties and duties of everyone and all persons, as listed in the constitution, shall be equal for Estonian citizens as well as for citizens of foreign states and stateless persons who are sojourning in Estonia.” But in some cases even in the constitution itself exceptions to this principle can be found. So it is stated that the right of non-citizens to obtain property (art. 32), to take profits from the social security system (art. 28) and to practice a commercial activity (art. 31) can be restricted by a normal law. On top of this only an Estonian citizen can be a member of a political party (art. 10) and most jobs in the state administration are exclusively for

¹⁸² Jeff Chinn, *Russians as the new minority. Ethnicity and Nationalism in the Soviet Successor states*. Westview press, Oxford, 1996, p. 99.

¹⁸³ Erik Andersen and Raivo Vetik, "National integration in Estonia: ethnic and regional problems in a transitional society." In: Raivo Vetik, *Inter-ethnic relations in Estonia 1988-1998*. University of Tampere, Tampere, 1999, p. 100.

Hilde Hardeman, 1994, pp. 56-57.

¹⁸⁴ *Ibid.*, p. 57.

¹⁸⁵ Nico Vertongen, 1999, p. 115.

Estonian citizens (art. 30). Apart from this non-citizens face a lot of specific difficulties. So is their freedom to travel abroad restricted, as they do not have the necessary identity papers.¹⁸⁶

So we can conclude that non-citizens clearly face a lot of difficulties. Moreover, the obtaining of the Estonian nationality is very difficult. As said before candidates have to pass an exam about the Estonian language, the history and the institutions of the country.¹⁸⁷ In his report the Commission noticed¹⁸⁸ that this arrangement is not ideal. The Commission noticed the few candidates for this exam and gave as its reason the difficulty of the language-exam and the high costs to participate. The biggest problem was the lack of possibilities offered for the Russian-speaking minority to learn the Estonian language. So the conclusion was that if this situation did not change, a very big part of the population of Estonia would stay foreigner or stateless.¹⁸⁸ It was said to Estonia to take measures to speed up the naturalisation-process, so that Russian speakers who are not yet a citizen can easier integrate themselves into the Estonian society. This problem is very relevant as a permanent division of the population can lead to tensions between the two groups. This because the citizenship is directly related to the possibility to be active in politics and in the civil society. So the danger of a divided society was being recognised by the Commission and the necessary steps to change this law were being recommended.¹⁸⁹

Apart from this the Commission also highlighted some positive aspects. So was being pointed out that “Lastly, non-citizens do have the right to vote in local elections, a right enjoyed in few countries in Europe today and which effectively contributes towards the integration of non-citizens and the protection of their rights.”¹⁹⁰. These remarks lead the Commission to the general conclusion that the minority problems in Estonia stayed under control. “ On the whole, the rights of the Russian-speaking minority (both with

¹⁸⁶ "The Estonian Constitution." Internet document: http://www.uni-wuerzburg.de/law/en00000_.html. Found on the 7th of June 2002.

¹⁸⁷ Erik Andersen and Raivo Vetik, 1999, p. 100 and p. 104.

¹⁸⁸ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 19.

¹⁸⁹ L.W. Barrington, "Nations, States and Citizens: and explanation of the citizenship policies in Estonia and Lithuania." In: *review of Central and East European Law*, vol. 21, nr. 2, 1995, p. 103.

¹⁹⁰ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 19

Estonian nationality and without) are observed and safeguarded. Furthermore, no major problems affect relations between Estonians and the Russian minority.”¹⁹¹ But this did not mean that the treatment of the Russian-speaking minority one of the things was that Estonia needed to improve. It was a matter that was often evaluated by the organs created by the Europe agreements. Also in the partnerships for accession and in the reports it was often mentioned. So expressed the Commission in its report of 1998 its disappointment with the lack of amendments to the Citizenship Act, which should allow children of non-citizens to obtain the Estonian nationality.¹⁹² But we have to remark that shortly after the publication of the report the act was changed following the recommendations made in the report. In this way children under 15, born in Estonia after the 26th of February 1992, can get the Estonian nationality via a naturalisation-procedure.
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This positive evolution contrasted with the change in the language act. Concerning the language act we should first point out that article 6 of the constitution only Estonian recognises as the official language.¹⁹⁴ On top of this, as said before, knowledge of the Estonian language was a condition for becoming a citizen and for the practice of a job with the state administration. For Russian speakers, who were first for years served in their own language, this formed a big obstacle for their integration into the independent Estonian society. Especially because Estonian is a Finnish-Oegrian language that has no connection at all with Russian. So for Russians it is more difficult to learn this language than to learn whichever Slavic, German or Roman language.¹⁹⁵ Russians in Estonia are demanding to keep using their own language in some circumstances. But to these demands came no response from the Estonian authorities. Starting from the point of view that the survival of the Estonian language had to be guaranteed, the option for a strong language act was chosen. This was already the case with the act adopted by the Estonian Soviet government in 1989. This “linguistic declaration of independence” stated that

¹⁹¹ "Agenda 2000 – Commission opinion on Estonia’s application for membership of the European Union", p. 19

¹⁹² "Regular report 1998 from the Commission on Estonia’s progress towards accession." Found on the 17th of June on: http://europa.eu.int/comm/enlargement/report_11_98/pdf/en/estonia_en.pdf, p. 12.

¹⁹³ "Citizenship Act." Internet document. Founded on the 17th of June on: <http://www.legaltext.ee/en/andmebaas/ava.asp?m=022>.

¹⁹⁴ "The Estonian Constitution." http://www.uni-wuerzburg.de/law/en00000_.html

¹⁹⁵ Jeff Chinn, 1996, p. 103.

Estonian is the official language of the Estonian republic and that special attention has to be paid to the conservation of this language, as a base for the protection and development of the Estonian people and culture.¹⁹⁶ After this formal independence the language requirements became more and more strict. So became the implementation of the already strict language requirements in the public and private sector even stricter. So stipulated the new language act of 1999 those employees of in Estonia based companies, NGO's and associations had to use the Estonian language when practising their function.¹⁹⁷

It is clear that this kind of measures have important consequences for the integration of the Russian-speaking minority. This made the Commission state in their report in 1999 that "the adoption of the Language Act, which restricts access of non-Estonian speakers in political and economical life, constitutes a step backwards and should be amended."¹⁹⁸ Apart from the negative consequences for the treatment of the minorities, the Language Act went against the things agreed in the Europe-agreement concerning the free movement of persons, the right of residence, the free movement of services and movement of capital. So the two most important points of the report of 1999 were the adaptation of the Language Act to the international norms and to the Europe-agreement and the implementation of measures for the integration of non-citizens. It was these two points that were central in the Estonian National Program for the Adoption of the *Acquis*. For what the Language Act is concerned, new consultations between the Commission and the Estonian authorities led to an amendment.¹⁹⁹ As an answer to this new situation the Commission made a statement on the 16th of June 2000 in which it welcomes the adoption of the new Language Act in Estonia. "The Commission welcomes the new Language Act which was adopted yesterday by the Estonian Parliament. It notes with satisfaction that Estonia has thus followed its recommendations made in the Regular

¹⁹⁶ Hilde Hardeman, 1994, p. 61.

¹⁹⁷ "Language Act." Internet document. Found on the 17th of June on: <http://www.legaltext.ee/en/andmebaas/ava.asp?m=022>.

¹⁹⁸ "Regular report 1999 from the Commission on Estonia's progress towards accession", p. 16. Found on: http://europa.eu.int/comm/enlargement/report_10_99/pdf/en/estonia_en.pdf on the 19th of June 2002.

¹⁹⁹ "Third meeting of the Association Council between the European Union and Estonia (Brussels, 14 February 2000)". Found on: http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=PRES/00/43|0|RAPID&lg=EN. On the 19th of June 2002.

Report and Accession Partnership of October 1999 and worked towards compliance of the text with both international standards and the Europe Agreement.”²⁰⁰

This declaration means that Estonia achieved an important short-term aim of the Partnership. Also concerning the other important goal, the integration of non-citizens, an important initiative has been taken. In March 2000 the “State integration program for the years 2000-2007” had been adopted. Within this program language training was included and also measures were being proposed to guarantee the cultural rights of the minorities. These kinds of initiatives were being welcomed by the Union as very promising signs of a positive evolution in the integration-process.²⁰¹ This can be seen in the regular report from the Commission on Estonia’s progress towards accession from the 8th of November 2000. In this the Commission stated that Estonia made important efforts to achieve the short-term goals on their way to accession. But it was remarked that now the Language Act had to be implied taking into account the international standards and the content of the Europe-agreement. Also the steps set concerning the matter of the integration of non-citizens had to be continued.²⁰²

Apart from this Progress Report of the European Commission also the European Parliament reported about the efforts of Estonia made on their way to accession. Remarkable was the stress put on the specific Estonian situation. It was remarked that conflicts between the ethnic Estonians and the Russian speaking population could have got out of hand. The Estonian political leaders were being praised for managing to build up a good functioning society without big tensions, let alone casualties. Reporter Gunilla Carlsson even said that the European Union could learn a lot from the Estonian developments. What the existing problems concerning the protection of minorities and the integration of non-citizens, on one hand common responsibility was being stressed and on the other hand the situation was minimised. So was being pointed out that

²⁰⁰ "Commission welcomes adoption of new Language law in Estonia." Found on the 19th of June 2002 on http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/00/626|0|RAPID&lg=EN.

²⁰¹ "Statement by the Presidency on behalf of the European Union on The Estonian Language Law and the State Integration Programme." Found on the 19th of June 2002 on: http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=PESC/00/86|0|RAPID&lg=EN.

²⁰² "Regular report 2000 from the Commission on Estonia’s progress towards accession." Found on the 19th of June 2002 on: http://europa.eu.int/comm/enlargement/report_11_00/pdf/en/es_en.pdf, p. 86.

integration needed an effort of two sides: from the ones who have to let a minority integrate into society and from those who have to get integrated into society. Also the restrictive Language Act was being put into context saying that the basic principles should not be discussed, but that the concrete implementation was sometimes too harsh.²⁰³

Out of most European comments indeed an understanding position towards the Estonian position can be derived. As a result of a kind of latent feel of guilt for the brutalities the Balts had to face during Soviet occupation, measurements like the ones taken by the Estonian authorities are being understood. Typical for this behaviour is for example this declaration concerning the Language Act:

“ Instead of reducing the non-Balts to “second-class citizens”, the Baltic language acts have sought to rectify the situation created by past legislation and a policy that discriminated against the majority population and elevated non-Balts to a privileged status. Inevitably this effort at equalisation will be perceived by some as being discriminatory because the non-Balts will no longer enjoy their earlier privileged role. A closer look at the language acts, however, indicates that these acts are characterised less by discrimination than by Western liberalism.”²⁰⁴

Also the former Prime Minister of Sweden, Carl Bildt, sees the language- and citizenship acts of Estonia as just and as a logical consequence of the heritage of the past. Just like Gunilla Carlsson, the reporter of the European Parliament, Bildt states that the conditions for citizenship and the language requirements should not be considered as a form of discrimination of the Russian-speakers, but as a means to improve integration and as an effort to conserve the Estonian culture.²⁰⁵

After the amendments made under Western and especially European pressure, it could indeed be argued that the Estonian act fitted into all international norms. This did not imply that all problems were solved. Many members of the Russian-speaking

²⁰³ "European Parliament .Report on Estonia's membership application to the European Union and the state of negotiations. A5-0238/2000." pp. 9-10. Found on the 19th of June 2002 on: <http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//NONSGML+REPORT+A5-2000-0238+0+DOC+WORD+V0//EN&L=EN&LEVEL=0&NAV=S&LSTDOC=Y>.

²⁰⁴ Riina Kionka, "Language and Baltic legislation: a note." In: Review of Central and East European Law, vol. 18, 1992, p. 167.

²⁰⁵ Carl Bildt, The Baltic Litmus test. In. Foreign Affairs, vol. 73, nr. 5, 1994, pp. 78-80.

community still had problems with the Estonian language and did not possess the Estonian citizenship; they are by definition excluded from many jobs. Statistical reports show a disproportional representation of Russian-speakers in the Estonian unemployed population.²⁰⁶ Because of their heavy concentration in the northeast of Estonia, an economic borderline could be born, which would form a latent source of ethnic tensions and conflicts. Starting from this point we can link this to the conclusions of an inquiry about the judicial protection of minorities in the post-communist countries of Central- and Eastern Europe. It stated that the Estonian judicial protection of minorities existed and that it fitted into the international accepted norms, but that it was not fully adapted to the concrete situation of the country, and which left big population-groups in the position of stateless citizens.²⁰⁷ Or as Varennes said it:

“While in a general sense citizenship or language requirements do not automatically involve breaches of international law standards, it is more than likely that some of Estonia’s measures and requirements which impose barriers in terms of eligibility for certain categories of employment, or restrictions affecting private business activities may be discriminatory or contrary to freedom of expression, to name but a few human rights that are relevant.”²⁰⁸

This citation illustrates clearly that the existing controversy about the Estonian Language and Citizenship Acts. While some understood the Estonian measures, others pointed at the concrete problems the Russian speakers had to deal with. If we consider the specific context of the Estonian situation, it can be said that just fulfilling the international norms is not enough. More important is that the effective integration of the Russian speakers into the Estonian society has to start. Especially for this still a lot of work has to be done. Of course the first important step is make the Acts according to the international norms, but this is not at all sufficient if it does not get integrated into a broader integration policy. For this point the implementation of the Estonian state integration program is at least as important as the formal confirmation of the recognised judicial standards. The actual integration is a key element for the internal stability and for the security in the long term. So it is not always correct that some sources use more space analysing the

²⁰⁶ Fernand de Varennes, "Non-citizens and minorities in Estonia and their economic and social opportunities." In: Snezana Trifunovska, *Minorities in Europe. Croatia, Estonia and Slovakia*. The Hague, Asser press, 1999, p. 136.

²⁰⁷ Hilde Hardeman, 1994, p. 71.

economic progress of Estonia but do not take into consideration the minority situation. Of all the problems caused by the end of communism, the one of the minorities is at least as important as the economy because it is directly connected with peace and stability in the region. This is exactly the central goal of the enlargement of the European Union with the countries of Central- and Eastern Europe.²⁰⁹

²⁰⁸ Fernand de Varennes, 1999, p. 139.

²⁰⁹ Nico Vertongen, 1999, p. 119.

7.2. Economical criteria

In her advice about the application of Estonia for accession to the European Union the Commission was very positive concerning the Estonian economical progress. The country was being praised for its consequent liberalising policy and for its macro-economical progress. So the Commission concluded that Estonia had improved its abilities to compete and to function within the market of the enlarged Union.²¹⁰ On top of this it had been noted that the trade and the kind of trade of Estonia with the Union had been improved a lot. In 1996 the Union was responsible for 65% of the import and 51% of the export and so it became the most important trade partner of Estonia.²¹¹ These figures were important as the readiness of the economy for accession was mainly derived from how much the candidate members' economy was already integrated with the one of the Union before accession.²¹² So on this point Estonia scored very well. However, it had to be said that Estonia, as a small state, very dependent was on other countries. About one third of all Estonian companies worked with foreign capital. The share of foreign capital in these companies was on average about 65% and most of these companies produced for the export. For this point the Commission referred to the limited Estonian export-basis that can easily be affected if the inflation in the future stays higher than in those countries that are the most important importers of Estonian goods. As a consequence of the complete liberalisation of the external trade and the promise of the government to keep a fixed exchange rate, the Estonian exporters would have had difficulties adapting to a decrease of the international demand.²¹³

The link was not being directly laid in the advice of the Commission, but it was exactly that kind of situation that formed the basis of the authoritarian coup in 1934.

²¹⁰ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 34.

²¹¹ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 36.

²¹² "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 35.

²¹³ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 36.

Estonia knew during the interbellum an economical boom until the moment his most important trade partners in Europe, especially Germany and Great-Britain, started with a nationalistic economic policy aiming at getting their own export higher and their import lower. Such a situation was disastrous for the Estonian economy that was strongly oriented towards exporting to these countries. So again the importance of the historical overview has been proven. With the remark about the vulnerable external position of Estonia the Commission confirmed a problem that occurred in the interbellum as well. So it was right that, even if the overall positive economical evaluation, supportive help was still necessary. So it was said in the partnership for accession of 1999 that Estonia had to fix its economical mid-term policy-priorities, aiming at the continuation of the economical growth, the fight against the inflation and the enlargement of the national savings.²¹⁴

Also in the regular report on Estonia's progress towards accession the evaluation of the economical criteria was always positive. It was stated that the country could be seen as a functioning market economy that within a certain period of time would be sufficiently competitive within the internal market. But over and over again stress has been put on the necessary condition of further macro-economical stability to counter the risks of the external dependence.²¹⁵ So was explicitly stated in a recent meeting of the association-council "Expanding and diversifying the export base in terms of geographic coverage and traded commodities remains a key challenge. It is required in order to reduce the vulnerability of the economy to external shocks, while supporting growth and employment."²¹⁶ The influence of external factors was illustrated during the Russian economical crisis of August 1998. But as a consequence of its great dependence on the European Union the consequences were kept under control. However, a temporal decrease of the Estonian economical growth was noticeable. As a report of the European Parliament remarked Estonia is a dynamic market economy that recovered quickly after the disturbing effects of the Russian crisis. So the general economical evaluation was absolutely positive. "Estonia has almost completed the privatization process, it has a

²¹⁴ "Estonia: 1999 Accession partnership." Found on the 19th of June 2002 on: http://europa.eu.int/comm/enlargement/dwn/ap_02_00/en/ap_est_99.pdf.

²¹⁵ "Regular report 1998 from the Commission on Estonia's progress towards accession", p. 21.

stable currency that is pegged to the D-mark/Euro, a functioning banking system, a very liberal trade regime, a strong inflow of foreign direct investment and an impressive level of ambition when it comes to the introduction of modern information technology such as the Internet and e-commerce.” It was these features that formed the best point in the Estonian application for accession to the European Union.²¹⁷

²¹⁶ "Third meeting of the Association Council between the European Union and Estonia (Brussels, 14 February 2000)."

²¹⁷ "European Parliament .Report on Estonia's membership application to the European Union and the state of negotiations. A5-0238/2000", p. 11.

7.3. *The adopting and implementing of the **acquis***

In the advice of the Commission of 1997 it was remarked that Estonia already had done remarkable efforts concerning the adaptation of the Law to rules of the Union. Further efforts were promised in the field of government services, intellectual and industrial property and financial services. However, concerning most fields of the *acquis communautaire* important initiatives had been taken. This was recognised by the Commission, but at the same time serious doubts had been expressed if the Estonian authorities will be able to implement this judicial framework.²¹⁸ The restricted possibilities in the administrative and judicial field form the second important obstacle concerning accession to the European Union. These administrative problems can be linked with the other obstacle for Estonia, the treatment of the Russian-speaking minority and the heritage of the former Soviet Union. The nationalistic policy after the independence led to a de-Russification of the administration, which caused a lack of experienced, well-educated administrators. This on its turn caused a decreasing efficiency in the implementation of judicial regulations. Also the judicial system in general was confronted with similar problems. The Commission remarked this lack. The judicial system in Estonia shows important lacks, especially concerning resources and the needed ability. Taken into account this situation the Commission expresses its doubts concerning the general ability of the system to implement the *acquis* effectively.²¹⁹ An urgent reform and enlargement of the Estonian state administration was thus needed. One of the most important difficulties concerning EU-accession was connected with the enormous amount of judicial and administrative initiatives that had to be taken at the same time. An efficient and effective co-ordination and implementation of these efforts was thus a *conditio sine qua non* for accession to the Union. Especially on this point Estonia still had to make an important progress. As the Commission said it explicitly in

²¹⁸ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 42.

²¹⁹ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 77.

its advice concerning the application of Estonia for accession to the Union: reforms will have to be taken in the administrative structures of Estonia if they want to have the required capacity on the mid-term to implement the *acquis* effectively.²²⁰ Together with the treatment of the Russian-speaking minority, the implementation of the *acquis communautaire* forms the critical obstacle on the way to accession to the European Union. In the different partnerships and progress towards accession reports a lot of attention was paid to this problem. Especially the report of 1999 pointed this problem of Estonia out. It was said there literally that Estonia had only made little progress in the improvement of the administrative and judicial capacity. Just like in the previous report the Commission concludes that Estonia has to make more effort concerning this point.²²¹ Especially after the amendments of the Language Act and the acceptance of the state integration program the lack in the administrative and judicial capacity became the central problem in the Estonian application for membership. This was confirmed by the declaration of the European ministers of foreign affairs on the 14th of February 2000. Also the progress report of 2000 remarked the same. Contrary to the positive developments concerning the integration of non-citizens, the progress on the field of modernising the state administration stays too limited. This let the Commission to conclude that: “ Ensuring that the relevant institutions have sufficient powers to undertake their tasks, that co-ordination between competent bodies is efficient and strengthening the training of staff should be the highest priorities.”²²² So Estonia was being asked to develop a “comprehensive strategy” to solve this problem. The existing measures concerning the training of the administrative and judicial staff had to be continued and to be enlarged. The development of a capacity to implement the *acquis communautaire* in an effective and efficient way was more than ever the biggest challenge for the Estonian policy-makers. This was again noted in the Associationcouncil held on the 27th of February 2001. Representatives of the EU confirmed the remarkable progress Estonia had made concerning the implementation of

²²⁰ "Agenda 2000 – Commission opinion on Estonia’s application for membership of the European Union", p. 79.

²²¹ "Regular report 1999 from the Commission on Estonia’s progress towards accession", pp. 67-68.

²²² "Regular report 2000 from the Commission on Estonia’s progress towards accession", p. 88.

the *acquis*, but on the other hand they declared that further efforts are needed so that the *acquis* would be implemented effectively and correctly.

7.4. *The most recent developments in the negotiation process*²²³

The accession negotiations have to confirm the modalities under which Estonia can enter the European Union. Central in this is the Estonian obligation to adopt and to implement the whole *acquis communautaire*, which can be divided into 31 separate chapters. Even if in principle this is unconditional for some matters more time can be given. This kind of clauses can, however, only be accepted if they are limited in time and dimension and if they not interfere the functioning of the internal market and if a clear plan is constituted that foresees in a gradual ending of this exceptional regime.

This phase started for Estonia on the 31st of March 1998 with the initial phase of screening. After this both the EU and Estonia announced their negotiations-positions.²²⁴ With this for each chapter it has been stated if the *acquis* will be adopted without transition-clauses or if on the other hand, an eventual transition-procedure had been asked for. Based on this way of working accession-negotiations for the different chapters were started. Since June 2000, all categories are open for negotiations. Relatively simple matters, for which the *acquis* can be adopted without many problems and no transition-periods had been asked for, were dealt with first and were very soon concluded. So had Estonia at the end of the year 2000 already temporarily concluded 16 chapters, so we can say that Estonia belonged to the frontrunners of the so-called Luxembourg-group. For this reason Estonia is satisfied with the progress made. The official aim to be completely ready by the first of January 2003 is still reachable. But it has to be said that on the most delicate matters, still not much has been decided, even if the by the Commission proposed road-map for accession want to prevent that certain matters will be postponed much longer.

After the initial screening phase and the announcing of the negotiation-positions, it soon became clear what the biggest obstacles were for accession of Estonia to the

²²³ Ministry of Foreign Affairs of the Republic of Estonia, "Estonia and the European Union". Found on: <http://spunk.vm.ee/euro/english/> on the 30th of June 2002.

²²⁴ The Estonian position papers on the internet: <http://spunk.vm.ee/euro/english/>.

European Union and the, with this application connected obligation, to adopt the *acquis communautaire*. The heritage of the Soviet Union implied that Estonia was far behind concerning environmental laws. Especially the necessary investments that are needed to fit into the European environmental norms seemed to pose a problem. “It is a heavy task for a small country like Estonia to put so much money into measures to reduce environmental pollution.” As said by Toomas Hendrik Ilves.²²⁵ For this point the pre-accession-strategy has to play its role. The environmental matters are in the different progress-reports identified as crucial, for this reason it became a priority in the Partnerships for Accession. Based on this selection a big part of the PHARE-money goes to the environmental problems of Estonia. These investments, however, do not stop Estonia from asking nine transition-periods for this chapter. Five of these concern the waterquality; two concern the protection of nature and one pollution. The time asked for the transitions vary up until a maximum end-date of 2013.

Closely connected to these environmental problems is the specific Estonian energy-context. For its energy needs Estonia mainly depends on its vast oil-reserves, a unique natural resource that guarantees Estonia its electricity independence. A big part of the population in the Northeast of Estonia is active in the production, the processing and the use of it. On top of this is almost the whole Estonian economy and industry dependent on the vast-oil processing.²²⁶ Already in the advisory report of the Commission it was said that Estonia would need a thorough structural program to diminish the dependence on its vast-oil reserves and to find a solution for the following socio-economical consequences. The existing situation was being described as very inefficient and bad for the environment. So it was said that Estonia should intensify its efforts in this field to reach the EU-norms concerning energy-efficiency and environmental protection.²²⁷ Within the context of the accession negotiations the Estonian negotiators emphasised the specific Estonian situation. Until the year 2010 transition-measures were requested for what the construction of a strategic reserve was concerned and for the restriction of the toxic

²²⁵ X., "Environment to be major challenge, no problem with agriculture." In: *Uniting Europe*, nr. 77, 1999, p. 3.

²²⁶ Anne Härmaste, "Estland op weg naar het lidmaatschap van de Europese Unie." In: Lewis Carrafiello, Lutgart Spaepen and Nico Vertongen, *De Balkan; Op de tweesprong tussen Oost en West*. Garant, Leuven, 1999, pp. 195-196.

gasses. The technical correspondence of the Estonian electricity supply with the European standards will be a hard, long and expensive operation.

Besides energy and environment seems that also the chapter fiscality will cause problems. This because of the strict liberal policy that was carried out after the regaining of the independence. Because of this Estonia had only a very restricted tax-regime in which almost no VAT existed. Consequently a big gap exists between the Estonian law and the EU-rules concerning VAT. To adopt the *acquis communautaire*, Estonia will have to change a big part of its tax-system.²²⁸ This necessary effort could underline two other weaknesses in the Estonian transformation-process. On the one hand unpopular measures have to be taken, which will not increase the already low enthusiasm for the European Union. On the other hand it underlines again the Estonian administrative and implementation problems. This last point was explicitly mentioned in the progress report of the European Commission.²²⁹ So it was remarked, that despite the already taken initiatives, still more effort had to be done to reach the European tax-norms. Estonia from its side wants to achieve some transition-measures to accompany its transition to a new tax-regime. It aims to keep a full tax freedom until the 31st of December 2006 for what concerns environmentally friendly energy supply and to wait until respectively 2010 and 2005 to harmonise the taxes on tobacco and oil. In the context of the accession negotiations the representatives of the European Union already demanded to change the transition-periods. Besides this a study was being planned that had to examine the impact of the VAT being proposed on the Estonian economy. This implies that temporarily no clear solution about a definite solution exists.

Taking into account the strictly liberal policy of Estonia it can be remarked that already big progress has been made in the social field. Originally it had been feared that Estonia would become a haven of social dumping. But Estonia managed to adopt one of the most important European norms, which already temporarily concluded the chapter about

²²⁷ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 57.

²²⁸ "Agenda 2000 – Commission opinion on Estonia's application for membership of the European Union", p. 51.

employment and social policy. However, a “monitoring table” was being set up to examine if no other problems would occur in the implementation of the *acquis*. Also for other, for Estonia, delicate matters, the country turned out to be a good student. So the chapter fishery, important for the Estonian economy, was already temporarily concluded. Estonia and the European Union already agreed on all principles of the fishing policy. However, it has to be remarked that the question about the fishing quota was being postponed until the end of the negotiations.²³⁰

Also for what delicate matters for the European Union are concerned, like the free movement of persons and the common agriculture policy, Estonia seems to be in a good starting position. Because of its small population and the strong decline of the share of agriculture in the total Estonian economy, these dossiers are less sensible than for example, the energy or fiscal one. The Estonian agriculture already had to face a thorough reform-process. So Estonia agrees to accept the Common Agriculture Policy and to respect its conditions.²³¹ “We have only around 6% of the population working in agriculture. We have no tariffs. We have no subsidies. We will not have many problems in this field.” as Toomas Hendrik Ilves says.²³² Where the agriculture dossier is a big obstacle in the negotiations with big agricultural countries like Poland and Hungary, for Estonia this is much less the case. But this does not mean that Estonia should also do the necessary efforts to adopt and implement the European agricultural *acquis*. Besides this it can be remarked that Estonia also asked for certain transitional periods, for example concerning the obligations in the field of the animal protection and the marking of cattle.

In this field further negotiations have to be held. Also other chapters like transport, in which still big investments have to be done, and financial control, where Estonia faces administrative problems, have to be looked at. But in general it can be said that Estonia belongs to one of the best scoring countries concerning the adoption of the *acquis*. On the condition that the implementation will be effective and efficient, it has to be possible to reach the officially hoped for date. As said before the chapters environment, energy

²²⁹ "Regular report 2000 from the Commission on Estonia's progress towards accession", p. 55.

²³⁰ X., "Candidates comments after negotiating meeting of 6 april." In: Uniting Europe, nr. 95, 2000, p. 6.

²³¹ Anne Härmaste, 1999, p. 196.

and taxes form the biggest obstacles. Apart from this also the chapter justice and internal affairs, which contains the so-called Schengen*acquis*, that especially because of the Russian vicinity a delicate matter is. In this field Estonia always stated that the *acquis* could be fully adopted without transition-periods. Important steps like the signing of a border agreement with Russia had already been taken. But the question remains of course to which extent enlargement can be disconnected from politics and then especially the relation with Russia.

²³² X., "Environment to be major challenge, no problem with agriculture." In: Uniting Europe, 1999, nr. 77, p. 3.

7. 5. *Regular report of 2001*

First of all we will take a look at the most recent opinion of the Commission on the situation concerning the political criteria for membership. As before still a big problematic area is the administration that urgently needs to be reformed, even if the Commission recognised that Estonia continued to make efforts to modernise it. “Efforts have continued to modernise the legal system and improve the functioning of the judiciary through training, court reorganisation and development of the I.T. systems. There is however a need to continue the implementation of the public administration reform programme, in particular to improve transparency in personnel matters and coordination across different bodies.” The next problematic area that Estonia has to deal with concerning the political criteria is as ever the integration of non-citizens. But also on this point the EU recognised that Estonia continued to make progress. But the Commission did not forget to add, “Estonia should maintain the momentum of the integration process. This includes ensuring the efficiency of the naturalisation process, providing access to language training, and raising awareness of the issue across the entire spectrum of Estonian society. Estonia should ensure that the implementation of language legislation respects the principles of justified public interest and proportionality, Estonia’s international obligations and the Europe agreement.”²³³ So basically we can see that Estonia what the political criteria are concerned is still struggling with the same problems: the modernisation of the administration and the integration of the non-citizens. But on both fields the Commission recognised that Estonia made progress and that Estonia continued to address both the short and medium-term priorities set out in the 1999 Accession Partnership. But it still had not reached all the goals set out by the EU.

Economically the situation looked better than ever according to the Commission: “Estonia is a functioning market economy. Provided that it continues with and fully implements its reform programme, it should be able to cope with the competitive pressure

²³³ "Regular report 2001 from the Commission on Estonia's progress towards accession", p. 24. Internet document. Found on the 4th of July 2002 on http://europa.eu.int/comm/enlargement/report2001/ee_en.pdf

and market forces within the Union in the near term.” But still it has to cope with always the same problems: “the restructuring of the oil-shale industry has only just started and should be accelerated.” And “ Estonia must continue to focus on fiscal policy, also in order to keep the current account deficit sustainable.” So again the same problems: the energy problem connected with the environmental situation and the problem with the tax system.²³⁴

Then also what the adopting and implementing of the *acquis* is concerned Estonia has continued to make good progress. Also concerning the matters with which it had the most problems it made good progress. In the environmental sector, further progress has been made in relation to both alignment and implementation of environmental legislation. In taxation, progress has been made in aligning VAT and excise duty levels.²³⁵

So basically the evaluation of the progress Estonia made was over the whole line positive: “Estonia has continued to address aspects of all short-term 1999 Accession Partnership priorities. Estonia is now tackling many aspects of the medium term priorities including those priorities in the internal market, agriculture, fisheries, transport, employment and social affairs, environment and justice and home affairs.”²³⁶

²³⁴ Ibid., p. 33.

²³⁵ Ibid. , pp. 87-89.

²³⁶ Ibid. , p. 93.

8. Conclusion

The specificity and complexity of the relation between Estonia and the European Union could only be understood from historical and geopolitical viewpoint. Its place on the strategically important Baltic Sea and its history under the leadership of Moscow makes Estonia occupy a special place in Europe. It was clear that after the regaining of independence of Estonia its policy was highly influenced by the past. The Estonians were wishing to forget its recent history within the Soviet-Union as soon as possible and to connect again there where for them the time stood still: the moment in which the Molotov-Ribbentrop pact concretised the illegal annexation of the Estonian territory. So for this reason the first historical chapter is not unimportant. As said before the main point of this chapter was to prove that it made sense of Estonia applying for membership as it is a European country. So the excuse that it is not a European, even maybe a Western European country can not be used by the EU to deny membership to Estonia. But it is also important as it will help us to see the importance of the Estonian case politically, mainly because of its past.²³⁷

The second chapter then can be used directly to prove my point as my point of this study will be that the European Union will consider mainly, if not only political criteria, and maybe not even the official, for allowing Estonia and the other applicants to enter or not. My first prove for this is that throughout the history of enlargements this has been the case: the first clear example of political considerations being the most important was clearly the application of the UK for membership. This application had been rejected twice because of a French veto and this because France was scared that the UK's membership of the EFTA and the Commonwealth would not be compatible with EC-membership and therefore from that moment onwards adopting and implementing the *acquis* became a condition. It is clear that the UK at that time was economically and also

²³⁷ See pp. 24-25.

politically completely ready for membership and that it fitted into the European Community. The only reason why it was not allowed firstly was political: France did not want the UK to enter as it was afraid to lose a considerable amount of power within the EU. For this reason the EC suddenly stated that the *acquis* had to be completely adopted and implemented before entering the EC, so the UK could not enter immediately.²³⁸

Then also for the next enlargement, the one with the Mediterranean countries, Portugal, Spain and Greece, it was clear that more attention was paid to the actual political reasons. For example the three countries were economically absolutely not at the level of the rest of the EC, but they could join anyway. The main reason for this was that the three countries were just freed from dictatorship and for this not to let it happen again soon, the EC decided to let them enter even if economically not ready. So also in this case political considerations were more important for the EC than economical ones.²³⁹

Then also when taking a look at the countries applying for membership but not yet allowed it is clear that the political considerations are decisive. So is always the main reason for not going on with the application of Turkey the situation of the Human Rights and not its completely backward economy. Also in the case of Cyprus the fact that the island is divided forms a political obstacle too big to let it enter, even if only the Greek part has been officially recognised, so in theory this should not form a problem, but in practice of course it does.²⁴⁰

The institutional history of the European Commission is one of almost continuous adjustment in response to successive enlargements and this will especially be the case for the next enlargement, the one of the Central and Eastern European countries. And as I am trying to prove here that especially political considerations are important when deciding about enlargement, this could be a very important one: the institutions of the EU will have to be reformed before this enlargement can take place if they want to continue working properly. Many attempts to do this have been undertaken, like the treaty of Amsterdam or the one of Nice, but so far without real success. Still now the EU-institutions are not at all ready for such a big enlargement. So as long as this reform will

²³⁸ See p. 27.

²³⁹ See p. 28.

not take place, Estonia will not enter, even if it fulfilled completely all the criteria for accession. So also when looking at this we can say that again political considerations are more important than the purely economical ones.²⁴¹

Then in the next chapter we can see that the EU takes much more care about the political criteria than about the economical ones. The biggest prove that the EU thinks that the Estonian economy is ready is that in the case of Estonia the trust in the economic reforms was so big that there was no time-limit attached to the Association agreement. Then also the historical decision of Luxembourg proved the economical success story of Estonia. Then the summing up off all the areas of the economical criteria shows clearly that in this field not so big problems are to be detected. Only maybe the environmental problems and attached to this the energy question could bring some minor problems, but it is clear that the political criteria form the biggest obstacle and then especially the citizenship question.²⁴²

Also in the regular report on Estonia's progress towards accession the evaluation of the economical criteria was always positive. It was stated that the country could be seen as a functioning market economy that within a certain period of time would be sufficiently competitive within the internal market.²⁴³ Estonia had, for what the implementation and the adoption of the *acquis* is concerned, only problems on the field of the energy supply and on the one of fiscality. But for both it could ask transition measures, so again it is clear that also this point is important for the EU, but only until a certain level.²⁴⁴

If we compare this with how the EU looks at the situation concerning the Russian minority, the difference is striking. Not only were amendments asked of the Citizenship and the Language Act, but also to the implementation of this was looked at carefully. So was the EU very delighted with the state integration program which implemented concretely what was amended in the Language and Citizenship Act and which helped the

²⁴⁰ See pp. 28-29.

²⁴¹ See p. 31.

²⁴² See pp. 55-56.

²⁴³ See p. 70.

²⁴⁴ See p. 75.

Russian minority to integrate better into the Estonian society.²⁴⁵ So this overview of the negotiations between Estonia and the European Union clearly proves one thing: that the EU is much stricter what the political criteria are concerned than what the other criteria are concerned. It is also clear that Estonia understood this and is trying to do all that is possible to comply with the political criteria. It amended its Language Act, an Act that was a symbol of its independence as it promoted Estonian language and culture, so an Act not at all popular to amend for a population just freed from living under the oppression of the Russian language.

So to conclude this study finally we can go back to what we said after analysing the political criteria for accession. “The actual integration is a key element for the internal stability and for the security in the long term. So it is not always correct that some sources spend more time analysing the economic progression Estonia makes and not so much time on the minority situation. Of all the problems caused by the end of communism, the one of the minorities is at least as important as it connects directly to the peace and stability in the region. This is exactly the central goal is of the enlargement of the European Union with the countries of Central- and Eastern Europe.”²⁴⁶

So when looking to when and if Estonia will access the European Union, in the future we will have to focus on the political side of the problem in all its aspects: when and if the EU will be politically ready to reform its institutions, how Estonia will deal with its Russian speaking minority problem and how this problem will affect the peace and stability in the region. As soon as politically there will be no problems anymore concerning the application of Estonia, they will enter, even if all the other criteria are not fulfilled, like the economical ones or the adoption of the *acquis*.

²⁴⁵ See pp. 77-78.

²⁴⁶ See p. 68.

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