
Summaries

EDITOR IN CHIEF'S COLUMN

An Alarm Bell, not a Church Bell¹

TIINA KAALEP

Editor-in-Chief of Riigikogu Toimetised

The Editor-in-Chief's column focuses on the lessons of the crisis, and the opportunities arising from the crisis. People and countries were able to pull themselves together and to subject themselves to the harsh conditions of the emergency situation. One of the main questions was whether the structures would withstand the pressure. Will families come out of this crisis without losses, can we keep our jobs and homes, will the Estonian government manage handling the life after the crisis, how many bankruptcies will there be, will Europe be able to go on in spite of the crisis and Brexit, and has the world now changed irreversibly?

The structures endured, and today it seems that there is also something good to be taken along from these strange times. New skills, certainly. A great number of those who work with computers suddenly learned to work with new tools they had been sceptical about earlier. We also learned that those tools were not really equal to working with human contact – they

take more time and energy, and the result is poorer. However, it is perfectly possible to cope this way for a short while.

Keeping in mind the focus topic of this issue, the European Union, the Editor-in-Chief also reflects on the reasons why we as citizens tend to have a passive relationship with the European Union. Why do we identify with the European Union mainly through civil law terms, mostly as contracting parties, natural and legal persons, employees, consumers, etc. At the same time, when we use the term “Europeans”, we see ourselves above all as bearers of culture, and we think of the spiritual heritage of Europe. Besides freedoms and rights, and maybe even beyond them, belonging in Europe is first of all a cultural feature, and to perceive this is a part of the identity of a cultured person. Starting from Gustav Suits at the beginning of the 20th century, and continuing with Jaan Kaplinski and Tõnu Õnnepalu today. The European culture is the culture of strong nation states. This is how it has been, and this is only natural. Few cultural phenomena define themselves primarily through Europe, as “European culture” events.

Europe and Estonia got through the crisis of the spring 2020, but we need to start preparing for the crises that are to come. What we heard was an alarm bell, and not a church bell.

¹ The title is borrowed from the article “All for one and one for all twenty years after” by Klen Jäärats

CONVERSATION CIRCLE

Current Crisis Will Bring us back to Earth

RIIGIKOGU TOIMETISED PANEL DISCUSSION

On 15 April, representatives of the parliamentary parties Anneli Ott (Centre Party), Marko Mihkelson (Reform Party), Anti Poolamets (Estonian Conservative People's Party), Mihhail Lotman (Isamaa) and Ivari Padar (Social Democratic Party) discussed if the European Union had responded adequately to the current crisis, how to assess it in short and long-term perspectives, and what the lessons from the crisis were

MARKO MIHKELSON: First, we should make it clear to ourselves here in Estonia, and in particular, the Government should have a clear idea of what kind of European Union we want. It was a matter of serious concern to me when we were discussing in the Foreign Affairs Committee about a week ago what the unity of the European Union, and its importance and relevance were. After all, we have clearly been sharing the common position that we will never be alone again. The solidarity we have to show Europe and expect from others in support of our security or economy is something that, in my opinion, is very clearly understandable to our citizens. If you look at the opinion polls conducted since 2004, then Estonia has been one of the most positive societies that perceives the benefits (in the good sense of the term) of the European Union. Among other things, the issues we have discussed here, namely free movement in all its essence, for work, for studies and simply for travelling, is the most highly valued among the citizens of Estonia. I have heard no clear message yet from the present Government as to what kind of Europe we want to have from this point onwards, and what Estonia's role in it will be.

ANTI POOLAMETS: The Member States are now trying to win back their sovereignty, at least some of them; I have no doubts about that. In my opinion, free movement has been bankrupt for a long time now, and I have never supported it. The refugee crisis, where people marched from the border of Greece to Stockholm without any control, was a proof of that. It showed how Europe had no control at all over what was happening on its territory. Since then, Hungary in particular has been viciously attacked, and this is continuing even now. Instead of addressing the crisis, the European Commission is busy harassing Hungary at its meetings. It is clear, after all, that this way they (the EC) are putting off some Member States even more and turning the states even more against them. Thus, the European Union has failed in the crisis, not least because the issue of free movement is indeed the greatest problem, but President of the European Commission [Ursula von der Leyen] has said that we must still keep the free movement.

IVARI PADAR: It should be considered what the EU-wide actions could be, for example, in health care. Presumably, it would be necessary for the European Union to have a crisis management unit. And I very much hope that it would have nothing to do with rampant new bureaucracy, and would be something very practical. The issues relating to this crisis or emergency management unit that should be better negotiated between the Member States are the medical supplies, or specifically the supplies necessary in situations of pandemic, which could be markedly provided to where the need is the greatest.

If I say that it is the scourge of the Lord that has come today, then let us use this scourge of the Lord in a sensible way to build up a better European Union.

MIHHAIL LOTMAN: My view in the dialectics of the European Union and the nation states is that the stronger

the nation states are, the stronger the European Union is, and the stronger the European Union is, the stronger the nation states are. It is not a zero sum game, it is a cumulative sum game. The European Union is interested in stronger Member States, and the Member States in their turn make the European Union stronger.

And I would now like to argue a little with Ivar. I am not sure actually that the European Union needs an additional structure for tackling crises. It is necessary, however, that the European Union prepared a crisis strategy that is accepted by all Member States. This is what we are lacking. Along the lines of “in this kind of situation, we do this, and in that kind of situation, we do that”, and there is a consensus about it. We are lacking this at the moment. But I think – and the current crisis has shown this – that the European Union structures have survived.

ANNELI OTT: The current crisis will definitely bring us to earth again. In this sense, there is an awakening or adaptation all over Europe, where the nation states are beginning to better perceive their focuses. This will also provide a new opportunity for solidarity to grow, and the tensions that were increasing here will be reduced by the crisis. I like the saying “Trust in God but tie your horse”.

Think about what happened on the Polish border. The European Commission itself has admitted that there was a standstill for a moment, but it was actually overcome in a matter of a week. And I cannot say whether criticism is appropriate in the case of such a large organisation.

FOCUS

An Anchor or a Compass – the European Union in a Crisis Situation²

MATTI MAASIKAS

Ambassador of the European Union to Ukraine

The discussion of any topic in the European Union starts with the question: what is the legal basis here? Which article of the Treaty on European Union provides the framework for joint action? In other words, what jurisdiction have the supreme decision makers in the EU – the Member States – granted the EU institutions? Regarding public health, just monitoring the situation and facilitating the cooperation of Member States if necessary; it remains the competence of Member States, and they jealously safeguard their sovereignty. The same applies to closing of borders, which the sovereign Member States carried out in full compliance with the Schengen regulation. According to the regulation, the role of the Commission and other Member States is limited to taking note of the information. No approval by Ursula von der Leyen or any other official in Brussels is needed.

There has always been a strong political will to keep the European Union united and functioning. In the coronavirus crisis, the European Commission started the first joint procurement of medical supplies on 28 February. Financial measures were launched on 16 March, four days after the Member States had taken first steps in shutting down their economies. In record time, the Governments were given free hands to choose the steps to help their companies that were in trouble. The state aid and fiscal rules, often called the Procrustean bed by national sovereignty zealots, were relaxed to the maximum.

² The views expressed in this article are the personal views of the author.

All structural funds of 2020 (60 billion) were channelled to fighting the virus. So-called green corridors necessary for the passage of goods were created on internal borders. Beside that, a 750 billion asset purchase programme was launched by the European Central Bank to support the economies of Member States. The EU institutions are working at full swing.

The current crisis, where scientists, doctors and experts have a key role and impact, will hopefully bring also the Estonian political elite and especially the government parties to face some facts. If we are fighting the greatest challenge in the history of the EU, we have to give up ideological taboos and restrictions we have rhetorically set for ourselves. Herman Van Rompuy, who as the President of the European Council led the efforts to resolve the eurozone crisis, has said that when a storm has grown very strong, a good compass is more important than a strong anchor. In other words: knowing your direction, your destination is more important than existing rules and restrictions.

All for One and One for All Twenty Years After³

KLEN JÄÄRATS

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The end of this political cycle in Europe (2019–2024) coincides with an historical occasion to celebrate the twenty years since the Eastern Enlargement of the European Union. “Enlargement” is a technical term for a political process of historical conciliation and re-unification of Europe, and a popular political choice for a shared destiny under the same roof. On 1 May 2004, President Arnold Rüütel

said, “We have every reason to believe that out of all similar historical attempts, the current unification of Europe is the best and most lasting.” So what will be the stories we will tell on that occasion? How is the current COVID19 crisis going to affect our common narrative? Did the crisis make us go forward with growing and with addressing the grand challenges of today, which can be effectively solved only together at the European level?

We, the Union and the Member States, were taken by surprise and were unprepared for the COVID-19. As usual, the crises bring out our best and our worst selves, and the reaction to this crisis is quite telling on what our Union is and how it works. Estonia knows how difficult it is to make progress at the level of the Union in public health sector, because it has always had an ambition for free movement of patients and free movement of health data, but so far not to great avail, and mostly because of very limited competence, lack of interest, and policy resistance. Metaphorically, we cannot ask for a European Army when we have not built one. So it is not the Union’s fault, because lack of competence is the main reason for what happened: the closed borders, the arms race for personal protective equipment and medical supplies, and the variety of forms of reaction, not to speak of the restrictions to our personal freedoms. Luckily, it only lasted for a very short period of time, before we were again able to co-ordinate and saved the day. This crisis has to change all that. Resilience needs to be built up and the comprehensive approach to security that Estonia has proposed, proceeding from its own experience, could be the foundation for Europe to become a valuable actor in security domain. There is no proper institution or framework to deal with health security, the security of value chains, the mobility of security goods, the RDI, interdependence and the security of critical technologies and infrastructures, and

³ The views expressed in this article are the personal views of the author.

responding properly to the new emerging threats of cyber and hybrid nature and the threats emanating from our ecological and climate degradation. It all boils down to the need to change the way we look at things and also to strengthen the democratic legitimacy of the Union. Considering the foundations of the Union – industrial production, the common market and the four economic freedoms – it is not surprising that speaking with citizens and about topical issues has dominantly been in market economy terms. While economy has always been considered a moral science, the American political philosopher Michael Sandel has pointed out the moral limits of markets, and the dangers of turning market economy into a market society, where everything has an exchange value. We have to put the freedoms, the public values and what isn't for sale into the focus of the debate, without double-peak, so that we could avoid the taboos of the past. The political choice of addressing the twin grand challenges – the ecological and the technological transformation – directly and as a way of making it a basis of opportunity and growth will provide the Union the outcome legitimacy that it has always craved for, but also democratic legitimacy, because this is what the European citizens expect and are worried about. If the Union is to last, it must speak also to our hearts and our feelings.

Seventy years ago, the Schuman Declaration laid the foundations for the Coal and Steel Union and for our Union of today. The Green Deal will lay the foundations for the Union of Renewable Energy, Sustainability and Data, which will be the building blocks for the industrial revolution, resilience and the continuing cooperation between the European nations and peoples in the 21st century. While doing this, we should not forget that we are also on a mission to save our Planet, mostly from ourselves. This hope for our better future and for our better self can be our story in 2024. This hope should also determine the

direction and the course of our recovery and guide us out of the current crisis.

Common Agricultural Policy and EU Budget

SIIM TIIDEMANN

Ministry of Rural Affairs, Deputy Secretary General for Fisheries Policy and Foreign Affairs

The Common Agricultural Policy (CAP) is one of the few truly common European Union policies, having a history of more than 50 years. The goals of the CAP have remained the same across decades. In essence, they can be summarized as follows: to produce more food with greater profitability while guaranteeing stable food supply and affordable prices. This means that the underlying principle of the CAP is food security.

However, over decades the means for achieving these goals have changed considerably. As market intervention policies gave way to direct support and rural development measures, the CAP has become more market-oriented and has taken on board new challenges, like climate change and environmental concerns.

When Estonia joined the EU, the compensation levels for direct payments were calculated according to historical references. With a series of reforms, the payments became uncoupled from production, and therefore the arguments for differences of support levels across the Member States weakened considerably.

Thus, Estonia, together with our Baltic neighbours has been arguing for greater external convergence of direct payments. Although the European Commission has proposed some levelling, it would still leave the three Baltic states lagging behind for another seven years. Given the circumstances of the current EU budget negotiations (Brexit, Covid-19), it is not easy to convince other Member States as

convergence is largely seen as a zero-sum game. Another polarization of opinions stems from the arguments over whether the costs of fulfilling the tasks set by the CAP, including reaching the goals of the European Green Deal, differ across the countries.

Nevertheless, it is clear that it is in Estonia's best interests to continue with the CAP, as in case of open competition between the EU member states it would be difficult for Estonia to support its agriculture on the same level as some of the wealthier countries. Therefore, it is important to aim for the best possible solution in the on-going budget negotiations at the European Council level.

The United Kingdom's Withdrawal from the European Union: Negotiations have been Replaced by Negotiations

KARIN RANNU

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By leaving the European Union, the United Kingdom became free of its decades-long hesitations and doubts regarding the EU membership and the EU developments. Thus, now the United Kingdom will be able to decide over its future by itself, in another and different legal space than the one where it belonged for the last half a century. The exit process vividly demonstrated how complicated it is to untangle the root ball that has entwined over such a long time without damaging the plants seriously. Among other things, the benefits and added values of the EU that are taken for granted in everyday life became clear. When the complexities of Brexit were seen, the voices in support of withdrawal elsewhere in

the EU quieted down. In several Member States, the support for the European Union increased. Besides that, the UK's exhausting path of withdrawal helped strengthen the unity between the Member States. Keeping it and working in the name of it is more important today than ever before because we are facing new great challenges, like the digital revolution, climate changes or life-threatening viruses.

The European Union is not the same after the United Kingdom's leaving, but paradoxically its withdrawal helps us understand the importance of the European Union in our daily life and obliges us to think carefully how to move on together in the European Union.

We have reached a new stage in shaping our relations with the United Kingdom, and it is quite clear that this path will be longer than the withdrawal was. In the changing world of today, it is important that the future relations between the European Union and the United Kingdom would be close and effective, and helped us strengthen our position among the world powers. It should be our aim that the European Union and the United Kingdom complemented and reinforced each other. However, the precondition for all that is unity within the EU. Without it, we will never have good results in our relations with the United Kingdom or at a wider level, in building up Europe after the pandemic crisis.

Real-Time Economy – End to Redundant Paperwork and Paper-Pushing Economy

CHRISTMAN ROOS

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'There are no good times, there are no bad. The present is all there is to be had. What starts

will never come to an end. Neither beauty nor ugliness is part of the plot. With these verses, the Estonian poet Artur Alliksaar has perfectly captured the nature of time and reality. It is especially topical in these trying times of global virus outbreak, but also relevant for the real-time economy concept. Interestingly, the term ‘real-time economy’ (RTE) is nothing new. It was first used as early as 2002 in The Economist’s article “The Real-Time Economy: How about Now?” by Ludwig Siegele. This article demonstrated how ‘real-time’ information was implemented and used for management purposes in the General Electric company.

Due to rapid technological developments and growing business data exchange, the time was ripe for introducing automated bookkeeping and e-invoicing in digitally advanced countries. It was then that RTE became a research subject in Finland’s Aalto University, which even established an RTE competence centre and started work on developing the concept. Many research papers were written in 2008. According to the grandfather of the concept, Bo Harald, RTE is ‘*an environment where financial and administrative transactions connecting citizens, business and public sector entities are (i) in structured standardized digital form, (ii) increasingly generated automatically, and (iii) completed increasingly in real time without store-and-forward processes*’. This makes it an ecosystem that encompasses all the economic actors: public sector, private sector, and citizens.

It is estimated that bookkeeping and accounting services constitute approximately 0.7–0.8% of the GDP, although Estonia is well known for its high level of digitalisation with anecdotal examples of establishing a company in 20 minutes and filling in personal tax return forms in 20 seconds. This is one of the reasons why the RTE concept regained traction in Estonia nearly ten years after its first impression. During the last few years, Estonia has assumed a leading role together with

Finland in implementing RTE principles in Nordic-Baltic cooperation.

In 2019, the Tallinn University of Technology conducted an academic research on “Real-Time Economy: Definitions and Implementation Opportunities”. It established that ‘*real-time economy is a digital ecosystem where transactions between diverse economic actors take place in or near real time. This means replacing paper-based business transactions and administrative procedures by automatic exchange of digital, structured and machine-readable data in standardized formats*’. A separate study on the economic impact of RTE was conducted by Tieto Estonia AS, which found that switching to RTE solutions in selected processes would save over € 210 million and over 14 million working hours per year, and reduce greenhouse gas emissions in Estonia by over 27,000 tonnes per year. This indicates that there is a lot of vacuous activity, or more bluntly – paper-pushing – in traditional business practices.

Why is it all necessary? On top of these self-evident quantifiable facts, RTE-based tools can help with faster crisis management or even prevent problems that arise during this pandemic by providing real-time overviews of medical products, food supplies, and essential goods. However, the full potential of RTE will be achieved only through continued international cooperation and investments into both intellectual and material capabilities.

Estonia’s Political Parties in the Political Space

MARTIN MÖLDER

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Knowledge of the general political landscape in Europe reveals the trends in each Member State. For the three most recent

elections of the European Parliament, a vote compass covering all the countries was developed. The political topics that it includes and that recur from election to election, along with the positions of political parties on these, provide us with a uniform base to analyse this space in all the countries at once.

This shows that the European political space is largely two-dimensional; the first dimension is the right/left dimension, which includes both cultural as well as economic topics, while the second is the European dimension, which mostly consists in supporting or opposing the further integration and increased authority of the European Union. The left/right dimension involves fairly distinct classical left/right topics (taxes, social welfare, integration of immigrants) as well as newer topics (e.g. renewable energy, same-gender marriage, legalisation of soft drugs).

The vast majority of political parties position themselves on the Euro-positive side of this landscape, while the parties with a negative attitude towards increased European integration can be found mostly on the extreme left or right. Few parties are simultaneously in the centre of the left/right scale – i.e. without standing out clearly in either left or right topics – and negative towards the European Union.

Among the Estonian parties, the biggest movers have been the Centre Party and the Reform Party, both of whom moved from 2009 to 2014 towards a stronger support for the further integration of the European Union. As a result, the Centre Party arrived at the centre of this dimension and the Reform party reached the clearly Euro-positive zone. Both are in the middle of the left/right dimension of this space, with the markedly, albeit year by year less securely Euro-positive Social Democrats slightly to their left.

On the right wing of the European political space we can find the Conservative People's Party and Isamaa, which are clearly distinguishable from one another.

The latter is Euro-neutral and clearly right-wing in all left/right dimension topics. The Conservative People's Party, on the other hand, has a very different view mostly on new left and new right topics, and clearly opposes increasing European Union integration and authority. Estonian parties thus cover all the areas of this landscape apart from the extreme left.

On the Latest European Parliament Elections in Europe and Estonia

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The key words of the European Parliament elections in May 2019 were increased turnout, political fragmentation, and stable support for populist, extremist, and Euro-sceptic forces.

For the first time since 1979, the voter turnout increased instead of decreasing. The over 50 percent turnout strengthened the EP mandate, encouraging it to speak more confidently on behalf of the majority of European voters.

The 2019 European Parliament is more fragmented than ever. The two major forces – the EPP and S&D parliamentary groups – no longer hold a majority in the 9th European Parliament. ALDE and Greens gained the most extra seats. The representation of populist, extremist, and Euro-sceptic parties remained more or less the same as in the 8th EP.

A well-known theoretical view describes the EP elections as second-order national elections. An analysis of the election results in 28 Member States only partially confirms this thesis. A place in

the government did not predict a party's increased or reduced popularity in the EP elections compared to the national elections held earlier. The success of government parties also did not depend on the phase in the election cycle where the EP elections fell. However, there was a clear link between the size of the party and the votes gained or lost at the EP elections: the more successful the party at national elections, the more it saw its votes drop at the EP elections.

It is impossible to outline one single reason why the voters turned their backs to large parties at the latest EP elections and favoured smaller political forces. Different trends could be observed in Member States and the voters cared about different topics, ranging from climate change, security and limiting migration to stimulating economic growth and keeping nationalism under control. It would not be an exaggeration to claim that the EP elections were a cluster event composed of 28 separate stories.

In Estonia, the voter turnout remained far below the 2019 European average, staying more or less at the 2014 level. In Estonia, government parties have always lost votes at the EP elections (compared to the earlier Riigikogu elections) – the biggest loser is usually the leading government party. This was also the case at the 2019 EP elections, despite the government only having been in place for barely a month. So the hypothesis that the voters use the EP elections to punish the government parties seems to hold true for Estonia.

The increased fragmentation and polarisation complicate the decision making processes and formation of coalitions in the EP. However, we have not seen the dreaded joining of forces of the Euro-sceptics. The fact that the top-ranked candidate of the most popular party at the EP elections did not become the head of the European Commission means a major loss for the Parliament

in the long-standing inter-institutional conflict over how the provisions of the Treaty of Lisbon on filling the position of the President of the Commission should be translated into practice. The global pandemic is forcefully interfering with the 2020 plans of the Parliament, stopping it from meeting in person and compelling it to use electronic voting.

Where the European Green Deal Comes from and what the Deal is About⁴

KAJA TÄEL

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The article opens the context of the European Green Deal. Why did that Commission proposal arrive on the tables of the EU heads of state and government only in December 2019, although the urgency of fighting against the climate change has been known to the public for years? Why does the Green Deal lack specific legislative proposals for different fields of life? When can we expect them and what will they be like? The Commission has changed its narrative. Besides classical nature conservation purposes, the Green Deal stands out as an integrated economic strategy. More effective use of resources, innovation and creation of new jobs, together with the need for reducing the use of fossil fuels, become a base for economic growth, among other things, through new breakthrough technologies. The EU wishes to present this narrative also in the global fight against climate change pursuant to the Paris Agreement, and has set the target of achieving climate neutrality by 2050.

⁴ I use the term "Green Deal" to denote "European Green Deal for the European Union (EU) and its citizens" (European Commission 2019a).

The role of the global leader has to be shown at the UN Climate Conferences (the next conference is called COP26 and will probably be held in autumn 2021), which spurs the ambitious member states to set new specific targets for the reduction of greenhouse gases already by 2030. Why isn't the EU united in this aim? What are the prospects of achieving this target? The Commission has proposed to launch a Just Transition Mechanism that would alleviate the inevitable hardships connected with the transition for countries relying on fossil fuels the most through additional funds from the EU budget, and also with the help of favourable loans and targeted investments. Are these measures sufficient? The greatest challenge for Estonia is the oil shale based industrial complex and its concentration in Ida-Virumaa in north-east Estonia. Political decisions to reduce the use of oil shale or to redirect it into less polluting sectors should go hand in hand with new economic management plans. Today we have an excellent possibility to do it with the support of the EU. Besides that, Estonia can make use of its valuable experience from the previous decisive development period, from the Tiger Leap programme and the digital revolution. Building up of the economy of Estonia in the 1990s was complicated, as is the restoration of the economy of the EU that has been ravaged by the coronavirus. However, when exiting from the economic crisis, it would be wise to keep in mind that if the recovery does not take into account the needs of the green transition, it is not a real recovery.

European Parliament – a Modest but Persistent Visionary

MARION REIGO

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The European Parliament, a globally

unique directly elected international representative body, is the carrier of European values and identity. It has kept pace with important changes in Europe, often being the initiator and trendsetter in them.

This article discusses the story of formation and the ambitions of the European Parliament through three prisms: the historical key events, the role of political factions, and important discussion topics.

When analysing the course of history, we can see that today's European Parliament is something altogether different when compared with the parliament that started its work in the 1950s. Gradually claiming more and more competencies, the forum consisting of national representatives has become a political objectives setter and a co-legislature of the European Union. The Parliament is an equal decision-maker with the Council in most of the Union's areas of activity. In addition to having legislative powers and a budgetary competence, the European Parliament has also become an increasingly stronger supervisory body, exercising control over the EU institutions and in particular the activities of the European Commission, which has the executive power.

The future trends of the European Parliament are often set through the levers of influence of its political groups. Even though individual members of the parliament have their influence and rights, most of the members have joined a political group that matches their views. This is one of the most direct ways for a member to influence the European Parliament's positions and thereby the shaping of the European Union policy.

The European Parliament as the voice of citizens and a political forum has always been, if anything, a visionary in bringing up topics and defining priorities. In comparison with other EU institutions, it is more ambitious and bolder in many of its demands. Looking back in time, we can see that the European Parliament

has for a long time now been concerned for example about economy and internal market, human rights, European unity and integration. The debates in the near future, which to a certain extent will also be building on earlier topics, will to a large extent be inspired by the overall objectives that were set after the European elections. They include becoming the first climate-neutral continent in the world, shaping a Europe fit for the digital age, improvement of the economic model emphasising the social aspect, strengthening of Europe's global position, promotion of European way of life, and boosting of European democracy.

Over time, the Parliament has become an equal partner to the Council and the Commission, known for its future-oriented attitude emphasising European unity. At times overshadowed by other institutions but attracting attention with its ambitious ideas, the Parliament continues to protect the interests of its voters. It does so in the hope that Europeans will think of the European Parliament increasingly more between elections as well, and that we will perceive it as our parliament, the parliament of all Europeans.

POLITICS

Opportunities of State Reform and Estonia's Options

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The article reviews the state reform initiatives and activities in Estonia over the recent years, interpreting these from the point of view of research literature on the topic. We can identify three major initiatives: by the Foundation for State Reform, the Government, and the Riigikogu.

The Foundation for State Reform, which

had been established by entrepreneurs and was active in 2018–19, centred their proposals on technocratic optimisation of state organisation. The final report (2019) of the Riigikogu Study Committee to Draw Up the Development Objectives for the State Reform seems to reflect on this, referring to the bargaining and debating nature of politics as well as the needs of the future progress; however, it only clearly delineates it in a narrow segment of the state system, with the emphasis on its own role and organisation of work.

The 20 February 2019 Resolution of the Riigikogu *The Fundamentals of the State Reform and Good Administration* sets out very general principles. The Government largely follows a path of its own, setting the emphasis on the organisational issues of the state apparatus in its action plans from 2017 and 2019.

The Foundation for State Reform is the most concerned with the general organisation of the state, but also considers legislation. The Government's action plans focus on aspects of the quality of governance. The Riigikogu considers its own role to a certain extent, next to universal principles. Policy shaping capability, representative democracy, and questions of political citizen subjectivity have been largely overlooked. A broader perspective reveals that technocratic preferences are not sufficiently balanced with democratic preferences, or with a comprehensive view of the state system.

Today, the crucial shortfall is the low capability of the Riigikogu and politicians, incl. the capability of the supporting expertise, to translate its positions into comprehensive analyses and practical proposals. The parliament holds the key to a successful state reform. The Riigikogu would do well to develop the capabilities that are currently lacking or missing; this would allow it to assume a role worthy of a parliament in the state reform.

STUDIES

How Can We Avoid Failure in Developing European Defence Cooperation? Europe's Strategic Autonomy Initiative from the Estonian Perspective

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The article discusses whether the recently proposed initiatives in the European Union to enhance defence cooperation could strengthen European security, and why these have failed to garner widespread support in Estonia.

Cooperation in foreign and security policy is critical for the survival of the European Union. Keeping Europe peaceful has been the key goal of the integration of nations over the last century; however, the current security environment puts this in a very immediate risk. In order to give more weight to Europe in this field, the Belgian political analyst Sven Biscop suggests reviewing the policies of the Union so far, and introducing extensive changes if necessary.

There is a clear need for new solutions because there is no reason to assume that policies that have not brought the desired results so far would now suddenly do that very thing. At the same time, the current EU security and defence cooperation framework document, the so-called global strategy, endorses the continuation of the current activities, but in an even broader scale and with increased financial means. The specific foreign policy interests of the EU have once again remained largely undefined. This undermines the EU's ability to fully use its potential on the global scale and successfully represent the common interests of the EU, as well as its individual Member States.

There is also ambiguity around the recent EU defence cooperation initiative,

i.e. Europe's strategic autonomy. Among the EU Member States, the firmest supporter of the initiative is France, while Estonia has remained rather sceptical. This is ever more surprising because Estonians generally tend to support a more influential Europe that offers more security. The lack of clear understanding of the definition of European strategic autonomy is the main reason why Estonians have remained pessimistic about the initiative.

If the idea of European strategic autonomy is really something to take forward on the Union level, we need to find consensus on the tangible goals to be reached with this initiative, the abilities that we need in order to fulfil these goals, and the capabilities whose development should be set up as a priority. To find solutions, we need to keep a critical mindset by exercising strategic restraint; i.e. we need to acknowledge that the European Union cannot simultaneously deal with all the global problems and be a "friend and partner" to every country and regime. If improving European defence capability is something that the Member States also wish to uphold with their actions, keeping the EU unity and clearly defining the objectives will be key factors. The latter presumes – or rather, demands – a comprehensive public discussion. If such a discussion should start in Estonia in the near future, we must avoid getting caught up in antiquated ideas.

Handing over Infrastructure for China's Strategic Objectives. 'Arctic Connect' and the Digital Silk Road in the Arctic*⁵

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With the constant increase of data flows there is a demand for better infrastructure to facilitate the growth of the digital sector. Arctic Connect, a Finnish plan to link Europe and Asia through a submarine communication cable along the Northern Sea Route (NSR), promises to deliver faster and more reliable internet connections between Europe, Russia and Asia due to shorter distances and fewer disruptions caused by human activity along the Northern Sea Route.

Finland is interested in this project, because it wants to attract investment into data centres by developing the necessary infrastructure. For its part, China is interested within the framework of the Digital Silk Road in building transcontinental and cross-border data cables, as well as finding markets for its data cable service providers, such as Huawei Marine, whose platform has already been chosen for the construction of Arctic Connect.

With the construction of Arctic Connect, China would increase its defensive intelligence gathering capabilities, because its data transfer with Europe would no longer go through foreign data cables and as such would be better shielded from outside actors. Chinese offensive intelligence gathering capabilities would

also increase; the Chinese companies contracted to build the project are obliged by PRC law to collaborate with intelligence services.

In addition, the construction of Arctic Connect would enable China to implement underwater surveillance capabilities it has been developing through military-civilian fusion in the South and East China Seas. A 10,000 km data cable can itself be used for underwater acoustic sensing; together with sensors and underwater drones it would enable China to extend its Underwater Great Wall to the strategically important Arctic region. "Eyes and ears" under the Arctic Sea would significantly improve China's nuclear deterrence by increasing the visibility of an adversary's submarines in the strategically important area.

Recommendations:

- A new political perception survey and feasibility study of Arctic Connect project should be conducted with a focus on the aforementioned security threats.
- Procurement procedures for the best service provider for the Arctic Connect project should take into consideration potential security threats: a service provider's relations with a foreign government and its security apparatus, as well as its previous behaviour.
- An EU policy framework and initiatives should be developed in order to guarantee the strategic autonomy of communications infrastructure.
- EU member states should develop a legal framework for licensing telecommunications service providers on the basis of a security assessment.
- The EU and member states should work together to improve their encryption capabilities, in order to guarantee data privacy.

⁵ Peer reviewed article.

* Policy brief presented at the conference "Beyond Huawei: Europe's adoption of PRC technology and its implications", Prague, 27 November 2019. Synopsis. China in content and perspective. 7.03.2020. – <https://sinopsis.cz/en/arctic-digital-silk-road/>

Legal Theory Connections to the Quality of Legislative Drafting in Estonia⁶

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Despite the best efforts, legal acts and legal provisions tend to cumulate in legislative drafting in Estonia, and the overall transparency of the legal order often suffers. It was the historical school of jurisprudence that posited that the dominant concept of legal theory in the society acts as a silent undercurrent that influences the daily choices of the legislator. We should not ask whether the legal theory affects legislation, but how. In light of this thesis, the article explores how legal theory affects the low quality of legislation and the excessive mutability of legal acts, which are generally considered problematic in Estonia.

The article focuses on Estonia's administrative law because this significantly regulates the relations between the state and the citizens, and in the process also shapes the attitude of the state towards its citizens, and vice versa – the attitude of the citizens towards the state. Since administrative law forms the largest part of the total volume of legislation in Estonia, it is not unreasonable to ask which are the basic theoretical concepts underlying administrative law drafting in Estonia. If legal theory has a role here, which is its main orientation?

In administrative law, the chosen approach does not put the emphasis so much on creating material law provisions originating from the constitutional system (which would ensure the application of the rule of law or legal certainty principles); instead the emphasis is more on resolving practical problems with the help of legal provisions. This orientation is more in line with the legal realism approach whose

strength lies undeniably in its inherent openness. However, it is impossible to totally break free of legal positivism. Since Estonia's Constitution ties administration to legal acts, the ideology behind Estonia's administrative law is also unavoidably tied to legal positivism to a certain extent.

The triumph of legal realism in the administrative law can simultaneously mean that the legal provisions are geared too much towards individual cases and biased in favour of the departmental interests of the relevant ministries. To summarise the article, the theoretical legislative drafting model in Estonia's administrative law can be critically assessed in view of reducing the accumulation of excessive and inefficient commands and prohibitions in the legal order (deregulation), and the importance of jurisprudence in the preparation of administrative law drafts and legal provisions can be increased. Increasing the role of jurisprudence could be key to preventing the proliferation of excessive legislative bureaucracy and legislation.

If Estonia's legislator would simply acknowledge the different legal theory approaches it would already be a step forward in avoiding a methodical and theoretical confusion in legislative drafting. The worst outcome of an ignorance-fuelled legislative merry-go-round would be if the fruits of no legal theory school would make it to the real life. On the one hand, the social and economic methods that are vital for ensuring the quality of legal realism do not work; on the other hand, no value or emphasis is put on the legal dogmatism inherent to legal positivism (legal certainty, terminology, system, logic, etc.). Draft legislation prepared with a legal realist approach but without a thorough methodical preparatory work is arbitrary and, to all intents and purposes, tantamount to resolving an individual case at the level of legal acts. To counter this, the Constitution is a normative legal source oriented at building up an all-encompassing and stable legal system.

⁶ Peer reviewed article.

VARIA

Results of the Estonian Forest Owners Survey 2019

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In recent years, the issue of forest management has been under serious scrutiny of the community. The importance of protecting the environment and nature is increasingly being discussed, and forest owners are valuing these aspects more and more. While in 2001 the forest owners considered the acquisition of wood the main purpose of forest use, now the protection of environment and nature, as well as the protection of human health have become more important. Almost all (95%) forest owners are voluntarily ready to keep from logging their forests during the bird nesting season, and most of them (65%) would agree to leave some of their forest land for nature conservation purposes. However, the survey also showed that there was some room for development, for example, corporate forest owners (most of whom regularly manage their forests, including selling of timber) regard environmental and nature conservation purposes less important than private or sole proprietor forest owners.

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