

## Statement made by Toomas Hendrik Ilves on the enlargement process (19 January 2000)

**Caption:** On 19 January 2000, during debates in the Estonian Parliament — the Riigikogu — Toomas Hendrik Ilves, Foreign Minister, considers the state and the significance of the negotiations for his country's accession to the European Union (EU).

**Source:** The Foreign Minister's presentation at a discussion devoted to Eurointegration matters, Riigikogu, 19 January 2000. [ON-LINE]. [Tallinn]: Ministry of Foreign Affairs of Estonia, [09.06.2005]. Available on [http://www.vm.ee/eng/euro/kat\\_314/826.html](http://www.vm.ee/eng/euro/kat_314/826.html).

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## The Foreign Minister's presentation at a discussion devoted to Eurointegration matters, Riigikogu, 19 January 2000

Mr. Chairman,  
Mr. Prime Minister,  
Honoured Members of Parliament,

The Foreign Minister is accustomed to appearing before the Riigikogu twice a year during the semi-annual foreign policy discussion and delivering a presentation about joining the European Union. For the last two years, at least, this presentation has focused not so much on accession as a goal that, to a greater or lesser extent, falls within the realm of foreign policy. Rather, the presentation has focused on the actual process of accession, that is, on domestic imperatives. For this reason, I consider it very significant that the foreign minister's presentation today is but one of several by members of the Government on the topic of Eurointegration. Foreign policy has become domestic policy. And foreign policy will be the stronger for it, will achieve a firmer foothold and be able to accomplish more.

The foreign minister's task today is not to analyse in detail given areas in which Estonia has failed to keep its promises, or to dissect specific problems. The government is well aware of these. I'll leave that activity to the experts in their respective fields and instead bring just a few illustrative examples. Mainly, though, I will concentrate on the foreign policy atmosphere in the aftermath of the European Union's summit in Helsinki, a meeting that creates a framework for Estonia's prospects of accession. As you know, six new states were invited in December to take part in accession negotiations. Many a member state has noted with satisfaction that this development makes manifest the regatta principle for enlargement of the European Union, a principle that these member states have supported from the start. And now all the competitors are off - first come, first served. As the leader of the accession negotiations, the Ministry of Foreign Affairs enjoys perhaps the best overall picture of Estonia's position in this competition. This is essential background that must be kept in mind as domestic preparations proceed.

In noting this situation, it is not at all my intention to suggest that a Johnny-come-lately panting breathlessly from behind could threaten to overtake us. The point is not that Latvia or Malta or Slovakia is making a good effort and achieving good results. The point is that Estonia is in the midst of giving up its hard won margin of its own volition. As you know, the accession negotiations take place chapter by chapter; when the negotiators achieve a satisfactory result, they set the chapter aside, and it is temporarily closed until all the chapters have been surveyed. In terms of temporarily closed chapters, among those invited to the first round of accession talks--the so-called 5+1 states--we rank last: to date, Cyprus has closed 11 chapters; the Czech Republic, 10; Poland, Slovenia and Hungary each has closed 9; and Estonia has closed 8 out of 31 chapters. The chapters on fishery and foreign relations divide us from the last three named states. In terms of fisheries, it is understandable that for Hungary and even Slovenia, with its short coastline, it is relatively easy to close the chapter. Only Poland and Cyprus have succeeded in temporarily setting aside the foreign policy chapter. But closing the chapter on audiovisual services, for instance, depends directly on Estonia's domestic homework, on passage of the Law on Broadcasting, to which I will return later.

Many would like to say that the differences, based on the number of closed chapters, are not that great. But in light also of the domestic harmonization process, from the standpoint of legislation, our position is not much better. And that is not all: calls in the EU Commission for follow-up control are becoming louder and more frequent. This means that temporarily closed chapters have indeed been closed but temporarily, and will be re-opened should it become apparent that a candidate state is not living up to its promises. In essence, this means a setback in the negotiation process. There is at least one chapter, that on infotechnology and telecommunications, whose re-opening is a realistic threat for Estonia, too. So at the moment, Estonia does not find itself among the forerunners in the first negotiating group. In this light, how realistic is the Government's declared goal of joining alongside the first states to accede in approximately 2003?

First of all, I would like to stress that it is certainly still possible. But we must understand this: nowhere is it written in stone that the current 5+1 group will also accede as a group. Yes, there has been talk along the lines that accession is apparently plausible only on a group-by-group basis, which would ease the ratification

process for the member states. But there has also been frequent mention of 3 or 4 states joining first. Let's face it: if Estonia wants to be among them, then we must be *primus inter pares*. No one would be heartbroken were Estonia to slide into the second round. Estonia lacks both the political significance as well as the economic advantage that the competition enjoys.

What are our prospects should Estonia slide into the second group? In that case, the prognosis for the earliest possible accession is the year 2007. But that could be pushed even further into the future. I obviously do not need to mention here the kind of discouragement that may well cloud the mood in candidate states if the prospect of accession is pushed to truly far reaches.

Let me reiterate that the chances of maintaining Estonia's level of preparedness and its forward tempo are not yet lost - to stay the course of success we set in 1997, having accomplished the difficult task of being included in the first group of negotiators.

The pressure for expanding the EU is remarkable in all of Europe, and the chances that the first group of states will join in 2003-2004 are completely realistic. We do not, however, have to wait until 2002 to find out whether Estonia will be among them. Unfortunately or fortunately, this will become clear not at the last minute, but literally today or tomorrow. There is a common understanding both within the EU and among the candidate states that the fundamental decisions about the first group to accede will have to be made by the end of the year 2000. Moreover, the Commission's intermediate report regarding the candidate states must be completed in October. This means that it will be drafted starting in July, which, in turn, means that the report will be based on work done during the first half of the year 2000, even before parliament goes into summer recess.

Thus, it is of vital importance for Estonia right now to concentrate its efforts in order to secure for itself a potentially still available place among the first joiners. To achieve this, we should pick up the pace of the negotiations and the decision making process in the Riigikogu and the Government in order to become more effective.

This year, we can expect the routines and character of the accession negotiations to be modified significantly from their earlier form. Insofar as Estonia has submitted to the enlargement conference its position papers on all chapters (except the one on institutions), and given that most of them (23) are also open for negotiations, then future talks will center more and more on finding solutions to concrete questions. The technical and preparatory stage is over and the pendulum has swung from Brussels to Tallinn - now, the measure of our progress is whether domestic decisions will comply with promises we have made.

The background for these developments is the fact that Portugal holds the Presidency in the first half of 2000. Within the context of enlargement negotiations, this Presidency will be far more complicated than previous ones under the United Kingdom, Austria, Germany, and Finland. The final 6 chapters awaiting the start of negotiations are the largest ones in the entire acquis. At the same time, during Portugal's presidency, the Intergovernmental Conference on institutional reform will commence, and the Enlargement Conference will be opened with 6 new countries. Because of the heavy workload I have described, the general pace of negotiations seems certain to slow down. This is why it is essential to make progress on those chapters that have already been opened for talks.

As of next year, the Commission also plans to step up in-depth monitoring of domestic developments within candidate states. In large part, successful talks have thus far been based on the promises candidate states have made. Until now, the EU lacked the opportunity to oversee whether those promises are also being kept. As a result of two years of ongoing negotiations, however, a history has emerged that allows for such measurement as well as for comparison among candidate states.

For instance, Estonia promised to adopt a Law on Telecommunications back in 1998. If this law is not adopted by the end of January, it is almost certain that we will have to re-open the chapter on infotechnology and telecommunications. Such a loss of confidence would be a serious setback for Estonia.

I would stress once again that trust has become one of the central questions in the ongoing negotiations. The candidates seek to convince member states that at the moment of accession, they will have achieved the readiness required of a member state, while the member states seek to gather reliable evidence that such assurances are being held to. If claims do not match reality, there will be no progress in talks; if promises made are not kept, Estonia's international confidence rating will suffer.

Allow me to dwell for a moment on the examples of the telecommunications and broadcasting laws. The former is being processed by the Riigikogu and, fortunately, is likely to be adopted during January. Things are more complicated with, and there are more lessons to be learned from the Law on Broadcasting. Yes, an amendment to the Law on Broadcasting was passed last summer, but it was not harmonized sufficiently so as to bring it into compliance with provisions required of member states. The question was not in those problems that sparked domestic discussion, but largely in technical details and definitions that the Riigikogu-citing them as unnecessary-omitted from the draft law prepared by the Government. But they were necessary specifically from the point of view of Eurointegration. In the name of accession, they still have to be included, so what transpired simply constituted a waste of time and resources. This is all the more true given that if we want to close the chapter on audiovisual services this year, then the relevant legislation should already undergo its first reading within the first half of this year. Similar situations are likely to come up with increasing frequency in the near future. So let us bear in mind the dimension of enlargement negotiations right from the start. The Government is obliged, as you know, to check whether draft laws are in compliance with EU legislation at the time they are introduced, but this does not help much when the Riigikogu transforms a harmonized draft into a law that is not harmonized.

In this context, and given the planned course of our negotiations, I would note some other areas in which the Riigikogu will need to harmonize legislation this year: the general provisions of labour legislation; amendments and additions to the Copyright Law; the fiscal control provisions of the Law on the Government of the Republic; and legislation that would allow longer-term planning in the Basic Budget Law as well as in the area of regional politics.

Unfortunately, we will also be unable to meet the EU's political, the so-called Copenhagen Criteria without amending our legislation. This is unequivocally written into our 1999 Accession Partnership document that enumerates the concrete tasks derived from the EU Commission's report. Among those initial tasks to be fulfilled during the year 2000, the first one reads as follows: "Estonia must bring its language legislation into compliance with international standards and with the Europe Agreement." I would add that language legislation does not just mean amending the incompatible provisions of the Language Law, but also covers, for instance, the Law on Elections as well as a long line of laws that at first glance are unrelated [to language], such as the Law on Foreign Relations and the Law on Police. Indeed, the chapter on the free movement of peoples also deals in a formal sense with the right to implement language requirements and the prohibition thereof. In principle, as an EU member state, Estonia will have to provide residents of other member states access to positions in its civil service. Restrictions can be maintained only in very limited areas that may need to be prescribed by law.

Let me summarize: in order for Estonia to improve its position in the negotiations, it is essential for us to understand the following:

1. We must discharge the responsibilities we assume within the framework of the negotiation conference in a timely fashion. These are political responsibilities that we assume at the highest level and in the name of the Government.
2. Those political decisions taken within the context of Estonia's domestic developments must take into account the reality of the enlargement negotiations as well as our responsibility to assume the *acquis* as soon as possible. To put forth unrealistic demands or domestic developments that are in conflict with the *acquis* constitutes a waste of resources that may well exclude the possibility of speedy accession.
3. We must ensure the fulfilment of domestic developments planned for those chapters that have already been closed.

4. We must take the criticism levelled against Estonia for not having met the Copenhagen political criteria very seriously.

In order to be truly prepared for accession in 2003, the harmonization process--including the legislative work of the Riigikogu--must run smoothly. Our position is too fragile to allow postponing unpleasant matters. Having delayed passage of just one or two laws, we now find ourselves slowing to a standstill, or even facing a setback in the negotiating process as a whole. And finally, whatever our accession date may be--the fewer required provisions of the acquis that Estonia is able to assume before joining, the greater will be the number of directives that must be adopted as a package deal in the final stage, and the greater will be our indebtedness to the Estonian people.