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RECON
Reconstituting Democracy in Europe

Integrated Project
Priority: 7 - Citizens and Governance in a Knowledge-Based Society

Deliverable No. 25
Baltic expert workshop: Constitutional options

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Partner 11 RGSL
Riga Graduate School of Law, Latvia

Final Version

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Dissemination Level		
PU	Public	
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	X
CO	Confidential, only for members of the consortium (including the Commission Services)	

1. Introduction

RECON Deliverable No. 25 – *Baltic expert workshop: Constitutional options* is part of work package 2, which focuses on the constitutional dimension of the European Union. It seeks to establish the democratic merits of the emerging European constitutional order in relation to the three RECON models. The WP analyses the impact of the dual processes of EU constitutionalisation and Europeanisation of national constitutions on the reconstitution of democracy in Europe.

During the months 13 to 30 of the project, the assessment criteria developed in the first project period is applied in evaluations of the European constitutionalisation processes. These criteria and first findings is also used as a lens to evaluate the recent Reform Treaty of Lisbon and its differences from the Constitutional Treaty. Moreover, the impact of EU Treaties on national constitutions is examined in order to contribute to an assessment of the integration of national constitutional orders into a European constitutional arrangement. The workshop – Deliverable 25 – brought together leading scholars from Estonia, Latvia and Lithuania exploring the EU's constitutional future and the prospects for supranational democracy in the EU from multidisciplinary perspectives.

2. Presentation of the workshop

The RGSL RECON team – notably Rector Prof. Lesley Jane Smith and RECON researcher Tatjana Evas – organised the workshop: ‘European Integration – Challenges and Visions from the Baltic Perspective: Debates on the Future of Europe from the Constitutional to the Lisbon Treaty and Beyond’ in Riga on 20 and 21 November 2008. The event was organised in collaboration with the Latvian Embassy in Belarus, and welcomed 40 leading political scientist, legal and communication experts from Estonia, Latvia, Lithuania, Belarus, Ukraine and Hungary for two days of discussions on European integration issues from a Baltic perspective.



The workshop was opened with a keynote speech from Prof. John Erik Fossum from ARENA at the University of Oslo. Building on RECON's theoretical models, Fossum addressed the topic of reconstituting of democracy in Europe considering recent phases of re-constitutionalization of the EU, including Eastern enlargements and the Constitutional and Lisbon treaty processes. The discussions of the workshop were organised around five thematic panels as follows:

Panel 1 was chaired by Prof. Dr. Thomas Schmitz, and explored the legal challenges and dilemmas in the process of EU reforms. Dr. Irmantas Jarukaitis, University of Vilnius, addressed the EU's constitutional present and future situation in the light of treaty reforms, and also discusses the EU jurisprudence of the Lithuanian Constitutional court. Dr. Anneli Albi, a scholar from Estonia currently working at the University of Kent, introduced the concept and development of socio-legal research in the Baltic States with the focus on EU law. The panel concluded with a presentation by Dr. Daiga Iljanova, University of Latvia, who analysed how the issue of possible collision of EU legal norms with national general principles of law based on the Kelsen legal theory of 'basic norm' can be resolved in the context of the Latvian legal system.

Panel 2 was chaired by Prof. Dr. Lesley Jane Smith, and shifted the focus from the exclusively legal dimension to intermediaries of national interests. Ms. Irena Kalnina, legal counsel with the Latvian Post Office and Telecommunications Worker's Trade Union discussed the role of trade unions in the economic and social Europe based on examples of the recent ECJ *Laval* and *Viking* judgments. Mr. Peep Peterson, Chairman of the Estonian Transport Workers Trade Union further developed the theme of social Europe from the concept of social trust among various partners in 'old' and 'new' member states of the EU, and argued that there is a gap between various actors and countries in their understanding of how to accommodate free movement of workers across EU while securing adequate level of social protection, a gap that causes uncertainty for workers, trade unions and employers across the whole EU. The trade union prospective was supplemented by the presentation delivered by Alda Ozola-Matule, Chairwoman of the Latvian Green Movement, who addressed the role of national organized civil society organizations in the process of EU governance. The Panel was concluded with a presentation by Hungarian scholar Dr. Csaba Toro on the issue of legal arrangements of the politically charged and economically complex project of the North Stream gas pipeline under the Baltic Sea. He stressed that economic initiatives of this scale touch upon not only country specific interests but also regional and EU wide security and environmental concerns.

Panel 3 was chaired by Victor Makarov, and analyzed the issue of EU neighborhood policy. Prof. Dr. Roman Petrov from Donetsk University in Ukraine discussed new developments and future perspectives in the cooperation between the EU and Ukraine and Russia. This theme was further developed with a focus on Belarus in the presentation by Mr. Aliaksei Anishchanka and Ms. Maryia Yurieva from the Belarusian State University. The following two presentations, by Dr. Alena Babkina and Dr. Vadzim Samarin, also from the Belarusian State University, presented the practical workings of the cooperation between Belarus and the EU. Dr. Babkina provided an extensive analysis on the mechanisms of resolution of conflict of law problems in commercial disputes. Dr. A. Babkina argued that Belarusian legislation regulating conflicts of law generally corresponds to the provisions regulating conflict of laws in the EU.

Panel 4 was chaired by Prof. Dr. Zaneta Ozolina. Dr. Toms Rostoks, University of Latvia further developed the topic of Panel 3 from the Latvian perspective. He analyzed the emerging patterns and challenges related to the EU's Eastern Partnership Initiative and the Latvian national position in this context. Mr. Vytautas Siriojs Gira from the Lithuanian Center for Eastern Geopolitical Studies argued that the EU is faced with a democratic deficit and in this context Lithuania should attempt to increase its structural power in the decision-making process of the EU. He argued that Lithuania is against further federalization of the EU, while at the same time pure intergovernmentalism is also against the Lithuanian national interests.

The Panel concluded with a presentation by Dr. Christoph Schewe from Tartu University, who provided an interesting perspective on possibilities for a Baltic regional cooperation in legal matters in EU law making. He argued that the legal cooperation among the Baltic countries is very weak, and that the logic of competitiveness rather than cooperation that has prevailed during the EU accession negotiations stage remains the dominating trend.

Panel 5 was chaired by Prof. Dr. Inta Brikse from University of Latvia, and focussed on the role of Baltic mass media's coverage of EU affairs. Ausra Vinciuniene from the Vytautas Magnus University in Kaunas presented her research findings on information management in Lithuania and Estonia. On the basis of finding of the AIM project and interviews with Lithuanian journalists, she argued that the Baltic media is characterized by a high level of commercial logic and low level of social responsibility of journalists. These findings were complemented by the journalist Ansis Bogustovs who has first hand experience working as Latvian public TV journalist in Brussels. He claimed that Baltic media is weakly represented in Brussels and that coverage of EU events is still rather poor. Faced with constant personnel change and financial limitations, the coverage of EU news and events is incidental, incremental and often with low level of professionalism.



The discussion in the five panels had some common threads, and allows some preliminary conclusions on the overall challenges of the European integration from the Baltic perspective:

- While the Baltic countries are small, geographically close and have joined EU at the same time, there is more competition than cooperation among them. Thus, on the legal, political and public mass media levels the 'competition logic' that has signified the pre-accession negotiations stage still prevails;

- The cooperation with Eastern neighbours and security issues are important cross cutting themes in all Baltic countries in national discussions on further development of the European integration and understanding of the supranational democracy. The predominant understanding of the political elites in the three countries is to seek enhanced competences of the EU and closer cooperation among EU countries in the fields of energy and security policy and continue more liberal competitive regulation of other policy fields;
- The mass media as well as trade unions and NGOs in the Baltic countries play a significantly less important role in the national context than their colleagues in the 'old' member states. The limited financial and human resources in the context of the small, liberal and concentrated media markets lead to commercialization of the EU coverage. Trade unions and civil society organizations, while formally presented in the European and international networks, have not yet developed a capacity to undertake coordinated efforts on EU policies. The *Laval* and *Viking* cases from the ECJ have had direct impact on the Baltic countries, and have been first learning processes for national political elites and trade unions on the uneasy accommodation of the appropriate level of social protection of workers enjoying EU freedom of movement.

These points may form the starting point for research agendas for the coming years. In order to facilitate access to the workshop results and thus promote academic discussions, the proceedings of the event will be published as a RECON report in 2009 (Deliverable no. 60).

3. Participants

ĀDAMSONS, Raitis	Third Secretary, EU General Affairs Division	Ministry of Foreign Affairs of Latvia
ALBI, Anneli	Senior lecturer	University of Kent
ANISHCHANKA, Aliaksei	Senior lecturer	Belarusian State University
AZANDA, Ieva	Senior associate	Liepa, Skopina/BORENIUS
BABKINA, Alena	Head of the Department of the International Private and European Law	Belarusian State University
BEINAROVICA, Olga	Third secretary	Ministry of Foreign affairs of Latvia
BĒRZIŅA, Ingrīda-Karīna	Attorney	
BOGUSTOVS, Ansis	Journalist	Latvijas Avīze, Latvijas Radio, Latvijas Televīzija
BONDARE, Olga	Student	RGSL
BRIKŠE, Inta	Dean	Faculty of Social Science, University of Latvia
CAVALLARO, Nicola	Lawyer	Cavallaro law firm
EVAS, Tatjana	Researcher	RGSL
FOSSUM, John Erik	Senior researcher	ARENA, University of Oslo
GIRA, Vytautas Sirijos	Analyst	Centre for Eastern Geopolitical Studies
IACUNIN, Artiom	Student	RGSL
ILJANOVA, Daiga	Associate professor	University of Latvia
ISTREFI, Kushtrim	Student	RGSL

JARUKAITIS, Irmantas KALNIŅA, Irēna	Researcher Legal Counsel	University of Vilnius Latvian Telecommunication and Post Office Worker's Trade Union
KRASOVSKA, Kristīne	Ministru kabineta pārstāvja Satversmes tiesā biroja juriskonsulte	
KRASTIN, Evgeny	First secretary	Embassy of Belarus
KRISHTAFOVITSH, Jevgeni KRŪMA, Kristīne	Chairman of the board Lecturer	NGO Avatud Vabariik RGSL
KRUMHOLCS, Kaspars	Senior Desk Officer	Ministry of Foreign Affairs of Latvia
MAKAROV, Viktor MIĻŪNA, Ieva	Director Lecturer	Political Centre EuroCivitas RGSL
MUIŽNIECE, Sandra	European affairs department, senior desk officer	Ministry of Welfare of Latvia
NECHIPORENKO, Vladislav	Second secretary	Embassy of the Russian Federation
NIKULCEVA, Inese	Government Agent before the Constitutional Court	Ministry of Justice of Latvia
OŠLEJA, Marta OZOLA-MATULE, Alda	Student of European Law Chairwoman	University of Sorbonne Latvian Green Movement NGO
OZOLIŅA, Žaneta	Head of department of political science	University of Latvia
PETERSON, Peep	Chairman of the board	Estonian Trade Union of Transport
PETROV, Roman PIUSA, Linda	Professor Docent	Donetsk National University Riga international School of Economics and Business Administration
PUDIŅA, Ieva	Third secretary	Ministry of Foreign Affairs of Latvia
ROSTOKS, Toms		University of Latvia
SAMARIN, Vadzim SCHEWE, Christoph SCHMITZ, Thomass SĪLE, Dita SIRME, Dace ŠMITE, Vita SMITH, Lesley Jane STARE, Helena STATKUS, Sandijs	Associate professor DAAD-lecturer Guest lecturer of the DAAD Deputy Director Student Student Rector Project Coordinator Student	Belarusian State University University of Tartu University of Latvia Latvian Institute RGSL RGSL RGSL RGSL University of Latvia

TORO, Csaba	Professor	Budapest College of Communication and Business
VINCIUNIENE, Ausra	Ph.D. candidate and lecturer	Faculty of Political Science and Diplomacy, Vytautas Magnus University
YAKHYAEV, Jamshed	Student	RGSL
YELISEY, Aliaksey	Student	RGSL
YURYEVA, Maryia	Lecturer	Belarusian State University

4. Programme

See attachement.



Riga Graduate School of Law

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RECON WP 2 - INTERNATIONAL WORKSHOP

„European Integration – Challenges and Visions from the Baltic Perspective: debates on the Future of Europe from the Constitutional to the Lisbon Treaty and beyond“

Programme

Hosts:

*Riga Graduate School of Law in cooperation with
Latvian Diplomatic Mission in Republic of Belarus*

***ARENA – Centre for European Studies, University of Oslo supported by the RECON, 6th Framework
Programme of the European Union***

Venue: Riga Graduate School of Law, Riga, Latvia
Date: **November 20-21, 2008**

The debates on the future of the European Union following the recent waves of enlargement marked by ratification drawbacks of Constitutional and Lisbon treaties have revealed a deeply contested nature and visions of the ongoing institutional reforms and process of constitutionalisation of the Union. The divergent conceptions of a role of a state and supranational democracy at the national and European levels determine the vectors of future of the European integration and conceptualisation of the democracy.

On the basis of different normative models and their operationalisation, RECON tests three options for the reconstitution of democracy in the European Context.

- Can democracy in Europe be reconstituted at the national level, with a concomitant reframing of the EU as a **functional regulatory regime**?
- Can democracy be reconstituted through establishing the EU as a **federal state** based on a collective identity?
- Can democracy in Europe be reconstituted through developing a **post-national Union** with an explicit cosmopolitan imprint?

The workshop aims to bring together leading experts from Estonia, Latvia, Lithuania and other countries to explore the EU's constitutional future and prospects for supranational democracy in the EU from a particular Baltic perspective. The workshop will explore the positions, priorities and discourses among the main political, social and economic actors from all three Baltic countries on ongoing Treaty reforms and recent and future enlargements of the European Union. The separate section of the workshop will be devoted to the issue of Eastern enlargement of the EU with the focus on EU cooperation with Belorussia, Ukraine and Russia.

Through analyzing constitutional and legal-institutional adaptations at the national levels as well as the role of the intermediary organizations and mass media in each country the workshop seeks to explain and compare the prospects for supranational democracy in Europe as conceptualized by three RECON models among three selected Baltic countries. Therefore, the main issues to be addressed at the workshop are:

- What are the position of the main political and social/economic actors from Baltic countries on the reform of the European Union *i.e. what are the 'visions'/understanding of the legal-political construction of the European Union in the context of the ongoing reform of the founding Treaties and recent and possible further enlargements.*
- Building on the RECON models what are the Baltic countries position on the further construction and reform of the European Community and understanding of the meaning/functioning of the supranational democracy.
- What are the models of co-operation and the position of the national actors from Baltic countries on the the Eastern non-EU member countries, specifically Belarus.

The workshop is organised around five thematic panels that focus on the EU reforms as follows: on national legal - constitutional dimensions (Panel 1); on the socio-economic dimension (Panel 2), on the neighbourhood policy dimension (Panel 3); on the political dimension (Panel 4); and finally, on the public mass media dimension (Panel 5).

November 20, 2008

09.30 – 10.00	Registration and Coffee
10.00 – 11.00	Opening of the Workshop
10.00 – 10.15	Prof. Dr. iur. Lesley Jane SMITH Rector, Riga Graduate School of Law
10.15 – 10.45	Reconstituting Democracy in Europe Prof. Dr. John Erik FOSSUM Senior Researcher, University of Oslo, ARENA - Centre for European Studies
10.45 – 11.00	Discussion
11.00– 12.45	<u>Panel 1:</u> Challenges from national Constitutions and legal dilemmas in the process of debates on European Union reforms.
11.00 – 11.10	Moderator: Prof. Dr. iur. Thomass SCHMITZ Guest lecturer of the DAAD at the University of Latvia
11.10 – 11.35	The EU Constitutional Treaty and the Lisbon Treaty: the Matrix Reloaded? Dr. Irmantas JARUKAITIS, Researcher, University of Vilnius
11.35 – 12.00	Legal scholarship in the Baltic states: Prospects for effective participation in European governance discourse Dr. Anneli ALBI, Senior Lecturer, University of Kent
12.00 – 12.25	Collisions between the European Union and national legal norms; and the general principles of law Dr. Daiga ILJANOVA, Associate professor, University of Latvia
12.25 – 12.45	Comments and discussion
12.45 – 13.30	Buffet lunch
13.30 – 15.40	<u>Panel 2:</u> Intermediaries in the political process: role, structure and positions of interest groups in deliberations on Europe.
13.30 – 13.40	Moderator: Dr. ELMAR RÖMPCZYK Coordinator of Friedrich Ebert Stiftung for Baltic countries
13.40 – 14.05	Irena KALNINA, Legal Counsel, Latvian Telecommunications and Post Office Worker's Trade Union
14.05 – 14.30	Overcome the gap in social trust

Peep PETERSON, Chairman of the Board, Estonian Trade Union of Transport Workers

14.30 – 14.55

Alda OZOLA-MATULE, Chairwoman, Latvian Green Movement NGO

14.55 – 15.20

Collision of interests over the North Stream: the policy means to manage the divergence of corporate, national, regional and European perspectives within the Union

Dr. Csaba TÖRÖ

15.20 – 15.40

Comments and Discussion

15.40 – 16.00

Coffee Break

16:00 – 18:10

Panel 3: Eastern borders and the enlarging EU: the current situation and future perspectives

16.00 – 16.10

Moderator:

16.10 – 16.35

Future of the European Neighbourhood Policy and the first generation of “enhanced agreements” with the neighbouring countries: Cases of Ukraine and Russia

Prof. Dr. Roman PETROV, Professor, Donetsk National University;
Chairman of the Ukrainian European Studies Association

16.35 – 17.00

EU Neighbourhood Policy Towards Belarus: Challenges and Future Prospective

Aliaksei ANISHCHANKA and Maryia YURYEVA, Belarusian State University

17.00 – 17.25

Comparative-legal analysis of European and Belorussian conflict-of-laws provisions

Dr. Alena BABKINA, Head of the Department of the International Private and European Law, Belarusian State University

17.25 – 17.50

European Union and Belarus: Legal Assistance in Criminal Matters

Dr. Vadzim SAMARIN, Associate Professor, Chair of Criminal Procedure, Belarusian State University

17.50 – 18.10

Comments and Discussion

19.00 – 20.30

Reception at the Riga Graduate School of Law

09:15 – 09.45	Registration and Coffee
09.45 – 11.55	<u>Panel 4.</u> National MS interests vs. Baltic regional interest vs. European? Perspectives and parameters of cooperation between national and European levels on EU.
09.45 – 09.55	Moderator: Prof. Dr. Zaneta OZOLINA Head of Department of Political Science, Director of Advanced Institute of Social and Political Research University of Latvia.
09.55 – 10.20	Latvian and European interests in the Eastern partnership initiative Dr. Toms ROSTOKS, University of Latvia
10.20 – 10.45	Is the Common House of Europe Being Built on Democratic Foundations? Vytautas Sirijos GIRA, Analyst, Centre for Eastern Geopolitical Studies, Lithuania
10.45 – 11.10	Interests and possibilities for a Baltic cooperation in legal matters in the EU Dr. Christoph SCHEWE, DAAD-Lecturer, University of Tartu
11.10 – 11.35	Representation of National Interests in the EU and Organisational Infrastructure for the Coordination of MSs National Opinion. <i>The Case of Administration of the European Agricultural Fund's of the Rural Development Amount for Lithuania</i> Živilė ŠUKYTE, Chief Specialist, Ministry of the Agriculture of the Republic of Lithuania; PhD candidate and lecturer, Vytautas Magnus University.
11.35 – 11.55	Comments and Discussion
11.55 – 12.45	Buffet lunch
12.45 – 15.00	<u>Panel 5:</u> Deliberative public sphere - a wishful thinking or an emerging reality? Role of the Baltic mass media in communicating European debate to the publics.
12.45 – 12.55	Moderator: Prof. Dr. Inta BRIKŠE Dean, Faculty of Social Sciences, University of Latvia
12.55 – 13.20	The role and future of professional journalism in deliberative public sphere. Baltic media perspective Dr. Halliki HARRO-LOIT, Head of Institute of Journalism and Communication, University of Tartu

13.20 – 13.45	<p>How does the ‘going local’ work in practice? Disclosing EU news and information management processes – from Brussels’ institutions to the publics in Lithuania</p> <p>Ausra VINCIUNIENE, Ph.D. Candidate and Lecturer at the Faculty of Political Science and Diplomacy at Vytautas Magnus University (VMU), Lithuania.</p>
13.45 – 14.10	<p>Ansis BOGUSTOVS, Journalist</p>
14.10 – 14.30	<p>Comments and Discussion</p>
14.30 – 15:30	<p>Closing of the Workshop – Round Table Discussion</p> <p>Prof. Dr. iur. Lesley Jane SMITH Prof. Dr. John Erik FOSSUM Prof. Dr. iur. Thomass SCHMITZ Dr. Elmar RÖMPCZYK Prof. Dr. Zaneta OZOLINA Prof. Dr. Inta BRIKŠE</p>