

Summaries in English

EDITOR-IN-CHIEF'S COLUMN

Myths

Helle Ruusing, Editor-in-Chief, Information Adviser of the Information Service of the Chancellery of the Riigikogu

The history dispute that broke out in Estonia in the beginning of this year, after the publication of Volume 2 of *The History of Estonia*, is a clear example that characterises the situation in Estonia. In a sense, Estonia is again at the crossroads: is it better to hold on fast to the values of the nation state, or to be carried along with the current of globalisation and merge into something larger – the Baltic States, the Nordic Countries, the European Union. History and the myths created on its basis have two times been very important for Estonia in achieving independence. Now, when the modern view on history has placed the events of the Middle Ages in Estonia into a wider European context, there suddenly seemed to be less heroism. The fear that an important truth is disputed brought along a wave of criticism.

It seems to the author that Estonians appreciate very clear and unambiguous truth. For example, that if economy and finances are in order, everything else, too, can be achieved, or that a person's success in the society to a large extent depends on him or her alone. During the last two decades, the rules of market economy have also been applied in the fields where they do not give optimal result. Often the people of Estonia have allowed to turn themselves into a product that has a price, and there is competition in the fields where it is better to cooperate and express solidarity. In the end of the day, nobody is really happy; people are stressed and do not live as long as they could.

In the latest Estonian Human Development Report, much attention is devoted to the welfare state. In the public space of Estonia, the notion of welfare state is interpreted as provision of public aid by the state, and it is presented in a rather negative meaning. At the same time the wish to see the state as the provider of security and quality of life has not disappeared from the world. The ways for creating an environment where an individual can act safely have also developed. Namely act, and not just receive assistance. It seems that Estonia still lags behind in this. Estonian social policy deals more with the redistributing of scant resources than creates policies that correspond to the needs of different groups. Different parts of the state system (ministries, local governments) often are not able to cooperate in the name of the best result but would rather labour by themselves. It can even be said that great reforms are feared and continuing quietly in the old way is preferred. Sometimes examples are brought from the first half of the 1990s when the Government of Estonia was carrying out one large reform after another. One thing that is different with the reforms of today: it is necessary to negotiate with different interest groups much more, to look for consensus, and only when there is enough decisiveness, the plans can be executed. The Human Development

Report is not a guideline for politicians but a platform for discussions about the society and initiating different trends for development.

The keyword of the 21st century is globalisation. For a long time already, people do not die in the same place they were born. During their lives, people can live in many countries and on several continents. There is no point in fighting against it and no need, emigration and immigration are the realities of today. The only thing that can be done is to use it to our advantage. The society that can agree that differences are acceptable and where people are tolerant is able to integrate those who are different. In this way it is possible to survive as a nation state in the globalising world.

ESSAY

„Eurolanguage”, Translation of „Eurotexts” and Translators

Heiki Pisuke, PhD, Head of Estonian Language Unit, General Secretariat of the Council of the European Union; Professor of Intellectual Property Law, Faculty of Law, University of Tartu

The article discusses the translation of EU documents into Estonian by the EU institutions, and the changing role of translators in this process.

In the Estonian language, there are such terms as „Eurolanguage” and „Eurotexts”. The author argues that the aim of the translators at the EU institutions is not to create a special „mother-tongue eurolanguage”, but to transfer the EU texts into their mother tongue as correctly as possible.

Translation of EU documents is part of the translation industry, which is one of the most dynamic fields of production. Industrial production of translations has changed the whole translation process and the role of a translator. But still the translator is not an assembly line worker, but a creator of national and European culture. The author analyses the changing status of the translator and translators' education (including the European Master's in Translation).

The author gives an overview of the organisation of translation of draft legislative acts and the cooperation between the Commission, the Council and the European Parliament in this process. He also analyses why different institutions have their own, separate translation units (there are six independent translation departments or units in Brussels and Luxembourg, and three interpretation units). The author describes the important role that lawyer-linguists play in the whole translation process. He also analyses the importance of terminology work and cooperation with national experts. Possible translation mistakes, and the quality assurance measures used are also dealt with. The author argues that the quality of the original document has a direct impact on the final translation. The author gives several recommendations concerning the possible cooperation between the Estonian state bodies and the Estonian translation units of EU institutions.

POLITICS

Human Development Report

How to Measure the Society?

Riigikogu Toimetised conversation circle

The Riigikogu Toimetised conversation circle on 28 May discussed the Estonian Human Development Report.

The participants of the conversation circle were: CEO of the Estonian Cooperation Assembly Olari Koppel, Member of the Riigikogu Marko Pomerants (Pro Patria and Res Publica Union), Senior Researcher of Tallinn University of Technology Kaire Põder, Director of the Estonian Institute for Futures Studies under Tallinn University Erik Terk and Professor of Comparative Public Policy of Tallinn University Anu Toots. *RiTo* Editor-in-Chief Helle Ruusing acted as the moderator and compiled a summary of the discussion.

The first issue to be discussed was why the Estonian society needs a human development report. The participants in the conversation circle found that the report should be regarded as a platform which can be used as a starting point for initiating a discussion on the progress and versions of the development of Estonia. The compilers of the report hope that on the basis of the issues dealt with in the report, it will be possible to have a debate on what is going on in the society, what should be done and what should be changed. The Human Development Report is not focused on the work of researchers. Real research work and the format of this report are different. The report will not be included among the scientific research work of its authors. At the same time they think this kind of work gives them great satisfaction because without the report, the social scientists would have no possibility for writing in Estonian.

Several issues that were raised in connection with the Human Development Report were discussed in the conversation circle – from social coherence to the increasing migration of people from the country to town and from Estonia to abroad. The problems connected with welfare and welfare services were also touched upon. The Government is first of all expected to demonstrate decisiveness, especially when we look at the social-demographic indicators of our population. The participants do not join the wailing that Estonia is being drained of people, but the figures show that some decisive steps have to be taken. The lack of resources is spoken about, but at the same time there is quite a lot of wasting going on in the country. Mainly people and their abilities that could be used more resourcefully are wasted. For example, we can hear about underpaid women, and older people who could and often would like to work according to their abilities, but so far the state has made little efforts for their inclusion. And certainly those people who live in Estonia but whose native language is not Estonian and whose potential is also underused deserve more attention. The Estonian employment policy is extremely weak. In conclusion it was found that the general administration in our country is relatively smooth, for which Estonia has also been praised, but we mostly lack more focused policy because general administration is good, but it is not enough for development.

European Union

Estonia – a European Rechtsstaat?!

Julia Laffranque, Professor, Judge of the European Court of Human Rights

Estonia is a European *Rechtsstaat*, however, attached to this generally true statement there are still a few „buts” that require more detailed explanations. The principle of *Rechtsstaat* or the rule of law is to protect a person from the arbitrary exercise of public authority. It is of great importance that all legislation was in accordance with the rule of law, that all three powers of the state – the legislative, the executive and the judicial power – respected the Constitution. At the same time it may happen that the laws and court decisions alone are not enough, that from legal point of view everything seems to be all right, but in reality... Therefore the European Court of Human Rights in its case law has constantly upheld the position that the purpose of the European Convention on Human Rights is not to ensure theoretical or illusory rights but the rights that are effective and that can be exercised in practice.

When Estonia is looking for new aims and its own style in Europe, it could make itself an example of a country that protects the human rights and rule of law and is a model for Europe. Protection of human rights is expensive, but it should not be a luxury; protection should be elementary. Estonia should strive higher than the minimum standards, so that we could export the way of thinking based on rule of law and protection of fundamental rights to the rest of Europe and the world. It is especially important, taking into account the geopolitical location of Estonia and the fact that its neighbours are on different levels of development in terms of the protection of human rights.

Of the European Federation and Its Alternative

Ivar Raig, Doctor of Economics, Member of the VII Riigikogu

Why does Europe need federal government? Can Europe's strength be achieved through federal government? If yes, then what is the model of federation most suitable for Europe like? If no, then what are the best ways for developing cooperation and increasing competitiveness in the globalising world? So far these questions have not yet received an exhaustive answer that can be effectively implemented. In Estonia, the social scientists and law professors have paid little attention to these issues. But this does not mean that we should not think about them. If we do not, others will think and decide for us, because the establishing of a federation is a topical issue for both the European Union and the elite of its Member States, and at the level of civil society.

It is necessary to look for alternatives to the European federation also because opposition to federal government is increasing in several EU Member States, not only in Great Britain. Ratification of the new, federation-based fundamental agreement of the EU may be a problem in several Member States. Increase of the influence of great powers in the governing of Europe, new evidences of economic

crisis in Spain, Italy, France, Slovenia and Cyprus, the possible breakup of the euro area and the planned free trade agreement with the USA also force to look for other possibilities. Due to the free trade agreement, the establishing of a North Atlantic Trade Association (NATA) or even a Global Free Trade Association (GFTA) may turn out to be serious alternatives to the European federation.

Closer and more effective regional cooperation – for example, the cooperation for which relevant institutional structures have already been established, like the cooperation between the Baltic Sea States, the Baltic States and the Scandinavian countries (Baltoscandia) or between the Nordic Countries – may become another alternative to the United States of Europe. Regional cooperation is also being successfully developed between the Mediterranean countries.

In the author's opinion, the third alternative is Siim Kallas's proposal to prepare a new fundamental agreement for the cooperation between the states of Europe in Estonia by 2018. This could be done in close cooperation with the British, German and Scandinavian politicians and researchers with whom we have longstanding close relations. The law professors of the universities of Tartu and Tallinn should start closer cooperation with the colleges of Oxford and Cambridge, Berlin and Stockholm and other universities so that by 2018 at the latest there would be a new, modern fundamental agreement with which the stunted Occident that is losing its importance would again become the generator driving the social progress and global economy.

Can European Integration Take Place Simultaneously with Federalisation?

Viljar Veebel, Guest researcher, University of Coimbra

Ulrika Hurt, Doctoral Candidate, Tallinn University of Technology

The article analyses what is the causal relationship between federalisation, integration process, Europeanisation and overcoming the economic crisis; if federalisation is possible considering the positions the Member States have at the moment, and what choices would correspond to Estonia's interests. Federalisation can be based only on the agreement of all Member States. All Member States and the European Parliament have to support the changing of fundamental agreements.

The idea of federalisation has many public supporters among the political elite of Estonia because it is seen as an alternative to the possible model of two-speed or multi-speed Europe. In both cases, Estonia would risk being categorised into periphery, with all the security threats and diminishing of economic advantages that come with it. The possibility of belonging to the core countries that support the active development of the EU and the belief that in the federal union small countries and border countries could represent their interests more effectively are arguments that support federalisation. Proceeding from these arguments, the European policy of the Government of Estonia has supported federalisation.

From the legal aspect, the changing of the EU fundamental agreement in the direction of federalisation requires getting an additional mandate from the Estonian voters at a referendum. The additional mandate is necessary in order to guarantee the long-term legitimacy of the federation to be established, because federalisation would significantly alter the competence of the Riigikogu and the Government in the EU issues. Referendum would also enable a more active public debate on the development and problems of Europe in broader sense.

There have not been enough debates on federalisation in the Estonian media. A number of articles in support of federalisation have been published, but there is a need for substantial and reasoned criticism, and the dialogue between supporters and critics. More attention should be paid to the analysis of possible drawbacks and negative aspects of the reform, and the kind of labelling where the critics of federalisation are portrayed as being against the idea of Europe should be avoided.

Before we expect federalism to solve all main problems of the European economy, we need a convincing analysis and understanding of how it would work in practice. The arguments obtained through the analysis could also help get the support of the Member States and citizens who are sceptical towards federalisation. Such support is at the moment needed for carrying out the reforms.

Latin America

The (Left-Wing) Latin American Opposition to the US – for How Much Longer?

Toomas Alatalu, PhD, Political Scientist at Tallinn University

The death of the Venezuelan populist leader Hugo Chávez and his successor's narrow victory at the presidential elections have once again brought to the fore the abundance of left and centre-left governments in Latin America and the issue of cooperation between the Americas. Although the emergence of communists is mostly connected with the Cuban revolution, it remains a fact that the appointment of them as ministers was actually first undertaken by the dictator Fulgencio Batista (later overthrown by Fidel Castro) and motivated by his wish to play along in the world politics on the winners' side during the Second World War in 1943. Despite the establishment of the Pan-American Union in 1889 and the Organization of American States in 1948, at the initiative of the US, the first South and North American summit convened by the US President Dwight Eisenhower in 1956 did more harm than good, as most of the 19 participants were (due to the weakness of democratic traditions) US-friendly dictators, six of whom were either killed or overthrown before the victory of the Cuban revolution. The supremacy in the nuclear and missile weaponry development enabled the Soviet Union to turn Cuba into a socialist island in Latin America but for decades it remained the only success story of the left in this region. On the other hand, the US failed to fulfil its promise given in 1967 to support the establishment of the Latin American common market by 1980, because its southern neighbours were able to form only small groups and the idea of the integration of the states did not take shape. Following the West-European example, the North American Free Trade Agreement uniting the US, Canada and Mexico was signed in 1994, and thanks to the recent

political reforms President Bill Clinton had the chance to convene the first summit of the „democratically elected presidents of the Americas” in 1994. However, the Free Trade Area of Americas (FTAA; ALCA in Spanish) offered by Clinton to his southern neighbours was snubbed, and it was even voted out at the fourth summit in 2005 in the presence of president Bush. By that time, left or centre-left governments had repeatedly been victorious at the elections altogether in 12 Latin American countries, which confirmed that the left wing had clearly obtained a firm political basis. Their standard-bearer was the former rebel Colonel Hugo Chávez who, after being freed from prison, adopted the rules of democracy and was elected the President of Venezuela in 1998. His victory was supported by the power distribution pact between three right-wing parties which in 40 years had turned democracy and elections into a farce. At first, Chávez attempted to establish a similar political system in Venezuela as had been done by Charles de Gaulle in France, and to introduce the so-called Third Way politics of Tony Blair et al. His local role model was the South American Liberator Simón de Bolívar (1783–1830) who, unlike the American founding fathers, had opposed slavery and sided with natives from the very beginning. Bolívar also attempted to join the freed colonies and thus considered the US a hegemony that should be feared. These ideas formed the basis for Chávez’s Bolivarian Revolution which after President Bush’s support of the coup d’état in 2002 turned into a severe conflict between Venezuela and the US. Using the oil and gas revenue, Chávez improved the life of the poorer layers of society by renovating buildings and roads and establishing cooperatives, and sent oil to Cuba, for which he was „rewarded” by doctors and teachers, and he also formed the association of left-wing states ALBA. Following the return of Russia to Latin America, the moderately leftist and centre-wing representatives of Brazil, Argentina and other countries decided not to back Chávez’s radical ideas and in the elections of 2012 Chávez decided to be the leader of the coalition rather than the Socialist Party he had established. The narrow victory of his successor Nicolás Maduro forms the basis for the decrease of the radical left influence in the region and the establishment of cooperation with the US and the European Union which signed a partnership agreement with the area in 2011.

Health Care

Humans and Health

Mari Järvelaid, Doctor of Medicine, President of the Estonian Health Protection Society

The data in the World Factbook on the life expectancy in Estonia in 2012 show that among 222 countries, we rank 117th. The average life expectancy of the people of Estonia born in 2012 is 73.58 years: 68.3 years for men and 79.19 years for women. Life expectancy can be longer only when people are healthy. Thus, it can be said that in 116 countries health is supported more and damaged less than in Estonia, because there is no reason to presume that the genetic material of the people living in our country does not enable us to live as long as the people in Scandinavian countries or the Netherlands. Long life is an issue of making certain choices.

The health policy of each country depends on how the makers of political decisions understand the importance of health and the factors influencing health. In the countries where people have long healthy life, the political decision-makers proceed from the knowledge that the money put in preserving health and preventing diseases is a profitable investment in the future for a country.

Although the definition of health according to the World Health Organisation as „a state of complete physical, mental, and social well-being” is in its essence a description of an ideal that can hardly be met in real life, the factors that endanger health are real and the skill of dealing with them determines both the quality of life and life span. We need our own health care system that would meet our requirements and take into account our needs and our possibilities, relying on common sense. When we look for cheap solutions for providing health care services, they might turn out not to be so cheap in long-term perspective. Copying an activity that has been successful in some other country may not be as successful in our living environment. In conclusion it can be said that our health depends more on political decision-makers and us ourselves than on doctors. We need the skill to live with dignity and to give others the possibility to preserve their dignity; each person should have at least one person who loves him or her unconditionally, and also feeling of security when looking into the future. Naturally the availability and quality of medical care, knowledge about and possibilities for preventing diseases are also important factors having an impact on health.

Youth Policy

Future of Estonia Youth Policy – Cooperation and Involvement

Edvard Ljulko, Youth Policy Adviser, Estonian National Youth Council

Marti Taru, Researcher, Institute of International and Social Studies, Tallinn University

Involvement of citizens in decision-making and also the cooperation between agencies are topical issues in both the broader context of governance of the state and in the narrower context of youth policy. These issues have been challenges for a long time. Since the Youth Work Strategy that was launched in 2006, and continuing with the new development plan that will be implemented in 2014, Estonia has strived to establish a consciously integrated youth policy that proceeds from the actual situation of young people, their needs and interests, and is carried out with the participation of young people. In spite of the positive developments that have taken place and are taking place in the Estonian and European youth policy, moving from *ad hoc* cooperation to constant and integrated solutions, and the use of methods suitable for the involving of young people are still problems. The article contains practical proposals and methodical recommendations for the involvement of young people and for an integrated youth policy at both local and national level.

CONSTITUTIONAL INSTITUTIONS

Right of Custody

Disputes between Parents in Determining Right of Custody and Right of Contact – Who Are the Winners and the Losers?

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Parents have equal rights and obligations regarding their children, unless otherwise provided by law. The most important part of the legal relationship between a parent and a child is the custody right of the parent. The parent's right of custody means that a parent has the obligation and the right to take care of his or her underage child. The right of custody may be granted to a parent or not granted to a parent, and the right of custody may also be granted to a parent only partially. A thorough revision of the ownership of custody rights may turn out to be inevitable first of all in the cases when the parents start to live separately and it becomes necessary to decide to what extent and in what way both parents will participate in the life of their child. It is generally thought that it is usually in the best interests of the child whose parents are living separately to have two parents with custody rights after the breakup of the marriage or the cohabitation relationship of its parents.

The right of contact is closely connected with the right of custody. Each relationship between a parent and a child gives rise to the right of at least both sides to be legally in contact or to communicate. It would be the best for parents and the child both if communication is agreed upon unanimously and if it is arranged flexibly. If the parents cannot reach an agreement, the contact arrangements have to be determined by court. In solving a dispute concerning a child, first of all the interests of the child have to be proceeded from. Unfortunately, in many cases the disagreement between the parents on the right of custody is caused by the conflicts between them, and often children are either consciously or unconsciously involved in solving them. As parents may endanger the interests of their child with their arguments and requests when separating, the court involves other persons besides the parents and the child (representative of the child, child protection official) in the solving of right of custody disputes. It is the task of these other persons to stand for the best interests of the child. Although the process of involvement is regulated by law, several problems that may hinder the ascertaining of the best interests of the child may arise in the activities of all parties. It is important that all parties were able to stand for the interests of the child. Therefore both the judges and the representatives of parents and children have to be trained.

The Code of Civil Procedure provides exceptions from the general procedure in disputes concerning the interests of a child. Thus, in the cases concerning the interests of a child, the court has the right to collect evidence by itself; there are special instruments for securing an application or action, and in family matters the court is not bound by presented circumstances or positions. The courts have been imposed the obligation of hearing a child who is at least 10 years of age

(younger children may also be heard). The courts have the possibility to send parents to counselling. The courts have used this possibility, but there are several impediments: there is no national system of counselling, and it is not clear how and in which cases a counsellor can be or has to be used, and who will pay for it.

In the case of conflicted separation of parents, the child as if loses its status of a subject and becomes the object of arguments of the parents. The Family Law Act enables to solve the disputes between parents on case-by-case basis, obliging first of all to observe the welfare of the child. But the reality is something else – if parents argue, they are not able to think of what is good for the child.

STUDIES AND OPINIONS

Education Policy

When the Public Sector Behaves Like the Private Sector: the Stratifying Impact of the Choice of School Mechanism in Tallinn

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The purpose of the article is to show how the choice of school on the basis of market principles causes the segregation of pupils into the so-called „good schools” and „not so good schools” on the basis of the background characteristics and strategic behaviour of their parents. The data obtained through the interviews conducted in spring 2012, where the respondents were the parents of the pupils in the first three grades of the so-called elite schools in the centre of Tallinn and the so-called ordinary schools. The authors show that the phenomenon of elite schools, which is further emphasised by the ranking tables of schools published in the media, has inspired the parents to invent different strategies, including attending the pre-school and manipulation of residential addresses, for getting their children into these schools. Logistic regression analysis shows that these strategies in combination with background characteristics to a great extent determine the success of getting into an elite school. This in its turn means that the reproduction of educational stratification takes place at a very early level – upon transition from kindergarten to school. 840 parents whose children had started school in 2008–2011 replied to the questionnaires. 34.6 per cent of the children of the sample group go to elite schools. The analysis used logistic regression, which in the case of binary data is the traditional method of causal analysis. Being admitted to an elite school or not being admitted is the dependent variable of the model. Independent variables have been classified into different groups. The first group consists of the background characteristics of parents: mother’s and father’s education, net income of the family and family model. The second group characterises the educational strategy of parents: putting the child into pre-school, place of residence, participation in school entrance tests. Besides that, several reference variables were used: number of children in the family, cultural background, time spent with children, etc. At the same time it is also checked whether the experiment conducted in 2011 – preferring the choice of

parents over schools of residence – further increased the segregating influence of choice of school.

The analysis proved that the working strategy for getting into the elite schools in the centre of the city is (1) completion of a fee-charging pre-school or living in the town centre, (2) mother's higher education, (3) high income of the family. And the effects are surprisingly great, for example, attending a fee-charging pre-school *ceteris paribus* increases the chances of admittance by 55%, living in the city centre (or being registered as living there) by 66%. Even if the result received is, from the viewpoint of the trends of effects, not very original on the background of the problems connected with the choice of school in the rest of the world, then in addition to the size of effects, the given case is made more interesting by the fact that there are no instruments for balancing the segregation. Rather, in the existing mechanism several factors causing segregation function by mutually enhancing each other, like the advantage of registered address, school-based entrance tests, the autonomy of schools in deciding the admittance of pupils, etc. The message of the authors to those who doubt the necessity of school being the leveller of the impact of the background characteristics of parents: there are no good or bad children, there are only good or bad circumstances the children cannot control.

Research Policy

Estonia's International Position in the Implementation of Research and Development Policy

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The article analyses the level and dynamics of the supply and spending of resources of the research and development policy in the EU Member States and in states closely associated with the EU. The role of research and development policy in the innovation systems of the states is compared. The research systematised theoretical treatments, analysed the problems highlighted in empirical studies and assessed the international position of the implementation of Estonian research and development policy on the basis of the empirical analysis of the data collected in the EU and the states closely associated with the EU.

Research and development policy has to be implemented in order to remove the market and system failures that hinder development. Information obstacles do not allow private businesses risk with long-term investments to research and development and the government sector has to fill the investment gap threatening the development of the state. Because of system failures, the cooperation between the actors of the national innovation system does not function smoothly. It is the task of the government sector to establish the institutions and cooperation organisations contributing to the growth of research and development activities. Innovation policy defines the tasks of research and development policy in promoting innovation in the country and its connections with the supporting

components of innovation policy (education policy, policy of developing cooperation, and the policy of creating legal and business environment). At the same time the interference of government sector requires careful analytical reasoning, because incompetent interference may distort market processes and create a research and development policy with economically unreasonable extent or structure.

The empirical analysis showed that by most of indicators, Estonia remains below the average level of the states under observation. Component analysis brought out five dimensions of Estonian research and development policy. Estonia exceeds the average level of the states under observation only by the level of financing research and development in higher education sector; in all other components of research and development policy it remains below the average. In a way this result could be expected because in a small open country, foreign sources are considered important factors in acquiring innovative knowledge. The results enable to plan measures for developing Estonian research and development policy, proceeding from acknowledged theoretical positions and international experience.

National Defence

Military Institution in a Small Country – Estonia's Choices in 1991–1994

Gustav Kutsar, Doctoral Candidate of Political Science and Governance, Tallinn University

The article examines the choices that influenced the emergence of the military institution of Estonia.

After becoming free of the Soviet occupation in 1991, Estonia started to organise its national defence by following the example of other countries. Using the defence conceptions of Finland and other Nordic Countries as an example has been mentioned most often. Before 1991, several military organisations that competed with one another were active in Estonia. In 1988 the pre-war military organisation National Defence League (*Kaitseliit*) had been restored by way of civil initiative; it was officially recognised only after the restoration of independence. The main reason for this was the polarisation of the society at that time, when the nationalist-minded representative assemblies and the National Defence League that supported them were against cooperation with the authorities of the Soviet period. The organisation *Kodukaitse* (Home Defence Guard) that was established in 1990 with the support of the Government was formed to defend internal order but lost its role later because it could not integrate into the new structure of national defence.

After the military coup in Moscow in 1991, when Estonia restored its independence, Estonian officer Ants Laaneots, who had served in the Soviet Army, was called to build up the Defence Forces of Estonia. At first his defence visions were criticised because of their grand scale, but later observations have shown that thanks to his knowledge of history and perception of threats, the Defence Forces of Estonia were re-established as the new version of pre-war structures.

When looking at Estonia's becoming independent and restoring its independence in the 20th century, it can be noted that both processes have similar patterns. The impact the history has had on the re-establishing of institutions could be a subject for another research, for example, from the perspective of institutional path dependency.

Integration

Symbolic Power in the Ethnic Policy of Estonia

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The article deals with the representation of ethnic minorities in the governance of Estonia. The representation of ethnic minorities among the officials of ministries decreased abruptly in the beginning of the 1990s during the initial period after the restoration of independence, and has been decreasing ever since. Immediately after the restoration of independence, about two-thirds of the officials were non-Estonians, now they form around 2–3 per cent.

The theoretical bases of the research are the theory of representative bureaucracy on the one hand, and the theory of symbolic power of the French sociologist Pierre Bourdieu on the other hand. The theoreticians of representative bureaucracy are of the opinion that ethnic representation in public governance performs several important social and political functions, and the lack or weakness of ethnic representation is a sign of danger from the viewpoint of the functioning of the society and politics. These important functions are connected with better performance of politics, equality and inclusion of the minorities and effective governing of multicultural societies.

It is analysed how the political elite of Estonia perceives the reasons of under-representation and its impacts on the society, and what is their opinion in regard to if and how the state should intervene in order to increase the representation of minorities. 60 Members of the Riigikogu were interviewed, 15 from each political party represented in the Riigikogu. The interviews were conducted in August–October 2012. Most of the respondents consider such low representation of non-Estonians among the officials of ministries a problem. The respondents belonging to the government coalition think the reason lies first of all in the ethnic minorities themselves, the respondents belonging to the opposition think structural factors are the reason. The coalition is rather careful in regard to practical measures to change the situation – they should mainly be confined to better informing. Opposition is ready to try also more active steps. The representatives of the coalition think that the negative impact of under-representation of minorities is much smaller than it is in the opinion of the representatives of the opposition. The opposition considers such a situation one hundred per cent worrying or discriminating; from the coalition, none of the respondents regarded it as discrimination, 63 per cent of the respondents thought

it was worrying and 33 per cent considered the situation normal. 80 per cent of the representatives of the opposition and only 13 per cent of the representatives of the coalition consider it necessary to increase the representation of non-Estonians in the public sector. Democratic governance can be based on participation and inclusion. Bourdieu presumes that the political field is divided into opposing subject positions that are defined not so much by the essential disagreements of different political parties as by their opposing of one another. The results of the empirical research that is the basis of this article confirm the presumption, showing the dominance of party policy considerations over the essential considerations both in the discourse of the coalition and the opposition.

Competition Law

Free Competition versus Regulation – the Example of Pharmacy Establishment Restrictions

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While promoting free competition is inarguably an important tool for ensuring the effective functioning of markets, state regulations may sometimes still be justified and necessary due to market failures. Thus, it is essential to strike an appropriate balance between free competition and regulations. Such balance depends largely on the overall purpose the competition or the regulations are meant to achieve.

The article provides a short overview of the economic reasons that give rise to the need of regulating certain areas of activity, as well as an explanation of the role of free competition within the context of functioning and regulating of markets. This is followed by a discussion concerning the pharmacy establishment restrictions that are currently subject to a lot of controversy and provide a good example for illustrating the issue of striking a proper balance between free competition and regulations.

As an integral element of the state welfare system, the pharmaceutical sector is a sensitive area of activity that, when subjected to free competition, may not function in the same way as the more classical areas of activity. For that reason, the pharmaceutical sector is regulated in terms of prices, assortment, qualifications of staff as well as other parameters, which strongly influences the functioning of competition in that area. Hence, repealing merely the pharmacy establishment restriction does not open the pharmacy market to free competition. Furthermore, the deregulatory experience of other countries makes it evident that any regulation or deregulation activities must be preceded by careful and in-depth deliberations, which encompass clearly defining the aims to be achieved, considering alternative measures, and assessing the effects of the actions planned.

Census of Population

Estimates of the Population of Estonia and the Number of People Who Have Left Estonia

Ene-Margit Tiit, Professor Emeritus at the University of Tartu, Senior Methodologist of Statistics Estonia, Head of Methodology of the Population and Housing Census

Since the 1990s, the population of Estonia has decreased. The largest decrease – around 200,000 people – took place between the censuses of 1989 and 2000; three fourths of it consisted of negative net migration. Not all cases of emigration were registered and, as a result of that, several tens of thousands of people who have left long ago are still in the population register of Estonia as permanent residents. At the census of 2000, the number of people counted was smaller than expected by about 60,000. Part of them had emigrated and not registered it; others were persons who remained uncounted, according to estimation, there were at least 20,000 of them.

There are several estimates of the population number at the census moment (31 December 2011) of the census of 2011; the difference between the lowest and the highest exceeds 70,000, i.e. 5 per cent of the population. The highest is the number of population register, which also contains those who have left; the lowest was the census result, which probably involves a certain uncoverage. Several administrative registers are used for estimating the uncoverage rate; it turned out that the uncoverage rate is 2.2 per cent. The rest of the persons who are listed in the population register as permanent residents of Estonia but who were not counted at the census have most probably left Estonia. In the census questionnaire, there was a question about family members who have left the country; more than half of such persons have left without registering it as they were listed in the population register as permanent residents of Estonia. The number of unregistered emigrants was also estimated with the third method, using the data of sampling. The estimates obtained through the three methods were more or less the same and thus it turned out that during the last dozen years 30,000–40,000 people have left Estonia and not registered it.

In conclusion it may be said that the actual number of population in Estonia, taking into account the undercoverage rate of the census, was 2.2 per cent larger at the census moment than it was initially published, i.e. 1,323,000. But the emigration has also been larger than the original estimate; the estimated net emigration during the period between the censuses is 59,000 people, i.e. more than 5000 people per year, and more than half of them have left without registering it.

Political Parties

On Definition of Party According to the Constitution and Institutional Crisis of Parties

Tiit Toomsalu, Member of the IX Riigikogu, Chairman of the Labour Party 1996–2004

In the author's opinion, the current events in Estonia do not express the model of classical parliamentarism or the constitutional principle of the separation of powers, but function according to a corporative partocratic model of power. The

authority is consolidated not in the hands of the parliament as a representative organ based on election of persons, but in the so-called lobbies of the political parties or their coalitions exercising supreme power. The model of election of persons has been replaced by a model of party elections or political elections. With the help of legislative acts, the political parties have deviated from the status that was provided to them by the Constitution, and have extended their legal capacity. From the author's viewpoint, the errors in constitutional choices made decades ago now require a restart on the levels of legislation and political science, as well as on the level of shaping the public opinion. In order to achieve that, it is necessary to recognize the political parties not as an association of like-minded people, but as a group expressing and propagating a common world view (ideology), and to separate them from the rest of the non-profit sector, making them an intermediate between the people and the institutional government authorities created by the people.

Social Media

Government Establishments in Social Media – User Experiences and Expectations

Kristjan Kostabi, Information Officer, Estonian National Defence College

This article is based on the author's MA thesis defended at the Institute of Journalism and Communication of the University of Tartu and observes the users' general expectations for the social media sites of government establishments. The aim of the research was to establish what the users' past experiences in communicating with government establishments via social network were like and what they wished/did not wish to find on social media sites. According to the responses given to the master's thesis questionnaire, social media users acknowledge that the government establishments which are already represented in social media and actively communicate with their users meet their expectations. In a number of cases it appeared that the activity of a government establishment in social media was primarily restricted to sharing news, press releases and photographs, with few options for public opinion surveys. What the users of government establishments' social media sites do not like is frequent excessive stand-offishness, officialese, dull mailing, familiarity, information deficiency, self-centredness and indifference. Users also feel that often a government establishment is not genuinely interested in engaging the general public. In conclusion, for successful implementation of social media, government establishments first of all need to consider the users of social media. If it is not clear what to do or how, users can always be asked about their expectations in connection with some topic, even simultaneously with disseminating information. Secondly, the social media channel needs to be connected with communication as a whole. In social networks, it is allowed to publish information from elsewhere; however, it has to be adapted for social media and possibly be made engaging for the general public. Thirdly, various channels interacting with the general public have to be connected, taking into consideration how they best supplement one another to achieve their aim. The plan of work describing the ways to introduce a topic to the society has to envisage which information is going to be published in the media as a press release, or as a bill on the home page; which can be presented

as questions in social media; likewise, which kind of information requires more contemplation.

CIVIL SOCIETY AND STATE AUTHORITY

Networks

Estonian Internet Community: What Has Been Done, What Is Planned

Saskia Kiisel, Chairman of the Board, Estonian Internet Community

The Estonian Internet Community emerged as the result of the domain reform, and by today it is a 100-member publicly acknowledged organisation that has been active for nearly three years. The keywords characterising the activities of the Community are: draft act against the incitement of hatred, open data, theses, copyright, network neutrality, e-voting, fundamental rights and freedoms of cyber world, and other such issues. The article gives a brief overview of what has been done in the Estonian Internet Community and what is planned.

INTERNATIONAL PARLIAMENTARY RELATIONS

IPU

Representing Estonia at the World Parliamentary Forum

Tõnis Kõiv, Member of the Riigikogu, head of the Estonian delegation to the IPU (Estonian Reform Party)

For the past two years, the Estonian delegation to the IPU has acted according to the following principle: each trip that an Estonian parliamentarian makes abroad should leave a positive trace, introduce Estonia, spread the knowledge that we are a small but good country, that our people are smart, and that Estonia is home to many good things that help make the world a better place. During the IPU Assembly in Uganda in 2012 and in Ecuador in 2013, the head of the Estonian delegation spoke of the „Let’s do it!” campaign that originated in Estonia and was first known in the world as *Let’s do it World* and is now known as *World Cleanup*. All the fifty thousand Estonian people who cleaned up Estonia within one Saturday in May 2008 can be proud of what has become of this Estonian campaign: as it spread to over 96 countries all over the world, Estonia became increasingly known as a successful and progressive country.

“Let’s do it!” is a voluntary initiative of people, originating from a free society and the people’s wish to independently solve a burning problem. Just like in Estonia, most of the countries participating in the campaign have chosen illegal dumpsites and litter in road ditches and in forests as the main issue. Just like in Estonia, the implementation of the campaign has helped to spread the understanding in the society that in order to change something, one has to do it themselves.

In the IPU, Finns, Swedes and Lithuanians are Estonia's main partners in joint activities. We also closely interact in the Twelve Plus group. The goal of the Riigikogu delegation to the IPU for the year 2015 is to achieve a stance where the Nordic countries' group would act in a more joint and solidary manner at the World Parliamentary Forum.