

## Summaries in English

### EDITOR-IN-CHIEF'S COLUMN

#### *An end to stagnation*

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

The world is changing. The financial and economic crisis has forced people to abandon their habitual spend-use-and-dispose behaviour reminiscent of a hamster in a wheel. When the cash flows dried up, it forced us to ask whether we really need all of it. Smug complacency was replaced by dissatisfaction and insecurity and by the need to think and act differently.

In recent years, it has increasingly seemed to me that, for people who live in a world without borders, we sure tend to think in a very limited manner. How many of us have given serious thought to nuclear energy or global warming? Yet both of these could impact our lives and those of our descendants here on the shores of the Baltic Sea in the next hundred years.

It is important that we try to think in time and in space as expansively as Jaan Kaplinski does in an essay published in this issue. I, too, hope that building a nuclear power plant in Estonia will not be just a business project and that action on climate problems will not seem like something undertaken in developed countries merely to ward off boredom. That is to say nothing about immigration and the related theme of tolerance.

Sooner or later, Estonia will adopt a new currency – the euro. This is not the project for politicians or the ruling coalition. The euro is about the trustworthiness of the Estonian state. The greatest benefit we can reap from the introduction of the euro is that Estonia's country risk will cease to exist. For this reason, all of us (and not just the government) should exert effort so that we would not be left outside the euro zone on some technicality. We should also realize that, either with and without the euro, we will have less money in future. We must get by with what we have. Many major sectors – health care, education, administrative territorial units etc – require systematic reform. It would be simpler to continue the reforms with the euro.

This is the 20<sup>th</sup> issue of this periodical, and it can be said that we have withstood the test of time. The desire of the founders of this publication was that academic scholarship and political decision-making would meet between the covers of one volume, and it has come to fruition. *Riigikogu Toimetised* has a number of its own writers and readers. But new contributors and readers are always welcome to our fold. Many interesting studies are going on at our research institutions, universities and government institutions, and introducing these to a broader audience could be a clear goal of the authors of these works. Alongside submissions of a research paper calibre, longer opinion pieces are always welcomed. In choosing topics to cover, this publication tries to keep in step with the times, and tries to cover these topics in a manner that would give readers an overview even many years after the developments.

On the occasion of this milestone issue, I would like to acknowledge all of our contributors, members of the editorial board and our small number of editors. Thank you! The desire to change and to work hard to that end – a desire that foundered in the intervening good years – is becoming replaced with the need to adapt to a new situation. The stagnation within us is no more.

#### *How RiTo got on television*

*Aivar Jarne, Editor-in-Chief of the Riigikogu Toimetised 2001–2005*

The tenth issue of Riigikogu Toimetised (RiTo) was supposed to be published in December 2004. When work started on this issue, an idea entered the back of our minds: commemorating the anniversary in some way. The idea was also mooted at an editorial meeting that the issue should be special in some way; perhaps some sort of reception might be held. Back then, a series called “Parlament” was airing on ETV and one of the editors of the show, Elvis Joakit, proposed to the editor-in-chief on a busy day in December to run a segment on Riigikogu Toimetised. After a bit of collective thinking, it was decided to shoot a part of the segment literally on location – the printing plant where the publication is actually produced. As the printing press clattered away, the editor-in-chief could say a few words about the contents of the publication and talk about the periodical’s aims, its readership and history. A couple days later, television audiences saw the five-minute clip about how RiTo is produced, TV-style – with much noise and fanfare.

### *Looking back at the beginning of Riigikogu Toimetised and a modest wish*

*Aare Kasemets, initiator of the idea of the Riigikogu Toimetised and Editor-in-Chief 1999–2001*

The idea behind the publication was conceived and made a reality as a sideline, just like many institutions of the Estonian state were built, both in our era and before our time. The first issues of the periodical provide a look at the initial objectives and the good intentions at its outset. Considering the fact that Estonian society and the potential readership is relatively limited, it did not seem wise to create a publication that would focus narrowly on law and politics or policy-making. It was important, and continues to be so, that the pages of the publication convey perspectives from representatives of the Riigikogu and other constitutional institutions as well as Estonian universities, government agencies and the more active companies and NGOs. For that reason, the editorial board of the Riigikogu Toimetised has sought to involve experts from different fields, as there is probably no longer any walk of life in Estonia that is not regulated – and no “white area for free people”, that is not directly or indirectly impacted by legislation adopted by the Riigikogu. We are free people not just in a free country, but in a country regulated democratically via Riigikogu elections. The author recommends that the travelling exhibition “101 political caricatures” and a political cartooning competition, which appeared in Estonia’s major newspapers over the course of a year, continue to be organized.

## ESSAY

### *Estonia’s future in a changing world*

*Jaan Kaplinski, writer*

The writer discusses whether we have a moral right to leave problems we have not succeeded in coping with for future generations to resolve. We cannot even foresee what will happen in the next 100 years, yet nuclear waste remains hazardous for tens or hundreds of thousands of years. Our geographical location is immutable as well, and geography will determine more than politics in the long run. Alongside the climate and other impermanent things, there are other things that will not change in the centuries or even millennia to come. One of them is human nature: our basic personality traits, our aspirations, desires, fears and joys. Young people were taught in Soviet-era universities that the basis of everything was economics. It is a teaching that our neoliberals are continuing in a new form, in even more radical form – both the ones who started their career as lecturers in Marxist-Leninist disciplines and their successors. For twenty years, we have been ruled by the ideology that the value of everything can be

measured in money. But money is a one-dimensional quantity that cannot be placed in correspondence with important things in our multidimensional world. The economy is not a foundation. Rather the basis is the individual person along with the individual's nature, the individual in its social community, its environment. Economics is a superstructure, just like politics. This means that the economics will remain economics and politics will remain politics long after we are gone – that is, as long as humans continue to be the species they have been since the Early Stone Age. As long as they battle and compete for power, recognition, love, sex, things of beauty, food and natural resources. These are humans' unchanging values and for the most part, people have shortages of these things. But economics and politics may change and they will change, certainly far more than human nature.

It would be a great error to think if there are no alternatives to democracy and market economy just because there are none currently. But it would also be a mistake to think that these alternatives will necessarily be found. Or that alternatives will be found (or not found) to the current ways in which energy is produced and consumed. Perhaps we will finally tame nuclear fusion in the coming decades, but maybe it will never happen. Climate change is not the only ecological catastrophe that could hit us in the next hundred years. Another such catastrophe is the extinction of species and ecosystems that if it starts gaining momentum may lead to sudden changes in Earth's natural environment, the biosphere. It is hard to predict whether the consequences of such changes will be more clearly felt in the temperate zones and polar areas or in the tropics and subtropics. An eco-catastrophe with a biological background will likely give no reason to rewrite the future scenario sketched out here. This does not take into account a number of external factors, all of which can shift the course of events in some other direction. This future scenario and the conclusions stemming from it are probability-based – it could happen that way, or it might not. Probability-based conjectures do not give certain answers, but probabilities must certainly be taken into consideration.

## POLITICAL FORUM

### The euro

*Will Estonia get a green light for the transition to the euro?*

#### *RiTo conversation circle*

The *Riigikogu Toimetised* conservation circle on 20 November discussed the transition to the common currency of the European Union, the euro, which Estonia firmly wants to join in the coming years. The participants in the conversation circle were Estonian Minister of Finance Jürgen Ligi, former Minister of Finance and current member of the board of Tallink Hotels group OÜ TLG Hotell Aivar Sõerd, Eesti Pank monetary policy department head Ülo Kaasik, and Estonian Development Fund adviser Heido Vitsur. The debate was moderated and summarized by RiTo editor-in-chief Helle Ruusing.

Even though meeting the criteria for EMU accession has required and continues to require great exertion from the state, the participants found that it was worth the effort, as these criteria would in fact be a fairly good framework for any economy. We want stable prices as well, noted participants, and we have nothing against being sustainable and receiving affordable loans; we are interested in continuous monitoring of these criteria, and are against making discounts to member states in this regard, so that confidence in the euro would remain high. At the same time, the participants did not neglect to emphasize that the common currency is not a secret weapon that will fix everything in future by itself. On the contrary: the well-being of the economy will inevitably come down to how creative and successful our enterprises are, and will also depend on the stability of the

environment in which they operate. After the transition to the euro, as shown by the experience of other countries, people will likely have to prepare for a certain minor rise in prices. But this would not outweigh the advantages that becoming a full member of the euro zone will confer, to say nothing of the risks we will leave behind after EMU. The main risk in the eyes of investors is the exchange rate risk. While we believe the Estonian kroon is stable and will not be devalued, investors in places like Singapore may not be so sure; as a result they may put off their investment decision until there no longer is an exchange rate risk. In summary, it was found that the euro is a win-win situation, even if it does not instantly result in additional major investment in Estonia. Nor, in the big scheme of things, is it insignificant that many currency exchange fees will no longer be an issue both for individuals and firms, which will also make life somewhat easier and less costly.

## **Local government elections**

### *Challenges of the organization of Estonian elections*

*Heiki Sibul, Chairman of the National Electoral Committee of the Republic of Estonia*

Even though the organization of elections in Estonia is based primarily on the enthusiasm of the election organizers who do this work as a additional job, we have managed in two decades to complete the building of a reliable and modern electoral system that is capable from an information technology and technical standpoint of making use of lists of registered voters. The writer stresses that the organization of elections in Estonia is characterized by international respect – the last time the OSCE sent its primary election observation mission to Estonia was in 1999 for the Riigikogu elections. This gave our organization of elections a seal of approved quality and in the years since, we have worked with the OSCE only in the implementation of electronic voting, which required international attention. Undoubtedly the passing of time is characterized by changes in the tools used for the job – paper and pencil have been replaced by a computer screen and keyboard. All of the voting precincts – there were 632 of them in the last elections – have an Internet connection and a special electoral information system is used for gathering, transmitting and processing data. The voting procedure has likewise made an increasing transition to voters' computers; in the last elections, over 100,000 voters used the option to cast their vote online. However, the writer does not fail to ask whether all participants in elections are prepared for the next developments and steps. Are we prepared for a cultural developmental leap? The writer asserts that as actual elections have shown, it is not possible to establish political culture using election laws and commands, prohibitions and punishments; it depends above all on consensus between the participants in the process and the general development of political culture.

### *The problem of proportionality in elections in Tallinn*

*Rein Toomla, Lecturer, University of Tartu Institute of Government and Politics*

The writer recalls that in late 2008, the Riigikogu began discussing possible amendment of the Local Government Council Election Act. The discussion was initiated by Chancellor of Justice Indrek Teder, stemming from an interpellation that drew attention to the conflicts with the principle of proportionality in the formation of the Tallinn city council. Above all, the problem was that the distribution of seats on the Tallinn city council by city district was not in conformity with the number of voters in the districts. The other level was related to the number of votes cast and seats won in the elections. If a party receives one-quarter of the votes in an election, but takes half of the seats in the representative

assembly, then this cannot possibly be a case of proportional distribution. In the course of the search for solutions, the Riigikogu became more politicized and polarized, as this was essentially the first time in our political history where the idea behind amendments to an election act was to resolve the political problems of the day. The writer expresses hope that the case described will be the first and last, for if similar cases are repeated, we would be in a position where each political bloc would try to create as favourable an environment as possible for itself before elections.

### *The 2009 local election campaign – the first step toward a left-wing Riigikogu?*

*Agu Uudelepp, propaganda expert, Ph.D. in government and political science*

The writer believes that the 2009 local elections attested to how flexibly politicians were able to adapt to a changing situation. In these elections, the parties and candidates who were able to understand the new mindset of the electorate did better at the polls. In hard times, most people are not interested in theoretical constructs but in questions of everyday coping and hope for a better future. For this reason, a large share of the tension of these elections remains in the air. Only by the run-up to the 2011 general elections will it be clear whether the ranks of those who understand the everyday concerns of their base have increased. If the right-of-centre parties currently in power in Estonia struggling with the economic crisis do not immediately embark on a strategic course of explaining to people the choices and injecting a note of optimism regarding the future, a year from now we will see either a sharp ethnic divide created as a last resort, or the first clear left-wing majority of the post-restoration of independence period will emerge in the Riigikogu.

### **European Parliament**

#### *Of Estonia in Europe and of Europe in Estonia\**

*Tunne Kelam, Member of the European Parliament, Pro Patria and Res Publica Union*

The writer believes that things have gone fairly well for Estonia as a member state in its first five years in the European Union. In 2004, the most important task was to establish the country's presence in the European Union system, to become accustomed to the decision-making and consultation system, and to find topics that Estonia could contribute to developing. During the last European Parliament, one of the most important initiatives for Estonia and the entire Baltic region was the Baltic Sea Strategy developed by the European Parliament's "Baltic Europe" Inter-Group, which was adopted in late 2006 by the plenary session of parliament and more recently by the member states as well. This shows that even non-official initiatives can be successful and that the various forms of cooperation in parliament should not be underestimated. Unfortunately, in the opinion of the writer, Estonia's contribution in supporting this strategy proved more modest than hoped for. Looking toward the future, the writer finds a number of topics that will start seeing broader action in both the European Parliament and the European Union. The most important activity in the coming year will undoubtedly be the implementation of the changes stemming from the entry into force of the Treaty of Lisbon. Insofar as the role of the European Parliament in deciding the legislation of the European Union is currently increasing to nearly 100%, this signifies an increased workload and means that member states, including Estonia, will have to pay significantly more attention to cooperation with European Parliament.

## Rural economy

### *Rural life and agriculture*

*Helir-Valdor Seeder, Minister of Agriculture, Pro Patria and Res Publica Union*

The question as to whether agriculture and rural life are capable of developing independently or whether they are kept afloat only by subsidies pervades every discussion held on the topic of rural life and agriculture. If we do not want to see an Estonia with a few cities with suburbs and ghettos and rural regions languishing in poverty, we need to support the development of infrastructure in more sparsely populated areas as well. The Estonian state's treasury is still far from brimming and most relevant programmes are financed to a 75-80 per cent extent from the European Union's general budget. The share of the Estonian state budget contributed to these activities is still quite low. In monetary terms, a total of 2.3-4.3 billion kroons a year has been appropriated in Estonia since 2004 for agriculture, rural life and fisheries. In broad terms, half of this amount has gone directly to agriculture. It is hard to overestimate the role of these subsidies on agriculture – last year assistance made up one-quarter of the average agricultural producer's turnover. Presuming that the agriculture practiced in Estonia is environmentally friendly and results in diverse output from traditional, valuable, picturesque landscapes – often of only modest fertility – we have to reconcile ourselves to not achieving our aim, if we look for inexpensive and fresh food in stores but do not support these developments, to compensate our common public interest using a higher price or subsidies allocated from the state budget. It is important that our diet be based on fresh and healthful locally grown food, that we continue to have Europe's cleanest groundwater in future as well, that our valuable landscapes be well-cared-for. And certainly we cannot forget the fact that, by applying relevant measures, agriculture can become more of a solution than a problem with regard to our global climate problems.

### *The future of agricultural policy – are farmers really crying for naught?*

*Aleksei Lotman, Deputy Chairman of the Riigikogu's Rural Affairs Committee, Estonian Green Party*

Everybody wants their daily bread and other sources of sustenance to be healthful and made in a way that is responsible with regard to the environment. This forces the writer to ask which of the goals of the European Common Agricultural Policy set up half a century ago are still salient. For example, is increasing productivity in today's Europe – one of the most intensively farmed areas of the world – still a relevant goal, or would it be more appropriate to speak of optimizing productivity? Just as questionable is the goal in today's world of keeping consumer prices low through subsidization. On top of it all, practice shows that this goal is simply unrealistic: during the economic boom years, prices climbed in spite of subsidies. To sum up, the author believes that no doubt the common agricultural policy continues to require change: the level of subsidization should be uniform in all member states and subsidies should be clearly tied to public interests; bureaucracy should also be reduced. Taxpayers want to see where and why their money is allocated, while farmers want a clear picture as to what is desired of them in return for subsidies. At the same time, policy cannot wholly rely on subsidies. For instance, it would be time to think about harmonizing fertilizer and pesticide excise duties throughout the EU – after all, in all other sectors we want to implement the polluter-pays principle.

## CONSTITUTIONAL INSTITUTIONS

## Penal law practice

### *Law, courts and punishment – what is wrong?*

*Timo Reinthal, Analyst, Supreme Court Legal Information Department*

This article provides a short overview of some of the problems that have arisen in applying punishment in practice. Above all, legislators should show initiative to resolve these problems.

In alternative proceedings, there is a conflict in between Subsection 238 (2) of the Code of Criminal Procedure and Subsection 45 (1) of the Penal Code. Questions arise as to whether sentencing under the minimum punishment terms set forth for the type of punishment in the Penal Code is possible and if it is, what risks are involved in such sentencing. What are the possible rationales for Subsection 238 (2) of the Code of Criminal Procedure taking precedence over the Penal Code? In such a case, can we speak of punishability of an act and establishment of limits only in the case of the Penal Code?

A problematic area has been sentencing people to a term equal to time already served. Is it possible for a person to demand compensation if a later punishment turns out to be much shorter than the time already served? Such grounds for claims for damage essentially do not currently exist. However, monetary punishments are often applied so that there would not be a need to activate previous suspended sentences.

Even though literature in the field of the law recommends that the basis in sentencing be one-third of the sanction set forth as punishment and Supreme Court jurisprudence recommends that the median be applied, actual practice shows that punishments are extremely light. This brings up the question of whether the ideology behind our Penal Code is functional, or whether Estonia is simply a place where very minor crimes are committed or whether the sentencing standards are too harsh. Penal practice is currently inconsistent and needs to be standardized in a wise, carefully-considered manner.

## STUDIES AND OPINIONS

### **Tax morale**

#### *Tax morale as an influence on establishing tax compliance and its main potential individual effects*

*Kerly Lillemets, Ph.D. student in public administration, Tallinn University of Technology*

In most cases, tax compliance is analyzed using economic models and relevant economic interpretations. Tax compliance in the social sciences, where a taxpayer's payment history has been influenced by psychological factors, is quite a recent phenomenon.

In the context of complexity of assessing the nature of psycho-social factors and ambiguity of tax law, the focus therefore lies mainly on the field of supervision. It is foremost in this respect that a tax administrator carries out verification of the accuracy of tax calculations with the aim of affecting the taxpayers' payment behaviour and ensuring the necessary percentage of tax revenue in the state budget.

However, a mere increase in tax revenue cannot be regarded as the same as improved tax compliance. A individual's payment history cannot be established by viewing economic behaviour alone. Performance is affected by the economic, political, social factors and their combined impact as well. To conduct an assessment on tax compliance development, the writer considers the total amount of effective influence factors.

This article examines the subject of influence factors on tax morale, presents a discussion on the concept of failure to pay taxes or tax arrears and suggests ways how to improve tax morale.

Keywords: tax compliance, tax morale, arrears.

## The Constitution

### *The basic principles of the Constitution of the Republic of Estonia: its essence and possibilities of finding it*

*Raul Narits, Professor of Comparative Law, University of Tartu*

As the fundamental principles of the Constitution have a regulatory effect – they are binding – the need for finding them is undisputed. We should begin our search with the general legal theoretical knowledge, and for arriving at an integrated notion, we have to consider the principles guaranteeing consistency and contextuality. We should continue by focusing on the search for a method, and one effective method seems to be that connected to value-jurisprudence. It is this way that the catalogue of the fundamental principles of the Constitution is compiled. This catalogue cannot be a closed catalogue; the catalogue of the fundamental principles can only be open. Alongside value-jurisprudence and the cognition of the fundamental principles, consideration of the authority dilemma – a situation involving the problem of method and of the finder of the fundamental principles as a jurist/legal practitioner – also has its place. We should not forget that in attempting to find the fundamental principles, we should be able to connect ourselves with our cultural background in both the modern and retrospective context. Certainly, finding and articulating the fundamental principles is not an everyday task for a jurist. One can reach all the way to the fundamental principles (to specifying values) not through deductive decisions, which are a usual method for jurists, but through values. I would call this aspect of the work of practitioner of jurisprudence the “specification of the fundamental principles”.

### *The new balance of power in France after the revision of the Constitution*

*Rodolphe Laffranque, Research Fellow, Institute of Public Law, University of Tartu*

The amendments made to the French Constitution on July 2008, consisting of a modernisation of the state institutions, are probably the most fundamental ever to have taken place in France during the Fifth Republic – that is, since the current French Constitution of 1958 was adopted – because of the unprecedented number (47 articles have been either added or modified) and scope of the amendments.

This latest constitutional law, passed finally on 21 July 2008 by the Congress (i.e. a joint session of both houses of Parliament in the Palace of Versailles), aims at strengthening the role of the Parliament, renewing the way in which executive power is exercised and granting new rights to citizens.

The article focuses on the two first above-mentioned purposes set out in the constitutional law, which deal with adjusting the balance of power between the executive and the legislative branch, essentially to the benefit of the latter. This concerns firstly the new functions of the Parliament in respect of its legislative and supervisory function, as a consequence of the relaxation of the mechanisms of the so-called “rationalisation of parliamentarism”, which is to be characterized by the fact that the government plays a leading role in legislative activities. Secondly, the new provisions establish additional limits on the powers of the President of the Republic.



The constitutional reform, led primarily by the French head of state, Nicolas Sarkozy, as it was part of his political programme in the presidential election of 2007, contains some ambiguities. First, it is said to be a renewed definition of the separation of powers and a transformation of the Fifth Republic, and yet it was clearly specified, originally by President Sarkozy, that the revision of the Constitution should not result in a change to the main balance between the institutions or the establishment of a new Sixth Republic. Second, one can observe that the reparliamentarisation of the French political system will ultimately contribute to making the system even more presidential.

## **Immigration policy**

### *Estonia's options and choices in making immigration policy*

*Ruth Annus, Ph.D. student, Tallinn University Institute of Political Science and Governance*

Every country has a sovereign right to shape its own immigration policy. Each country has to decide which aliens it allows on its territory and for what reason. By joining international organizations and entering into foreign treaties, under which the state assumes obligations toward individuals, a country places restrictions on its sovereign right to decide its immigration policy.

Since independence was restored, Estonian immigration policy has clearly limited immigration. This fact is apparent from the Aliens Act that entered into force in 1993 (Riigi Teataja I 1993, 44, 637), which establishes quantitative and qualitative restrictions on the settlement of aliens in Estonia.

Even though Estonian immigration law has been impacted significantly by European Union law, these influences have not represented fundamental changes in the nature of immigration policy. The regulatory environment has become much more precise and is very different from one group of aliens to the next, depending on the state's obligations toward specific categories of aliens.

Immigration policy must take into account the fact that the receiving country cannot do much to influence immigration as the reasons do not depend to a noteworthy extent on the receiving country. If a receiving country has a large immigrant community, this will inevitably result in additional numbers of immigrants of the same ethnic origin. Thus it is not likely that migration would decrease in today's increasingly global world, regardless of the measures implemented for such a purpose. At the same time, the number of immigrants does not depend very much on the desire of the receiving country as countries are for the most part obliged to admit major categories of immigrants, for instance, persons who require international protection and family members of those who have already settled in a country. Whether a country desires to admit aliens other than the abovementioned categories of persons – such as an immigrant workforce – is the sovereign decision of each individual country. The receiving country must take the foregoing into account in planning immigration policy.

Estonia's immigration policy depends to a great extent on obligations assumed under international treaties and on the European Union legal space, which is why Estonia must shape its immigration policy in a manner similar to other European countries, in the framework of international law and the European Union's single immigration policy.

## **Local governments**

### *Analysis of development plans from the perspective of involvement and civil initiative*

*Viola Soiver, Lecturer in public administration, Tallinn University Institute of Political Science and Governance*

The article analyzes 30 local government development plans in Estonia. The sample is based on the different government types in local government for the purpose of ensuring a variety of cooperation patterns. The development plan has to combine strategic planning process with regional planning. This research paper focuses on cooperation between civil society and government authorities. The citizen participation in preparing the development plan is set forth in the Local Government Act. Every local authority has to present the draft of the plan before voting in local government council. This is a passive participation tool. Government authorities mostly use meetings with citizens, polls and participation in working groups. Local authorities mostly combine different methods to ensure the large participation. Small local authorities use participation tools less because the connection between government official and citizen is open as it is.

The cooperation between local authorities and NGOs is mostly on the financial level – a local authority finances the NGO's activities. Forward-looking local authorities also involve NGOs in the public service improvement process. The cooperation mostly takes place in the social service, sports, culture and village issues. The local authority wants to involve youth and heads of villages in the decision making process.

### *Local government as the basis for a democratic system of government*

*Arno Almann, Head of the Department of Law and Public Administration, Estonian Business School*

*Urmas Arumäe, Lecturer, Department of Law and Public Administration, Estonian Business School*

This article provides an analysis of the development of Estonia's system of local government up to the current time. The authors recall that the decision made by the Supreme Soviet of the Estonian SSR on 8 August 1989, entitled "The Implementation of Administrative Reform in the Estonian SSR", was made while Estonia was still part of a totalitarian state (USSR), which was unprecedented, although not so unusual in the Estonia's historical context. The establishment of Estonian statehood in 1917–1918, while it was still part of tsarist Russia, was also established on the foundation of a well-developed and highly autonomous system of local government. Therefore, it is distinctive of the Estonian state that its independence has been won twice, and each time, the state was established on a functioning system of local government. Local governments in Estonia have been functioning since at least the 12<sup>th</sup>–13<sup>th</sup> century and it has only been a nation-state for 90 years (50 years of which comprised occupation by a foreign power). This fact provides an answer to how the Estonians prefer to organize their community life – a preference that no foreign power has succeeded in totally eliminating; and also to why mental opposition exists to reform attempts that would result in the state restricting the autonomy of local governments, or acting in a way that counteracts the interests of local governments.

The principal objective of the reform that was carried out in 1990–1993 was to re-create and develop local democracy to serve as a basis for the establishment of a nation-state, as well as to domestically decentralize national power to management at the local government level. The system of local government created by the reforms of 1990–1994 is basically still functioning today.

Administrative-territorial reform has been spoken about in Estonia for twenty years. The problem is that the reform has constantly been over-politicized and will probably never be realized as a political project. Politicians must fundamentally decide only two things – "what is the desired result?" and "is it achievable?" How it should be done should be a topic for experts, as well as for broad social discussion; goals and time limits must also be set for dealing with this topic.

The authors propose several principles, the implementation of which would guarantee the vitality of the system of local government as the basis for a democratic system of government. They also introduce a report for a committee on administrative-territorial organization that the authors participated in. The committee report should be regarded as a reasoned proposal to society in order to initiate a discussion for carrying out the administrative-territorial reorganization that is required by societal development.

## **Adult education**

### ***Barriers to participation in adult education***

*Kirsti Nurmela, Employment Policy Analyst, Praxis Center for Policy Studies*

Adult education has been defined as one of the key components in raising the competitiveness of the economic environment of the European Union at the general and national level. At the same time, the Estonian adult education participation indicators still remain well below some of the best performing European countries as well as the target of 12.5% set for 2010. The article concentrates on analyzing the types of barriers to adult education in Estonia, defining the groups most affected by these barriers and analyzing the current Estonian lifelong learning strategy in light of the barriers existing in Estonian adult education system. The analysis proceeds from the previous theoretical work of K. Patricia Cross. Based on Adult Education Survey 2007, using factor analysis, four barriers can be defined: institutional, dispositional, situational and perceived unnecessary of further education. Analysis of these barriers indicated that different groups experience very different barriers.

Analyzing the Estonian adult education strategy in light of the research results, it is concluded that with the new strategy introduced in 2009, a shift has been taken from a system centred approach to greater inclusion of adults in training and improving the quality of learning. An indication of this is that focus has turned from institutional barriers to overcoming dispositional barriers. This is an important qualitative move as dispositional barriers have turned out to be an important obstacle to participation for many groups (including men, older persons, persons with low educational level or on blue-collar jobs). Still, it is important to note that while research indicated that several groups are affected by a large variety of barriers, attention to the potentially different needs of different risk groups is to a large extent neglected in the national strategy underlining activities for the next four years.

## **Involvement**

### ***Involvement in the Riigikogu: practices on committees and opinions of NGOs***

*Mirjam Allik, Ph.D. student, Dublin Trinity College*

The basis of the article is an overview, written during the time the writer was working in the law and analysis department of the Riigikogu Chancellery, of the involvement of NGOs and associations of companies in the writing of draft legislation on Riigikogu committees. The source of all of the information about involvement is 16 interviews with NGOs, associations of companies and the Riigikogu's standing committees. All of the committee officials interviewed confirmed that drafting of legislation relies on many different parties – other state institutions (such as the Chancellor of Justice), experts and various interest groups.

On the basis of the interviews conducted, it can be said that the possibilities of each association to participate in involvement are different. For instance, an association with

several dozen employees claimed that communication takes place with almost of all committees and that during the year, they provide their opinion on nearly 60 draft acts. Civil associations with only a handful of employees or no paid employees communicate with one to three committees on average and are able to comment only on individual draft acts.

To sum up, the situation with involvement is not hopeless and the interviews even give some grounds for optimism. Most of the associations interviewed consider relations with Riigikogu committees good and see relations with the state as improving. Nor is it insignificant that committees are able to assess their work critically and see problems for themselves. Since committees and the associations are convinced that mutual negotiation is beneficial for the state (and the Riigikogu) it can be hoped that both parties have the will to improve involvement.

## **Internal audit**

### *Internal audits in Estonia and elsewhere in Europe*

*Raivo Linnas, Ph.D. student in public administration, Tallinn University of Technology*

The article treats the status and development of internal audits in Estonia on the basis of assessments by practitioners and compares the process to that of other European countries, above all the Nordic countries of Sweden, Norway and Finland. The article relies on research conducted in autumn 2006 by an international working group of researchers and funded by the Institute of Internal Auditors Research Foundation, entitled The Common Body of Knowledge (CBOK 2006), as well as on the data from the CBOK Europe study. A selection was made from the significant aspects of internal audits.

It is not possible to distinguish a uniform or divergent pattern in internal audits in Estonia and the Nordics, as there were too many similar and different features in audits in these countries. For example, a characteristic of Estonia is that none of the respondents had less than a bachelor's degree and none had a doctorate. In this regard Estonia was similar to Bulgaria and Turkey. Estonia is distinct from Norway, Sweden and Finland in terms of the low number of internal auditors with a background in the field of accounting; Estonia is more similar to the average indicator for Europe. Estonian internal auditors are notable for their longstanding experience working in accounting, external audits, finance and management. It is good that Estonian internal auditors have extensive training in their field and longstanding work experience in different posts, as internal auditors who want to be equal partners for the head of an organization and ready for challenges must have a master's degree in at least one primary speciality and additional education in internal audit, law, business administration or some other field. They must also certainly have management experience. Estonian internal auditors deal with a relatively large amount of ethics issues, information risk management, risk management and control framework assessment and monitoring. Estonian internal auditors projected in 2006 a significant decrease in compliance audits and operational audits and an increase in the amount of consultation activity, information technology audits and management audits. These data support the writer's convictions that, as the share of new types of audits increase, traditional financial audits and compliance audits will decrease. In summary, the following can be asserted:

- 1) a very clear generalized conclusion about the similarity or difference of internal audits in Estonia with respect to internal audits in the comparison countries could not be drawn; however, internal audits in Estonia are more similar to the European average with regard to IIA membership history, education, professional training and academic specialities;
- 2) internal audits are a fairly new trend in Estonia;

- 3) the professional, vocational and educational background of internal auditors is good and their work experience is diverse;
- 4) the necessary groundwork exists for responding to challenges facing the internal audits.

It is to be hoped, after the entry into force of the new version of the Authorized Public Accountants Act, that the groundwork will not be scrapped, but that the state, the Institute of Internal Auditors and internal auditors will jointly implement measures to develop and strengthen the profession.

## **The European Union**

### ***Influence, interests and coalition readiness of European Union's member states in the judgment of Estonian officials***

*Ulrika Hurt, Master's degree candidate, University of Tartu EuroCollege*

*Julia Malev, Master's degree candidate, University of Tartu EuroCollege*

*Viljar Veebel, Lecturer in International Relations, University of Tartu*

A study conducted among officials confirms that knowledge of the influence, interests and coalition readiness of European Union member states is one of the primary success factors for representation of Estonia's interests in Europe. The research conducted by master's degree students in University of Tartu's EuroCollege elicited the opinions of key Estonian officials dealing with European Union issues regarding the influence, readiness for compromise, comprehensibility of positions of other European member states as well as on the establishing of contacts with other countries. Tabulating the assessments by officials allows conclusions to be drawn regarding Estonia's potential and current partners. In addition to practical skills, negotiations are based also on Estonia's priorities and knowledge of the special character of other member states.

By combining the responses, information was gained on how the knowledge of the respondents about the areas of interest of other member states is used in practice, in the course of negotiations, and to what extent knowledge of Estonia's interests depends on the stage of the European Union's decision-making process, which methods are considered important for achieving the goals and which ones are actually used. The most substantial findings of the research stemmed from the part in which respondents were asked which member states are considered the most and least influential, which states must usually make concessions and which usually get their wish. The states with the greatest influence, in the opinion of the officials, are the large countries. It was surprising that the number of most influential states and the number of states that do not make concessions was limited to eight countries in both cases, even though all 27 countries were in the sample. Even though the officials believe that cooperation with other member states is based more on the specific issue, they listed states in Estonia's geographic proximity as Estonia's primary partners. The study findings showed that these are the states with which the most contacts have been established.

## **Estonian higher educational policy**

### ***The need for integrating higher educational policy and research studies***

*Lauri Veski, Head of the educational politics programme, University of Tartu Centre for Applied Research*

*Karmo Kroos, Head of the Department of Economics, Estonian Business School*

*Rein Murakas, Director, University of Tartu Estonian Social Science Data Archive*

The main objective of the article is to identify untapped potential for shaping Estonia's higher educational policy offered by databases of research studies in the Estonian Research Information System ETIS and the Estonian Social Science Data Archive (ESSDA). First, the article provides a short overview of the so-called inventory of development plans. In this process, 15 valid strategic documents were inventoried, comprising a total of 34 primary objectives and 50 sub-objectives related to higher education, the performance of which was measured without systematically taking into account higher educational research. The article then sets out the potential of the existing studies, indicating how 86 research papers on which information is available in ESSDA and ETIS databases could be to some extent useful as basic-level sources for indicators of performance of objectives; the greatest relative benefits would be realized in the case of objectives in the lifelong learning category. Finally, drawing on the example of objectives related to the quality of higher education, the article examines the problem of why it is necessary to involve research and analyses in the process of preparing development plans and why statistical observation or the data in state registers is not enough. For the future, it is recommended that a clear hierarchical structure be developed for strategic documents and/or that their total number be reduced. For the purpose of evaluating strategic documents and improving collection of data, the writer advises considering a comprehensive solution to data collection, with greater involvement of studies conducted specifically for evaluation of strategies. To avoid redundancy in commissioning studies and ensuring continuous free access, the writer recommends that all studies commissioned for taxpayer money be entered into ESSDA.

## **CIVIL SOCIETY AND STATE AUTHORITY**

### *The roles and funding of non-governmental organizations*

*Marek Meelis Puust, Ph.D. student, Tallinn University Institute of Political Science and Governance*

The article is based on Marek Puust's master thesis, "The Priorities of Funding Estonian Civil Society", and recent developments in re-arranging the funding mechanisms for civil organizations in Estonia. The research focuses on the non-governmental organizations' project-based funding in the past three years and also tries to explain the social outcomes of this type of financing. The data needed for the analysis were gathered from the websites of the Estonian Gambling Tax Council, the National Foundation for Civil Society, the Baltic-American Partnership Program and the Norwegian Fund for Non-Governmental Organizations. Those organizations can be considered to be the most important project based supporters of civil society organizations. This article also shows a clear difference between the latest civil society funding research and this particular study.

The topic of funding NGOs is important in any society because it affects the citizens and indirectly forces them to act in a certain way. For example funding may focus on self-improvement activities or on citizen involvement in political activities.

The analysis in the master thesis revealed that project based funding in Estonia that receives the most support is by far the educational/self-improvement role of the civil organizations. The roles of both political and socio-economic actors do not receive as much support and appear to be secondary.

Recent progress in the politics of funding shows that state based funding will for the most part start treating civil organizations as a socio-economic phenomenon that helps support and execute the national development plans through services. According to the roles that the organizations fulfil in society, that change will affect the structure of civil society and the role of the political actor will be left far behind the others. Many authors have come to

the conclusion that preferring certain organizations over others at the state level is not the best solution. They say that the best way to support a pluralistic society is to equally support all roles and types of civil organizations.

### *Partnership between the Estonian state and civil society*

*Kristiina Ling, Director, European Movement Estonia*

The article compares the goals of two national strategies – the Estonian Civil Society Development Concept and an addition from this spring, the concept for restructuring state budgetary funding of civil society – with the views of ministries and representatives of the political elite. The article weighs the implications of the public authority's representatives for cooperation between civil society and the state. The objective of financing is to support the implementation of the Civil Society Development Concept from the state funds on the basis of transparent and effective principles. This is a breakthrough of undisputed significance on the political level.

The writer believes that at present, around seven years after the adoption of the Civil Society Development Concept, the objectives of the concept continue to be timely as these are core values in dealing with the substance of Estonian civil society. The concept for restructuring funding is a critical addition to the Civil Society Development Concept. Unfortunately, not all parties interpret the meanings of these objectives in the same way. In the concept on restructuring funding, agencies and politicians are called on to adopt a society-centred vision of civil society. However, agencies and representatives of the political elite prefer state-centred approaches in certain aspects of shaping civil society and the state partnership model. The writer concludes that change in the model of partnership between the Estonian state and civil society according to objectives based on the Civil Society Development Concept depends in large part on how agencies and the political elite interpret the substance of the concept for restructuring funding.

## HISTORY OF THE PARLIAMENT AND INTERNATIONAL RELATIONS

### **Estonian parliament**

*The competence of Estonian parliament and its activity in organizing foreign relations from independence to the restoration of the constitutional order*

*Mart Nutt, Member of the Riigikogu, Pro Patria and Res Publica Union*

In foreign relations, the competency of Estonian parliament as a legislative body can be thought of as consisting of two elements. First, *legal competence* of parliament, which is set forth in the Constitution and legislation and international legal acts governing foreign relations (conventions, treaties, operating principles of international organizations), and *political competence*, which develops through the distribution of functions between government agencies.

Political competence is part of a state's foreign relations and, depending on the state's legal framework and political structure, varies from one country to another, but is based on practices and customs developed in international relations. The relationship between legal and political competence is not always clearly delineated, and thus disputes may arise from time to time over the competence of different institutions in countries with different legal systems and historical backgrounds.

This article gives an overview of legal acts organizing Estonia's foreign relations from the creation of the Republic of Estonia in 1918 up to the legal acts now in force; it describes and analyzes the competence of parliament with regard to foreign relations proceeding from various levels.

Several fairly different state models can be distinguished over the course of Estonian statehood.

1. From independence to the 1934 coup – parliamentary democracy;
2. 1934–1940 presidential autocracy;
3. 1940–1991 occupations and annexation by foreign countries (USSR and Germany);
4. From 1992 – return to parliamentary democracy.

In addition, two interesting transitional periods can be seen when there was no clear distribution of powers due to the fact that the institutions of the independent state were in a developmental stage (1918–1920 and 1990–1992).

The first parliamentary democracy was characterized by the fact that parliament's power was not in balance and the government was in complete dependence on the will of the parliament. The function of creating the foreign policy framework was delegated in its entirety to parliament. The ratification of foreign treaties was a function of parliament. On a day-to-day basis in practice, the government dealt with foreign policy and the parliament did not have an independent apparatus for doing so; yet as the government had been rendered, in effect, a chancellery for the parliament, the latter's determining role is to be emphasized.

After the 1934 coup, parliament was stripped of its powers to organize foreign relations. But this power was not transferred to the government but to the head of state (1934–1938 *riigivanem* 'state elder', 1938–1940 the president). The functions of the government did not actually change significantly, the president merely took over the role of the parliament in foreign relations, including that of ratification of treaties.

During the foreign occupation, Estonia had no independent foreign policy relations, even though the local pseudo-Constitution gave the Soviet republic such a right.

The 1992 Constitution restored the functions of parliament mainly along the lines of the 1920 model, but government's independence in exercising executive power is greater. Ratification of treaties is again a parliamentary function, but the consistency of foreign policy carried out by the government enjoys better protection due to the more stable political system. This has however led to a noteworthy decrease in the political competence of parliament, and from time to time, criticism is voiced that the parliament has given away its power.

## LITERATURE AND DATABASES

### *Changing trends in information search – from static web to semantic web*

*Küllli Solo, Leading Specialist, the National Library of Estonia, parliamentary information centre*

The article gives an overview of new technologies and possibilities of information search. The author attempts to clarify the concepts of three versions of the Internet: Web 1.0 as "read-only web", the Web 2.0 as "read-write web", and the Web 3.0 as "read-write-execute web". The early web (Web 1.0) allowed users only to search for and read information. Web 2.0 gives users the possibility to interact with one another more easily and contribute website content. Web 2.0 technologies include blogs, wikis, social-networking sites and content-sharing sites such as Flickr, and YouTube. Web 3.0 will be based on semantic markup and web services.

While the term 'social networking' may be new, the concepts behind it – creating a community, sharing content and collaborating with others is as old as human history. What is new is the digital medium, which makes connecting with other people faster,



easier and more accessible to a wider population than it has ever been before. The new Internet audience conducts frequent searches and has little or no formal instruction in Web searching. The role of teaching efficient and effective Web searching will fall largely to school librarians and information professionals. The challenge is how to apply social networking in a digital age to enhance and extend the public service mission of libraries.