

Summaries in English

EDITOR IN-CHIEF'S COLUMN

Children's welfare in the hands of the Riigikogu

Aivar Jarne, editor in-chief of Riigikogu Toimetised, Chancellery of the Riigikogu, head of the Press service

Population experts paint a fairly bleak picture when it comes to Estonia. The population pyramid, which should have a wide base since the young make up the largest part of the population, is in fact eroded. The burden of bearing the economy and general weal falls onto the shoulders of people who are in their middle years but approaching pension age. Some relief is provided by 15-19-year-olds, whose fairly sizeable ranks are about to enter the workforce.

Since the 2000 census, the Estonian population has decreased every year by almost 6,000 people. Estonia's birth rate is negative as there are 15 deaths and only 10 births per 1,000 people. In this year alone, the gap has closed, but deaths still outstrip births.

The necessary replacement rate to maintain the population at present levels has been calculated at 2.1 children for every woman of childbearing age; more is necessary to grow the population. Currently this figure stands at only 1.2. In order to tackle the population problem, population experts believe that the Western world and every Western country must give thought to how to stimulate the birth rate, increase the meaning of children to families and parents. Emotion-based values by itself will not be enough to counterbalance the time and money spent on raising a child.

ESSAY

Sovereignty in the European Union

Mario Rosentau, University of Tartu doctoral student, attorney with Luiga, Mugu & Borenius

The European Union is an association of democratic nation-states based on the rule of law. We should ask: 1) to what extent are the national, democratic and legal properties transferable to unions of states? 2) which properties must be transferred? 3) is this a spontaneous process, an inevitable result of union, or must there be additional efforts? 4) what might the influence on nation-states be - stimulating or repressive, preservative or destructive?

The traditional definition of national sovereignty as a state's freedom to do as it chooses in domestic and foreign affairs without restriction, "unlimited and indivisible," has become obsolete. Therefore we need concepts that would more accurately describe the interests of nation-state members of the EU both inside and outside the Union. Several of these concepts might be: the right to national self-determination, its feasibility of implementing this right as a nation-state, and free political will of a nation-state.

The EU can be treated according to the "roof" or "home" principles. "Home" means that all that is national is also European and all that is European is common to all peoples: the EU represents a collegium of nation-states, and not a intergovernmental or supranational "roof." The EU is a new type of arrangement when it comes to interstate relations - united power of the nations. An ordinary federation, which is comprised of a central authority and part-owner subjects with limited purview, is not a suitable model for a Europe divisible into national territories. The goal of "constitutionalizing" the EU is to create a synergistic association which not only would grow Europe as a whole but improve individual member states' effectiveness, power and influence as well. Nation-states should stand for two interests in the EU: 1) preserving free political will in the Union and 2) increasing influence outside the Union through integration. In this connection, the writer analyzes the basic principles and separation of powers of the EU outlined in the draft constitutional project. The analysis is complemented by a description of the main factors threatening nation-states' sovereignty: large states versus smaller ones, the "edge of empire" syndrome, the power of governments, "integrated Euro-bureaucracy", "Euro information bureau static," degeneration of political bargaining, finally, the EU versus the nation-state.

Can the independent foreign policy activity of member states be seen as the actions of the Union? The writer responds with an analogy from diplomacy: the words and actions of a diplomat are the words and actions of his foreign ministry as long as the ministry does not explicitly distance itself from them. Similarly, why couldn't it be that a nation-state's foreign policy is a part of the Union's foreign policy as long as the Union does not reject it formally? Even if rejected, the member state will retain the opportunity to consider whether to conform to the Union's position or not. It acts as an independent and responsible subject. The other examples of multi-subject activity are integrated and differentiated legislation, enhanced cooperation and the EMU.

The EU requires hierarchical constitutional law that would consist of a tough kernel and an institutional safety belt. Such a constitution would be flexible but unbreakable.

The pessimistic assessment: the draft constitutional agreement is not rotten to the core, but certain formulations in the planned constitutional arrangement give the lie to federative tendencies. The greatest danger is that the constitution may be interpreted in the future in a federalist spirit.

The optimistic assessment: through a synergistic, multi-subject EU, Europe's smaller states will have the opportunity to achieve in certain affairs the status of a "large state."

POLITICAL FORUM

Estonia in the European Union

The European Union and the national parliament

Ene Ergma, President of the Riigikogu, Union for the Republic - Res Publica

Estonians have achieved renown in Europe as a fairly Euro-skeptical people. Even though the slogan "from one union to another" cannot be taken seriously, it is understandable that the emotions of a nation that has only been free for a dozen or so years cannot be dismissed with a wave of the hand. The people must be confident that joining the EU is the smart and useful thing to do in terms of economic well-being as well as from the standpoint of culture, language and national identity. It is not possible to equate Brussels and Moscow. Yet the people must be vigilant that decisions in Brussels are not reached under pressure from alien superpowers, behind our back and against our will, but rather that we would be able to have a say in decisions, which often arise as result of hard-won compromises.

And hence the Riigikogu's new duties: the Riigikogu as a body elected by the people must make sure that EU decisions are in conformance with the mores and interests of the Estonian people. And hence also the principles for the EU: the decision-making process must be transparent, ensure that national parliaments are kept informed in a timely manner, and allow them to intervene when EU bodies exceed the powers vested in them by member states.

Behind the velvet curtain

Igor Gräzin, University Nord, professor

There is no point in discussing whether joining the EU is good or bad for Estonia, since the question of whether or not to join has been answered. But there is plenty of reason to discuss what Estonia must be like as an EU member. State-building and constitutional law is an area in which the European Union is still very young and politically inexperienced. Our actions in the future taken to preserve Estonian independence - if this is what we want - is as follows. Initially: very exacting political and juridical activity that allows us to identify and block any sort of attempt to push the EU in a federalist centralist direction. The other very important strategic guarantee is preserving Estonia's liberal market economy, which would save us from being excessively subordinated to the EU, which by its nature is an institution based on planned economy. And third - more of a tactical-political than strategic mode of action - preserving the alliance between the Anglo-American military political bloc and other states in the New Europe. Only this can counterbalance the increasingly stronger union between the European Union and Russia, and the EU's colonial ambitions, with France as the flagship and a currently economically recessed Germany flailing in its wake.

The role of the Estonian president in shaping European policy

Jaan Tepp, European studies, Master's student

Due to Estonia's imminent accession to the EU, the role of the head of state is a relevant topic. The government and parliament have been the spotlight when it comes to studying how integration is being coordinated domestically. Even though the office of president is the institution that is most trusted and the most influential in terms of public opinion, the president's role in European policy has not been examined as closely. To more accurately define the president's general representative function in terms of the EU according to Section 1 of Article 78 of the constitution, it is necessary to define his functions and analyze his competence in four main categories: the president's domestic formal and informal activity at home and in the EU. Even though in the national system of government the president is not given separate competence in EU matters, it does not mean that the president cannot have a say at all in European integration politics. "Having a say" cannot be seen as intervening in executive powers, since the competences have been previously distributed and the presidential institution cannot change them to its advantage. It should be analyzed separately how much the influence of the president depends on the EU decision-making process and which governments are in power in EU states during the president's term.

The social contract

The social contract must focus on the main goal

Märt Rask, MP, Reform Party

As long as not all parties represented in parliament are participating in the process of entering into a social contract under way in Estonia, we can only talk of a social contract initiative, not of a forum that will determine the main direction of travel for Estonian society. Why the three large parliamentary parties did not sign the contract requires further analysis. But one reason is likely the unacceptable final text of the contract. A society cannot agree on seven different and competing objectives and strive to fulfill them all at once. In addition to the fact that the objectives must be placed into a hierarchy and on a timeline, the contract's main priority must be worded in order to be clear to every adult member of society with no additional explanation. Unfortunately, both the objective and the target of the social agreement lacks clarity, The method of achieving the goals is also unclear.

The social contract as a perceived necessity

Jaanus Männik, MP, People's Union

The story of the social contract is the strongest testimony to its necessity. The memorandum of intent signed in 1994 by the people's congress and the statement by social scientists in 2001 about "the two Estonias" took shape with the memorandum of agreement and became "official" with the signing of the first text of the agreement on October 20.

The guest list for the February 20 signing of the memorandum at Kadriorg at President Arnold Rüütel's was impressive: all political parties to be reckoned with, unions, economic and business institutions, public universities, experts, doctors, teachers, clergy, children's workers, and institutions representing pensioners, rural parishioners, nonprofit organizations, the press. Altogether, 39 institutions signed. Even though the presence of some of parties so close to election time smacked of coercion, most were there simply out of their conscience and with the blessing of their general ranks.

Why did they come? The signers of the memorandum and contract took their lead from the contract preamble, "... proceeding from the spirit of the Estonian constitution, desiring to develop the Estonian state for the well-being of all its inhabitants, considering the number one priority to be the preservation of Estonian culture and its people and their vitality, valuing the participation of all members of society in forming Estonian development."

Who needs the contract and these high-minded goals? Why, the high-minded - people who desire their nation-state to evolve in a rapid and balanced manner; people who respect and consider the needs of their neighbors and countrymen.

CONSTITUTIONAL INSTITUTIONS

The Bank of Estonia and the financial policy of the state

The Bank of Estonia and the financial policy of the state

Mart Sõrg, chairman of the Board of Eesti Pank, director of the University of Tartu monetary and fiscal institute

Central banks are involved in monetary policy on a daily basis, regulating the demand and supply of money and maintaining reserves. Thus legislation places the main responsibility for successful monetary policy on the shoulders of the Bank of Estonia. Article 4 of the Estonian Central Bank Act states that the Bank of Estonia takes part in national economic policy by implementing an independent monetary, credit and banking policy. The same law compels the Bank to advise the Government of the Republic in matters pertaining to monetary, credit and financial policy. The government is expected not to take any weighty politico-economic decisions without eliciting the position of the Bank. This relationship is intended to help the various fields of politico-economic policy to be in harmony with one other.

In the 14 September, 2003, referendum, a majority of Estonian citizens voted to join the European Union, a step that will allow Estonia to enter the European Monetary Union (EMU) as well. We believe that it will allow the Bank of Estonia to fulfill its and the currency committee's principles is to be adhered until accession to the EMU and the European system.

Accession to EMU is an essential step for Estonia's economy as it will ensure a continued conducive investment climate and strengthen the foundation for continued long-term balanced economic growth.

Rapid EMU accession is inherent in foreign investors and credit rating agencies' evaluations of Estonia's economy. Interest margins and credit ratings are on a comparable level with current member states. For reliability to stay at a high level, union with EMU must be as rapid as possible. Thus EMU can be seen as the biggest challenge for Estonia's economy in the coming years.

If all necessary preconditions for accession are to be met, an economic policy aimed at harmonious development will have to continue, along with close cooperation between all state institutions during the entire pre-accession period.

The two sides of the Euro coin¹

Vahur Kraft, president of the Bank of Estonia

Estonia would like to be one of the first new members of the club - we would like to become a member of the euro area at the earliest possible moment. That would mean joining the Exchange Rate Mechanism (ERM2) as soon as possible, with the present EUR/EEK exchange rate and the currency board arrangement in place. Provided nothing adverse happens, Estonia might be in a position to submit its application for ERM2 membership as early as mid-2004. It should, perhaps, also be mentioned that at the present moment, Estonia is in a relatively advantageous position among the candidate countries as to its ability to meet the Maastricht criteria and other important requirements.

Comparing the level on nominal convergence among the present accession countries to the respective levels in some of the former accession countries five years prior to their EMU accession, there should be no serious concerns as to most of the present accession countries' ability to fulfill the nominal criteria over the mid-term. But Estonia's choice of a currency-board-based monetary regime holds some inherent advantages in this respect. Fiscal balance is a very important prerequisite for a smoothly operating and effective currency board arrangement, and that has had a strong impact on Estonian fiscal policies. The main goal of Estonian fiscal policy is balancing the budget over the cycle and absorbing the possible fluctuations in the private sector savings rate. We believe that a balanced fiscal stance together with strong financial system is also the most efficient way to avoid short-term speculative capital inflows within the context of EU accession. At this point, we expect no great difficulties in meeting the sovereign debt and budget deficit criteria.

In that sense, Estonia will most likely be technically ready to join the euro area as early as 2006. The biggest challenge for the public sector, in that context, would be to avoid a lax macroeconomic policy mix that would over-stimulate domestic demand and result in significant real appreciation.

STUDIES AND OPINIONS

Family policy

The key issues of demographic policy

Paul-Eerik Rummo, Minister of Population Affairs, Reform Party

Population policy is in need of clear strategic goals so that we would not be running headlong in several directions at once or get bogged down in petty bickering that might well result in short-term gains but are pointless or even harmful in the long run. The document being prepared delineates three mutually complementary objectives. First of all: to achieve the rise in the birth rate to the replacement rate. Second: to increase longevity and the viable lifespan to at least the average European level. Third: to achieve a sound gender and demographic structure in the population in all parts of Estonia.

The common denominator for the most important demographic policy measures and actions based on those policies, is a fusion of family life and professional life. Not work or children, but work and children - this is the idea that is now again making inroads in society. It is undisputedly a constructive model and one worth supporting on a state level. Human life is an integral whole. We have no hope of surviving as a people and getting ahead in the world if we do not eliminate the conflicts between the typical person's two basic desires, one of which is the need for posterity to carry on their legacy. To a conscientious person, this means being prepared to raise one's offspring oneself. The other basic need is self-improvement and self-actualization, applying one's skills, which leads directly to self-economizing. These needs are part and parcel and should be treated that way in everyday practice as well.

What kind of family planning do we need?

Tiina Veismann, member of the board of the movement Eesti Lapse Eest (For the Children of Estonia), teacher at Collegium Educationis Revaliae

There is a change occurring in our collective consciousness: the notion that children are the personal interest of every family is being replaced with the understanding that children are the collective interest of the family and society (state). In ten years of independence we have reached a serious demographic crisis with no way out without an active parenthood policy on the state level. The parental allowance is the first active step by the state and it cannot be the last.

The situation of families and the demographic situation are tightly interwoven - the better and more secure children and parents feel in Estonia, the greater the likelihood that more children will be born. Apart from removing economic obstacles, people must be motivated to have children - make social mores "child- and family-friendly." Several trends in current family policy are cause for concern - first of all, the fact that there is a sharp distinction drawn between measures promoting the birth rate and measures improving the quality of life for families. The latter is relegated to the background. The rapid rise in the cost of living has put many families below the poverty line, meaning the risk of poverty is clearly tied to the number of children in a family. Families that already have children want more long-term support in addition to short-term compensation packages. Second, the too-direct dependence of family planning to a family's income reduces the incentive of people in low-income jobs to have children. making children a luxury, and in general marks a trend toward families with one or two children.

Third, it seems that we are headed toward replacing universal allowances for families with subsistence benefits. This will make parents dependents rather than productive members of society. Fourth, Estonian family policy lacks consistency. The program for implementing the previous government's child and family policy paper has not been worked out.

The members of the movement Eesti Lapse Eest feel family policy should be:

- *holistic (encompassing the birth rate as well as the quality of life of families with kids) and information based; every measure must be planned to take everyone into account and dovetail with other measures; the family policy should form an integral system with other walks of life in this country;*
- *should give people the freedom of choice - including the number of children desired and the desired amount of time spent at home with them;*
- *proceed from the principle that raising children is a necessary job for the community;*
- *proceed from the interests of children;*
- *proceed from the understanding that the material and intangible resources placed in children are a direct investment in the future.*

As far as how every child in Estonia feels, and the opportunities open for them, is not a problem confined just to families with children but impacts, directly or indirectly, every Estonian today, both through ills such as drug abuse and crime but also our future - what kind of society we and our children will live in a few decades down the road.

Families expect these family policy decisions from the state. It is clear that some things must wait. No one expects instant gratification. First and foremost, families want to see a sign of good intentions.

Society research helps guide family policy

Kati Karelson, University of Tartu, faculty of social sciences, Master's student

Katre Pall, University of Tartu, faculty of social sciences, doctoral student

Socio-demographic changes have forced the architects of social policy to seek better family policy solutions for society's new needs. The article is based on the findings of the 2003 study IPROSEC (*Improving Policy Responses and Outcomes to Socio-Economic Challenges: changing family structures, policy and practice*) funded as part of the European Commission's Framework Programme 5 and conducted from 2000-2003. Eleven countries took part in the study, 8 of them EU members (Spain, Ireland, Italy, Greece, France, Sweden, Germany, United Kingdom) and three candidate states (Estonia, Poland, Hungary).

The IPROSEC study confirms that the most preferred mode of government intervention is one that takes into account today's changed family structure. Permissive or "reactive" measures are in general more acceptable to families than measures that constrict freedom of choice. At the same time, it is not uncommon for goals set in policy planning to differ from actual results, which can cause the reduction of the desired effect, unforeseen side effects or complete failure of the measure. This can be prevented by drawing on international comparative studies, which allow different measures applied in deciding family policy issues to be contrasted, their effectiveness gauged, and the etiology of any side effects analyzed.

It emerged from the study that there was no discernible causal effect between family policy measures and their results. The most effective family policy is one that is coherent and based on consensus and long-range strategies - in other words, a family policy in the wider sense, encompassing job market, educational and other policies. A narrow family policy aimed at raising the birth rate with subsidies has a short-term effect. Families expect the state to provide a sense of security, backed by full employment, guarantee of at least basic subsistence, and implementation of a laissez-faire, supportive family policy that offers maximum freedom of choice.

Social dialogue

Today's murky wage policy

Toivo Roosimaa, president, Estonian Employees' Unions' Confederation (TALO), Tallinn Technical University, faculty member

TALO's collective bargaining agreements with the government worked well until 1999; wage policy planning then started to deteriorate. Subsequent negotiations between TALO and the government became unspecific and the plain and accepted minimum salary scale that had evolved up to that point was effectively demolished. Currently people lack a sense of security: how high is the minimum salary for a given position? This negative approach to the issue has had its consequences: salaries in education, culture and science are far below levels for other fields. This forces people to give up their careers in education and the arts, and look for better-paying jobs in other fields or even leave the country altogether. Due to the lack of a justified wage and social policy, we are basically aiding the economies of other countries with our already tight resources, training highly educated people for their markets.

The social dialogue model is slanted steeply toward the state

Kadri Seeder, The Estonian Institute of Humanities, Master's student

In Estonia, the key role in developing a social dialogue is in the hands of the state, insofar as both administration of the institutions engaged in the dialogue, and regulation of legislation and the job market. Thus the model for social dialogue

tends to be disproportionately slanted toward the state and social partnerships are tagging along, as it were. Social partnerships have not had to win their place in the process; the initiative comes from above not from the grass roots. A small group of people from the Ministry of Social Affairs and central social organizations are engaged and paid salaries for developing and holding the dialogue. In addition, the dialogue's framework was based in many respects on models in other countries and not based on local practice and demand, since there is yet to be grass-roots pressure and interest in work-related issues. Yet a social dialogue model erected on Western models requires strong social organizations. Among the most serious problems facing Estonian organizations - both central bodies and their affiliates - is the lack of resources. There is not enough people or money to effectively fill the framework of the social dialogue and play the role of partner that is proffered by the state.

Administrative reform

An end to creeping administrative reform

Jaan Õunapuu, minister, People's Union

The need for a new regional policy has long been clear to all those even remotely involved with regional issues. Unfortunately, it is far from easy to achieve a political compromise between different parties on such a complicated issue. Currently it has been agreed among the partners in the governing coalition that Estonia will keep its one-tiered system of local government. Regional local government unions have not been given legal personality or their own revenue base, yet the local government unions act makes it possible to impose obligations on them. It has also been decided to allocate up to a billion kroons in the coming three years to support voluntary merger between municipalities. The fact that the parties in the coalition support merger is a positive message above all for those municipalities who have already made merger plans. But the writer does not feel that the agreements so far are sufficient to ensure balanced development in Estonia, and feels the agreements have skirted the regional administrative reform issue and the possibility of channeling additional funds to counties.

Parliament and broadcasting

Broadcasting on its way to Europe

Andres Jõesaar, president, Estonian Broadcasting Council

One of the main characteristics of modern capitalism is mass culture, the part of culture that influences all of society and the people in it. For example, the influence of electronic media: even before a child learns his ABCs, he has watched thousands of hours of TV. The TV has engaged him more than his parents. The average child spends about 800 hours in school during the scholastic year, but about 3.5 hours a day, for a total of 1300 hours a year. None of us can escape the pervasive television set, even adults. There are 40 hours in a typical work week but the average Estonian spends 25 hours in front of the TV. Do all these hours spent in front of the TV add up to some effect? Is it a good one? Can it be used to make average Europeans better citizens? To help Estonia be more competitive in the EU? Is developing a policy promoting this a question of state policy, or will it be the mechanisms of the liberal market economy that result in progress? The writer attempts to provide an answer to these questions, analyzing closely the commercial television market in Estonia, use of airtime and share of Estonian-language programming as well as the prospects of digital broadcasting.

Parliament and broadcasting

Gunnar Paal, Riigikogu press secretary, educational sciences candidate

Direct and balanced information on the activity of state institutions on radio, TV and other media allows public opinion to be shaped as objectively as possible, conveying politicians' views in detail in their proper context. The best prospects of increasing trust in state authority are considered to lie in informational broadcasts on public broadcasting. 57% of Estonians consider this to be the case.

Analyzing the growth trends and needs of Estonian society, international practice involving parliamentary coverage, the

duties of public broadcasting and programming opportunities, it can be concluded that it would be very important to discuss and work out basic ideas for parliamentary coverage and programming, proceeding from Estonia's needs and opportunities. It would be logical for public television and radio to cover the discussions of vital state issues as they unfold in the Riigikogu and important issues such as the budget, economic policy, social policy, foreign policy, information hour, and interpolations. If the programming policy is flexible, it will naturally be possible to make more thorough video recordings of legislative sessions.

Considering Estonia's opportunities and practice, it will be useful to direct more attention at coverage of issues that are important on a state level. This would be the most effective way to raise the reliability rating of parties, the Riigikogu and the media itself. Therefore it would be useful to specify in the public broadcasting plan of activity what the role of these organizations might be in conveying the business of state institutions to the public.

The educational debate

The dialogue between authority and the human spirit

Raivo Juurak, editor of Haridus (Education) magazine

The writer gives an overview of the Teachers' Newsletter he edits and the Haridus (Education) mailing list. This list has 750 subscribers. In addition to students, teachers, school directors and educational science faculty, a number of Ministry of Education staff and MPs take part. The writer, who has studied in the Nordic countries, considers his list to be a manifestation of civic society. At the same time the education list is a reminder of the enrichment training for teachers and school administrators, since the problems being discussed are analyzed due to the participation of educational experts fairly thoroughly.

The more important discussion topic has been how to prepare an educational strategy for Estonia: whether to proceed from expert recommendations or political consensus? Typical discussions: should education be subject-centered and child-centered? Should schools be "temples of knowledge" or service organizations? Does the grading system encourage students to learn or is it a disciplinary measure? Should there be standardized national examinations or should every school administer its own? There are many other questions.

In three and a half years, over 15,000 e-mails have been exchanged in the list. Half of the 750 list members have posted at least twice, while the rest have merely browsed. Leading contributors by institution are the parliament with 519 postings; the Ministry of Education, 303; University of Tartu, 749; the Tallinn College of Educational Science, 741; the Tiigrihüpe information technology center, 432; county governments, 292 and education-related non-profit organizations, 277. According to University of Tartu Law Institute professor Ülo Vooglaid, the mailing list shapes the new culture of thought and lays the ground for education reform in Estonia.

Criminal deterrence

The aggravation and allure of criminal deterrence

Eduard Raska, Audentes University, faculty member, Ph.D. in jurisprudence

For some time now, western industrialized Europe has realized that traditional (police) control over crime offers little in the way of new opportunities. Also barren from the perspective of deterrence is modernization through police procedural reform and better equipment. An alternative to previously effective but now impotent measures, crime prevention began to be considered in the 1960s as a new direction in criminal policy: a system that on the strength of cooperation between state institutions and grass-roots organizations would pull out crime together with its roots. Today a necessary legal base for crime prevention appears to exist in every European country, as does the respective infrastructure, encompassing state, municipal and grass-roots institutions.

In the current era of societal structural change, criminal deterrence is an historical inevitability - a challenge, in a certain sense, that cannot be left unaccepted. Measures that were used to regulate and control people's social lives in a rigid centralized state structure no longer work in today's fairly lax dynamic structure, in a civic society, however embryonic it still

is. The new foundation for social structure demands new approaches in terms of regulation and control. Herein lies the allure of crime prevention. On the other hand it would be simplistic to think that the answers to problems are within our reach right now. Rather is a long and arduous road. Let us be brave in bearing the burden. Let us abandon jumping to conclusions due to preconceived notions and applying illusionary plans by trial and error under the gaudy and expansive banner of a "new crime policy".

In search of a new policy on crime

Ando Leps, Member of the 8th and 9th Riigikogu, Ph.D. in jurisprudence

Crime is undoubtedly a phenomenon for which there is no good explanatory theory, even today. It is a gap that even Juura Õigusteabe AS's volume "Kuritegevus Eestis 1991-2001" (Crime in Estonia), edited by Jüri Saar with a preface by former minister of justice Märt Rask, cannot manage to fill. Instead of new criminal policy conclusions reached through analysis, readers are only offered a statistical overview of crimes and perpetrators. Crime as a distinct social process is not discussed at all, despite the editor's stated intention to at least provide a definition for crime.

As to obedience and crime as its antithesis, contemporary criminology theory considers a person's ability, acquired through socialization, to be a member of society and to understand and in his actual behavior follow societal norms, including the law. Thus instead of mere statistical description of crime and the crime data set, the dependence of crime on other social processes should be described, even if in mere statistical connection; to identify in which specific ways society's own characteristics are reflected in crime; and likewise how crime itself effects the workings of a society. The respective analysis on the basis of the data characterizing the Estonian social situation and events could provide a reliable and rigorous foundation not only for a new policy on crime, but also for planning societal development in a wider sense.

Yet it would be unfair to say that the authors' efforts are completely misspent. As a reference book characterizing crime by the use of statistics, the work offers much interesting and handy information to people in many fields.

Making use of sociological studies

Sociological studies as a reflection for parliament, market and civic society

Aare Kasemets, advisor, Chancellery of the Riigikogu

The Riigikogu's seven years of practice in ordering sociological and public opinion studies is quite unique among Europe's parliaments in terms of content, related to parliament's constitutional functions, as well as the procedure used to reach consensus in preparing the studies.

From 1996 to 2003, 47 complex public opinion studies and different qualitative studies related to trust in public institutions, legal system, state budget, public services, NGOs, values, europeanization, political reforms, media etc. have been conducted based on contemporary concepts such as legal state, civil society, participatory democracy, etc. Over 7 years, more than 70 different trend questions have been used, making it possible to analyse changes in public opinion, expectations, preferences and social problems. The general reports of studies are available as a parliamentary public service via the Riigikogu's homepage; databases are available for academic use at the Estonian Social Science Data Archive.

The author proceeds from the understanding that in a democratic state the important decisions of public authority should strive to be in harmony with the opinions, socio-economic possibilities and justified expectations of the majority of the society. In sum, besides general elections, referendums and public opinion polls with sufficiently large sample there are not many other methods for finding out the opinions and preferences of the silent majority about the political decisions influencing the whole society.

The surveys, related to the parliamentary functions like representation of people, legislation and impact assessment, control of executive, legitimatisation of laws etc., reflect wider variety of opinions and interests in the society. Parliament has to find out if the people are ready for political reforms: if the public opinion or the opinion of target groups of draft acts is strongly supportive of one or another political alternative, it makes easier to achieve the political agreements.

The law can have no direct influence in the society by itself: the effectiveness and the impact of a law depends also on the extent of support the law finds in the cultural traditions of the society, in shared values and public opinion. In this context the sociological studies as an information channel between the legislator and the silent majority guarantees feedback for the

political and legal sub-systems between general elections and, what's more important, this information helps in striving for the harmony of the three validity requirements of laws (legal, social, ethical), keeping in mind that the parliament is the only institution that has the right to change the negotiated positions and social facts into legally constructed norms that apply to everybody who are in the sphere of influence of a concrete law.

The article's first part covers the interdisciplinary puzzle of theoretical approaches; the second is an overview of the institutional framework, main topics and problems of the preparatory process, and in the last part the author, who has been the coordinator of this process at the Riigikogu for seven years, arrives at the experimental nature of politics, laws and studies. The article is a further revised version of the paper presented at the European Sociological Association's 6th annual conference in Spain (2003), '*Sociological and public opinion research as reflection for parliament and civil society*': www.um.es/ESA/papers/St9_61.pdf.

Organizational culture and leadership style

Organizational culture and leadership style

Harry Roots, Tallinn Pedagogical University, organization and management theory chair professor

Roger Harrison and his leading proponent Charles Handy became well-known in the 1970s for applying "ideal type" methods in studying organizational culture. There are four basic types of organizational culture in Harrison's construct: *power-centered, role-centered, achievement-minded, person-centered*. No working organization is ever 100% pure, but according to Harrison, one of the four always dominates.

In studying Estonian organizations, Harrison's methods have been used since 2002. The article talks about the findings. It turns out that power-centered or role-centered culture is dominant in the private as well as public sectors, the latter often with a strong achievement-centered element. There has been an incremental shift from a culture focused on the leader to a rule-based, role-centered culture limited by procedures and instructions. If one were to choose, then employees would prefer a cultural type oriented to performance and achievements. In all likelihood this will be the next phase in the shifting organizational culture.

In addition, studies have turned up a fairly significant variation in the values and attitudes of managers and underlings. This is seen both in the private and public sectors. Managers see themselves as democrats who support the initiatives of their underlings while the subordinates see them for the most part as heavy-handed autocrats. The words and deeds of managers send mixed messages regarding expectations. Leadership culture and style in Estonian companies and organizations is continually lagging behind the general development of organizational culture, accounting for its most conservative part. This could be a hindrance to Estonia's future development.

Democracy and propaganda

Propaganda is not about to disappear

Agu Uudelepp, People's Union press director, Tallinn Technical University, lecturer

Conventional wisdom holds that propaganda is a way of brainwashing people, and somehow unethical. But scholars of government see propaganda as just as important in democratic states as in totalitarian ones. Democracies have freedom of speech and conscience, as a result of which political forces have to persuade people skillfully in order to try to find a successor. Propagandists have over the millennia worked out the most effective methods. In democracies, control over the press and competition means that untruths and other unethical tactics lose their significance over time, but propaganda as a whole continues to evolve and survive.

State supervision

State supervision needs more attention

Kristi Joamets, Tallinn Technical University, chair of business law lecturer

One of the conditions for achieving contemporary public administration is effective and high-quality supervisory mechanisms. State supervision is an important part. Estonia's state supervision is characterized by the deficient theoretical foundation -there is no simple definition of state supervision nor supervisory activity that does not consist of fulfilling administrative assignments. The exact content of the nature of state supervision can be derived from the organization of its legal framework. The main burden is on boards and inspectorates, who along with ministries implement the executive powers. At the same time, a large number of public administration bodies are named along with government institutions; they too can carry out state supervision. Carrying out supervision indirectly through such bodies requires a markedly more flexible approach - following the law and achieving efficiency can be at loggerheads. The writer feels that there is awareness in Estonia that the issue requires more attention, but it is discouraged by fragmentation of state supervision (many fields and bodies that deal with it). There are no universally understood principles that would guarantee a certain unity in carrying out state supervision. Mere legal measures will not suffice in resolving this issue; scientific studies in other fields must be used, along with practice. But without resolving the question of supervision, Estonia will not get contemporary and effective public administration.

CIVIC SOCIETY AND STATE AUTHORITY

Non-profit organizations

Civic society: for whom and for what?

Valter Haamer, Association of National Cultural Societies

The attitude that only they know what the needs of society are is prevalent among Estonian political parties. As a result, the state has not included citizens in finding solutions for the problems facing society - and civic society has been left almost completely in the domain of foreign capital and advisers. This sort of attitude is reflected in the civic society development concept approved by the Riigikogu in December 2002 - more of a collection of good intentions than a concept. But it does contain one important point: to form a joint commission of government and civic leaders to launch a system for preparing, implementing and evaluating the conception. This will make it possible for larger civic unions to start developing cooperation with government representatives and focusing attention on eliminating bottlenecks in the growth of a civic society.

The current statistics of the non-profit sector

Ülle Lepp, Estonian NGO Roundtable, member of Representative Council

Existing information provided by various information sources does not reflect the sector entirely, thus, making it difficult to determine the actual number of functioning organizations in it, as well as disallowing comparisons within Estonia or internationally.

Defining the non-profit sector is complicated, especially by organizations of the so-called gray area; it is difficult to determine whether these are part of the non-profit sector or are part of the business or public sector. To improve the non-profit sector statistics, the first step must be to build a statistical register of all non-profit organizations. This register should contain the name of an organization and the contact information; the field of activity, purpose and other classification information; income, assets or other size measures; number of members, etc.

HISTORY OF THE PARLIAMENT AND INTERNATIONAL RELATIONS

Terrorism and international relations

How to get to the future?

Trivimi Velliste, MP, Pro Patria Union

The longer the global war on terrorism lasts, the more violence will be loosed. It is a vicious circle. I see two potential paths. One, Western countries will become convinced of the futility of fighting terrorism, and build a containment wall of the approximate type seen in Israel. The other possibility is that the world and especially the West will see an ideological shift that will transform the global order and bring about a new system of values. Politics and economy will find some new expression that we can only dream of. In all likelihood, this would mean a battle on the materialism-idealism axis that will render the conventional right-left-wing spectrum meaningless. In practice, this would mean significant transformations for the individual and society, of the magnitude seen a few thousand years ago with the development of early Christianity.

Terrorism in a changing world

Rein Tammsaar, Ministry of Foreign Affairs, Director of the Policy Planning Department's First Bureau, PhD candidate at the University of Tartu

Terrorism is not a one-generation problem. The global terrorist network can be expected to fragment into smaller partially autonomous cells. This network will be focusing, on a worldwide basis, upon soft targets associated with Western interests, and upon the destabilisation of the Islamic world with the aim of provoking a clash of civilizations. This process will be accompanied by an increase of suicide bombings, and a continuing hunt for powerful improvised asymmetric weapons and weapons of mass destruction. If anti-terrorist efforts are to be successful, it is essential to adjust long term measures for the prevention of terrorism and its financing with short-term military objectives. This will require an appropriate and thorough analysis of the many aspects and causes of terrorism, and based upon this, the formulation of a broad based international counter-terrorism strategy. Despite the many setbacks, which have taken place, decreasing the effects of terrorism as a phenomenon is possible. The problem will have to be approached not only from the narrow practical perspective of everyday politics, but on a broad and systematic methodological and analysis-based footing. This would help us find the missing answers to many important terrorism-related questions.

It will be extremely important to include all Islamic countries in these efforts, as well as to cooperate more closely with international (state and non-state) organizations uniting the Islamic world, and to promote intercultural dialogue and mutual understanding. It is no secret that primarily Islamic states are facing an ever increasing threat of internal destabilization and radicalization caused by terrorism.

More emphasis must be placed upon active diplomacy, negotiations, and economic and development cooperation in order to promote understanding, and to win solid-base support from the people for anti-terrorist programs. Finding a solution to the Middle East conflict would be just one significant step forward in the counter-terrorism campaign. And in addition to this, there are many other conflicts in the world, which require international aid and attention.

Actual global developments and security risks, which make it necessary to pay more attention to counter-terrorism efforts in Estonia, are taking place on two levels. Firstly, in connection with prevention, there is the reducing of the vulnerability of the state, the development of co-operation between various institutions, and the improving of crisis management mechanisms. Secondly, there should be more effective international interaction in the sphere of bilateral relations, as well as greater multilateral (regional) co-operation in the Council of Baltic Sea States, the Organisation of Security and Co-operation in Europe, the European Union, the North Atlantic Treaty Organisation, and the United Nations. At the same time, it is necessary to avoid a duplication of efforts. Estonia's choices in the global war against terrorism are actually limited to two options: to be either a marginal bystander, or an active, responsible, and dependable ally for our partners. Marginalisation brings about a weakening process, which would make us a more attractive target in the eyes of the international terrorist network, and might, in the future, lead to scenarios that currently seem dystopian.

LITERATURE AND DATABASES

European Union and Estonian law in electronic legal info-systems

Liina Gross, Tallinn Pedagogical University, Master's student

Electronic coverage of the relationship between European laws and member country laws has been a priority field in developing of the jurisprudential databases in member states as well as the EU level.

Even though the principles of the directive become obligatory for the individual through the each state's legislation, it would be convenient from the user's standpoint to get an overview of state and EU law from databases as a whole - to be able to see what domestic legislation is based on and what measures are used to standardize the EU's legislation. Despite the fact that all member states have online databases containing legal acts together with references to directives, there is no one compact database. Likewise, state and EU databases are not always cross-referenced with hyperlinks. Users must visit several databases and master the different search engines on each.

The article looks at European practice in referring to directives and displaying references in electronic databases. It also discusses improving the availability of the EU's application data. Estonian databases (Electronic Riigi Teataja, ESTLEX) are analyzed in this connection from the standpoint of cross-referencing with EU law. The writer believes that information searches in legal databases would be simplified by using hyperlinks when EU law is referenced, and to do this in a standardized form.

Seven years of translating EU legal acts

Hille Saluäär, Estonian Legal Language Centre, editor

Translating EU legal acts is one of Estonia's obligations before acceding to the EU. This work is rightly part of a larger assignment: candidate states must assume the *acquis communautaire* of the Union, which in layman's terms means bringing all of its laws into conformance with the union's legal acts and being prepared to apply them immediately after accession. Translation is the precondition for this goal. The decrees of European institutions are directly applicable, which means that translated versions will have legal force upon accession. Since directives are binding for member states in terms of the objectives contained within, the requirements must be transferred to state law. Translating directives in the legislative sense - where the translation becomes the law of the land - involves more preliminary work than actual translating. Translating legal acts constitutes a great responsibility. Aware of the importance of the work, the Estonian Legal Language Centre was established in 1995 under the State Chancellery. A professional approach and quality-centered process were developed during the first years of operation. A quality legal translation mirrors the original's content, objective and specific nature, is grammatically correct and consistent in its wording and use of terminology. A quality-centered translation process requires editing and checking of terminology. Aside from translating, the center has set up a database of terms to assist translation; both terms used in EU legal acts as well as Estonian legal acts. One of the ideas behind the database is to create a record of terminological research so each successive translator would not have to repeat the work upon translating the next legal act. Archiving terminological research also helps fulfill the other quality objective of legal translations - consistency of terminology throughout texts.

1 The article is based on a presentation given at an international conference on September 30 in Tallinn.