

Summaries in English

Introductory column by the Editor-in-Chief

Aivar Jarne Editor-in-Chief of *The Riigikogu Toimetised (Journal of the Estonian Parliament)*,
Head of the Riigikogu Chancellery Press Service

During recent months, the Riigikogu has enjoyed the relatively stable support of about one-third of the population. What should the Riigikogu actually do in order to deserve at least a half of the Estonian residents' approval of its activities?

The press, and also the whole of the society that which is influenced by it, clearly attaches a different role to the Parliament from the one it really has. If the Riigikogu acts within the framework of the obligations set upon it by the Constitution, and leads its everyday business, i.e. holds discussions and disputes, adopts legal acts and amendments, the ensuing following reactions of the press will generally be negative. In many democratic countries, the Parliament's role has been observed to be the one of a performer of a great show in the first place. In order to become attain to a good news story, the Parliament must first satisfy the reader's interest with some dramatic turn in the course of a long-term show (i.e.g. a drunk or bloody parliamentarian); second, a colourful statement by some well-known legislator towards another well-known figure would perhaps do; third, some financing or privatisation decision could get the job done, as there is always someone annoyed with these kinds of decisions; and only in the last one to come place is the passing of a law.

A great problem with parliaments is also certainly also constituted in the fact that unlike the president or government leader at the top of the executive power, the parliament's voice sounds like a cacophony to the audience. The president or the government leader can be personified, but the parliament cannot. Unlike, for instance the head of state, the parliament will not draw the media's attention with its everyday work or behaviour. There must be something extraordinary in the activities of the parliament. When the Estonian awakening occurred, the Parliament acted on the frontline of the anti-imperialist struggle in the early 1990s, and it enjoyed a remarkable support from about two-thirds of the population. In 1990, the activities of the Supreme Council were trusted by even by 69% of the respondents. Now the Parliament has no one to struggle with and no one to resist. What are actually are the Parliament's options for giving better information about its activities to the public in a the situation where the press has attained a cynical attitude towards the state authority power, or, to put it milder, acts in a contemporary manner?

Of course, it would be pleasant if for instance opinion leaders would say something words in support of the Riigikogu or parliamentarianism. The viewpoints on the Riigikogu presented by them would then have an impact on the attitudes towards the Parliament of a very great deal of people. Some statements of by opinion leaders are in turn amplified by the media, and such statements may become generally accepted truths. As the commentary to support the European Union by the presidential candidate, Peeter Tulviste, in the this year's 8 May 8th issue of *Postimees*, or President Lennart Meri's statement on the topic of methanol victims in the 14 September 14th *Päevaleht* demonstrate, opinion leaders also present unpopular

positions. There is no doubt that there are opinion leaders who would agree to say something words in support of the Riigikogu and parliamentary order – we will only have to find them.

So far, however, we will have perhaps nothing else to do but hope that each MP will perform his or her job even better, at the same time keeping in mind the institution's image at the same time, and that each journalist will do his or her best to explain the will of legislator's or the representatives elected by the people representative's will to the public.

PARLIAMENTARY DEMOCRACY

Democracy or a steamroller?

Peeter Kreitzberg Deputy Speaker of the Riigikogu, the Estonian Centre Party

Democracy is a form of political culture and communication. In order for it to work and be sustainable, it requires, like any other sophisticated system, fixed rules, a certain cultural environment, and – most importantly – a system for ensuring the observance of all these principles.

Everything obviously does not depend on the Riigikogu, but it is only a slight simplification to say that aside from our culture's generally degraded values, it is the current rules and regulations of the Riigikogu, including the way we present and process our draft laws, which are largely responsible for deficiencies in democracy, including why it is taking such an effort to move forward towards a real democracy.

As development of common law and culture takes time, as it must, and these are not things that cannot be foisted on the Riigikogu or even the Speaker, in my opinion, we must begin from the issue of how we deliberate on bills that are introduced.

First it would be necessary to improve gradually, but consistently, the level of quality requirements set out for the drafts accepted for processing. This is particularly true for the explanatory notes. A draft can be discussed in its essence only when it has been shown with sufficient clarity what it is that is to be achieved with the law or with the amendment, what will be brought about by application of the law, what the planned conditions to achieve the set goal are, and what the risks are.

POLITICAL FORUM

Party financing

New foundations for party fund-raising

Ivar Tallo Lecturer of Public Administration at the University of Tartu, former member of the Riigikogu, the Mõõdukad Party

This article gives an overview of the issues related to party financing. It points out an idea that has been repeated by several scholars, indicating that there is no one right system for

party fund-raising. At the same time, the principles of party financing do not differ dramatically from country to country, a fact, which has provided the opportunity for developing recommendations of a more general nature. The recommendations leave states free to develop financing plans that meet their own requirements. The financing model for Estonian parties presented in the article is not in conflict with the general recommendations drawn up by the European Council.

Estonian experience at party financing

Sven Mikser Member of the Riigikogu, the Estonian Centre Party

Regulation of party financing has been a topic for discussions in Estonia for almost the whole period since independence was restored. There has been one direction to pursue: namely, to separate the activity of the parties and the parliament from the financial interests of semi-anonymous donors, and to increase the proportion of state budgetary finances in the political process. While looking at how parties have been consolidated and strengthened – just four or five major political parties and another four or five smaller ones have survived today out of more than thirty in the mid-1990s – it may be stated that the direction followed in this process has been right. I am convinced that while going forward, Estonia as a small state should restrict the use of private and commercial financing in party politics even more. This will definitely require substantially bigger allocations to the parties from the state budget and a separate solution for the small parties that are balanced at the electoral minimum requirement threshold. Additional allocation of taxpayers' money to the accounts of the parties and legislators is of course a sore spot and politically sensitive issue, and therefore comprehensive efforts must be taken for explaining the problem, and consensus between the parties must be pursued before each reform.

As long as private and commercial money remains in politics, however – and in the current situation there is substantially more such money than financial means from the state budget at least where campaign financing is concerned – regulation of the higher limits of the campaign costs would probably be reasonable, and also fixing a limit to which a sole donator may support a party.

Accounting of costs and revenues should probably also be improved. On this matter, there is no sense in reinventing the wheel, but it would be reasonable to keep in line with Europe. An important point to keep in mind is also the fact that over-regulation of mandatory reporting related to financing could give the reverse effect where the provided order is either not observed or where the reports are difficult to follow and do not present a good overview because of multiple, insignificant details.

Presidential elections 2001

Drawing lessons from presidential elections

Küllo Arjakas Member of the Riigikogu, the Estonian Centre Party

Despite some interesting precedents in 1996, the 2001 presidential elections were undoubtedly much more innovative. Indeed, these elections provided a great deal of

experience and created a number of precedents, both for society as a whole and the President as an institution, and both in terms of the election campaign and for the parties.

The 2001 election campaign took place in a situation where there was only one election campaign on the political calendar. Last year was comparatively quiet from the political point of view – although the popularity ratings of the triple alliance of the Riigikogu and its Government declined, the Government did pull through. Nor was it a general election year. Thus parties had good opportunities for an intensive election campaign. These elections were important in terms of the President as an institution. Issues of the development of the presidential institution arose. The issue of whether the outgoing President would become clearly and directly involved in the election of his successor or whether his intervention would remain subtle and indirect became important. The procedural and ceremonial side of the transfer of presidential power cannot be entirely overlooked either, as there was no earlier experience in this matter. Obviously, the election campaigns themselves have become more professional over the years. Estonian political parties have conducted parliamentary and local government election campaigns, but they did not have any experience of how and according to what kind of rules to divine the individual who would be their official presidential candidate, how to establish his or her position, how to present him or her as worthy of note, or how to make him or her attractive in the eyes of the many members of the Electoral Assembly, etc. However, if pressure, already growing, results in the next president being popularly elected, the experience of 2001 would be largely irrelevant.

Party-based presidential elections

Meelis Atonen Member of the Riigikogu, the Estonian Reform Party

This time the presidential elections turned out to be clearly party-based. This may be considered as an indication of maturity of the Estonian political landscape and of the strength of the political parties.

During and after the elections, the complexity of the electoral system and its bias toward rural regions was a topic for discussion. The electoral system is indeed illogical, although this was known before to all the candidates and thus was equally illogical for all. Continuing to wave fists after a fight demonstrates either a lack of political culture or a deep disappointment. If the political parties operating in Estonia keep their promises and do not retreat from their position on political-tactical considerations, the Electoral Assembly will have elected the President of the Republic for the last time. The next President, to be elected in 2006, will probably gain his or her mandate directly from the people. Any obstacles to this have been removed, it appears, and objections refuted.

Health care reform

Comprehensive treatment of therapy management

Eiki Nestor Minister of Social Affairs

As a result of comprehensive reform, the interests of the patient must become better protected and the queues for health care must become shorter. Doctors and nurses should

have an opportunity to earn more money, and what is perhaps particularly important from the state's point of view, public health money should be used reasonably, not spent in a pork-barrel manner.

I believe that everybody acknowledges that there is a need for health care reform. To put it more precisely – there has been need for such reform for a long time. The old system is obsolete.

For medical care to work effectively, the hospital network must be optimised, the relations between inpatient care and the social welfare systems clarified, the general practitioner system properly established all over Estonia, and emergency care throughout the whole country better organized. These are generally the four main objectives towards which we have started moving vigorously during recent years.

Although one of the recent market surveys indicated that many respondents were not satisfied with medical aid, this is definitely not a result of the health care reforms that are gaining momentum. Quite the contrary – this is a natural consequence of the fact that insufficient attention has been paid to bringing the system to proper order. If we would continue as we have before, our medical system would simply crumble into pieces during the next decade.

We must thank the self-denying work attitude of the doctors, nurses and other medical personnel that the system still works as well as it does. Medical workers have laboured for years for small pay and in conditions where the public health system has been legally unregulated and the medical institutions have each followed their own thinking and lived from hand to mouth. Health care is a system that encompasses the whole population and can be reformed only in a deliberate manner, step-by-step. We cannot implement a goal set for the year 2015 in five years. A person must be able to receive adequate medical aid at any moment. As one important requirement, however, the patient who has become used to "free of charge" medical aid must learn that his first representative in his relationship with the hospital is the Health Insurance Fund and his primary care provider is the family physician.

A concerned view of the public health project

Andres Ellamaa Physician of the Mustamäe Hospital, Minister of Public Health, 1990–1992

The public health project has crept past the real issue of health and couched itself in medical care issues alone. In order to rearrange the system, we have to take inventory. We do not know what actual demand is for medical aid.

A project is fine and well, if its actual feasibility is clarified. Today and no later, we need to explain to people what has actually changed in their lives when the former district doctor or rural doctor became a general practitioner. Doctors themselves would probably like to know how things improved when a patient with a broken bone can only get an appointment with his or her family physician five days after he or she leaves the hospital. Or what changed for the better for the patient who has to go to his G.P. in order to get a reference for the

neurologist. Or since when did a hernia become more easily operable after half a year of waiting? There are more questions than answers.

In order to move forward, we need not go off on all the tangents. In order to plan something, we first need to know what the price is, and whether and to what extent there is a need for it. Then we may begin thinking where we can raise money, and how much is possible. It is worth learning from the mistakes made by other countries or nations, including the very rich and old ones, and not to live under the blind supposition that fortune and success can be copied.

CONSTITUTIONAL INSTITUTIONS

The Legal Chancellor

How the Legal Chancellor protects the legitimacy of the legal system

Allar Jõks The Legal Chancellor

From the activities of the Legal Chancellor so far, it can be inferred that there is a need for more comprehensive analysis of the problems that have become evident, both from the requests and proposals presented to him, and as a result of an audit performed on the Legal Chancellor's own initiative. There is also a need for development of proposals for more effective protection of individual rights.

The wholesale supervision of legislative acts should be replaced by purposeful norm control that would arise generally from a particular complaint or request. We will have to define the more important risks, and based on this, the priorities of the activity of the Legal Chancellor.

Besides control arising from specific requests, we will have to focus in the future on one or two legal fields set as priorities a year in order to analyse the effect of the legal acts of the given field in depth, and to make reasonable proposals for amendment of the legal acts if necessary. The analysis considering the lawfulness of the closing of small schools, which is at the stage of completion and will give an answer to the question whether the constitutional right for education provided by Section 37 of the Constitution is factually guaranteed or not, may be pointed out as an example.

The Legal Chancellor does not fight consequences but causes, and therefore it is important to make clear how a violation of fundamental rights became possible. For this purpose the so-called norm control of legal acts and settlement of particular requests and complaints should be better associated. Then the drawing of necessary generalisations on the effect of legal acts and their amendment would be possible as a result of relevant analysis. For example, on the grounds of generalisations drawn after visiting two child care institutions in April 2001, the Legal Chancellor made a proposal to the Minister of Education and the Minister of Social Affairs for amendment and clarification of the legal acts regulating the sphere.

Not only the creation of a harmonised legal environment is what matters, but also the establishment of control mechanisms or democratic procedures foreseen for settlement of disputes, in order to achieve factual protection of individual rights and freedoms. Thus the activity of the Legal Chancellor can be effective only if the activity of other supervision and control institutions (including internal audit) is effective. The Legal Chancellor must not be another state supervision institution; he has to influence through his activity and authority the control mechanisms for their effective functioning. Because of this, the mechanisms of state, the supervision organisation and internal audit, as well as work performed in public institutions with memorandums and requests should all be analysed.

Supervision by the Legal Chancellor should extend to the whole of the public sector, i.e. the Legal Chancellor should observe both the lawfulness of the execution of state power as well as the quality of public services. To assess how well the fundamental rights are guaranteed, norms of fundamental rights and norms of providing public services should be developed in the jurisdiction of each governmental institution.

An issue that should become a major goal of the activity of the agency of the Legal Chancellor is active participation in implementation of what has been set out in Section 14 of the Constitution: the guaranteeing of the rights and freedoms shall be a responsibility of the legislative, executive and judicial power and of local government. This in turn implies active and meaningful cooperation and openness between all the carriers of public authority. These watchwords together with the need to plan the agency's activity more precisely should form the foundation for more effective work of the agency.

RESEARCH DATA AND OPINIONS

Media propaganda and state authority

The media and democracy

Raivo Palmaru Professor of the Academy Nord

Democracy is impossible without free press. This is what media theoreticians, political scientists and commentators tell us. But this consensus brings up new questions: what kind of free press does democracy need, and why does it need it?

Media has its vital political, social, economic and cultural tasks to implement in a modern society. It is the main mediator of information and opinions, and as such, it is the key to the hearts of the participating and self-governing body of citizens. Democracy implies a media system that offers a wide spectrum of information, opinions and analyses on important issues to the citizens, and reflects differences found in society. In Estonia, the liberal model of publicity does not work; the activity of journalistic publications is not in compliance with the democratic principles, which is the foundation of the Estonian constitutional system. In such a situation, the competition among coverage of current affairs needs the support and guarantee from the institutions of a state of law.

The Riigikogu rostrum as a propaganda platform

Agu Uudelepp *Parliamentary correspondent of Estonian Radio, PhD student of Public Administration at the Tallinn Technical University*

Propaganda has been around for centuries, and the word has always had a derogatory connotation. Around the middle of the last century propaganda was renamed public relations, so that the people would not associate the agitation of democratic governments with the brainwashing of dictatorships. Today propagandistic activities are divided into four stages: preliminary persuasion, establishing credibility of the propagandist, communicating messages that steer people's thinking in the right direction, and evoking emotions. All these stages were implemented in the presentation of the Prime Minister Mart Laar when he made a political announcement in connection with the privatisation of the Narva Power Stations on 23 August 2001 in the Riigikogu. He explained that the privatisation had been conducted by three governments, not only the one led by him; he sought support for his main positions from authoritative sources, and attempted to reduce the authority of the opposition's positions by using heuristics (methods that direct people to adopting decisions without rational consideration) in forming his messages, and tried to inculcate fear in the audience. Thus it may be stated that the Prime Minister's presentation was propagandistic. However, propaganda is also a characteristic feature of other political forces in Estonia – the same methods were used by the member of the Estonian People's Union (*Eestimaa Rahvaliid*) Janno Reiljan who gave his presentation after the leader of the Government.

On good and bad propaganda

Heiki Raudla *Adviser of the Minister of Interior*

The origins of propaganda may be traced back to the time when groups of people first exercised power over others. This implies that in those days already attempts were being made to influence the public. The word *propaganda* (L. *propagare* – 'to spread') is assumed to originate from the organisation *Congregatio de propaganda fide* of the Roman Catholic cardinals that was founded by Pope Gregory XV in 1622.

Those days propaganda was defined as a product of well-organised mental work, the aim of which was to persuade large masses of the good features of an organisation, process or a person.

Propaganda reached its high in the 20th century. A great boost was given by the world wars of the 20th century and the subsequent ideological struggle during the Cold War era, as the states had a vital need to fight for the loyalty and good will of their nations. Because of Nazi propaganda, the word acquired negative meaning.

In Estonia, activities related to propaganda became more active in the year 1924 when the minister without portfolio Karl Ast was appointed to office. His responsibilities included the publicizing the work of the government and the state amongst the population.

On the basis of events in the 1920s, a State Propaganda Service (SPS) was founded in Estonia in 1935; the main tasks of the Service were generally the same as those of the minister

without portfolio in the years 1924–1925. Although later conflicting opinions have been expressed regarding the SPS, it should be acknowledged that those days it gave a substantial contribution to the creation of solidarity among the nation and the organising of several successful national campaigns.

For the same reasons, active provision of information and propaganda should be also performed in today's Estonia. The Public Information Act that entered into force lately, the websites of public institutions and local governments, the Government's Internet portal TOM, and the planned *Valitsuse Teataja* (*The Government Gazette*) will contribute to this cause.

Thus it may be said that although the word *propaganda* is often undeservedly in disgrace even today, we cannot do without it, as there is a need for more information than available so far from the state to balance the information provided by the media and also to strengthen the image of the state in the mind of the audience.

The educational system and the labour market

Education and work

Jaak Aaviksoo Rector of the University of Tartu

There is a considerable gap between the output of the Estonian educational system and the demand for education from the labour market. Arising from the structure of our economy, the highest demand is for skilled workers, medium-level specialists and simple labourers with contemporary work culture. Our present educational system (and the society as a whole) produces far too many outcasts without basic education and with low sense of duty, who would probably not meet the requirements of the labour market. What we need is, in the first place, the development of a network of strong higher vocational educational institutions that would continue the good traditions of the former technical schools.

On the other hand, there is threat of overqualification among the labour force because of the excessively expanded and at points low-quality higher educational system, which is unnecessarily expensive, both to the state and to the students (studying at private universities) and creates deceitful illusions with the latter. For preservation and improvement of the strategic competitiveness of the state the number of students of the fields of science and engineering should be substantially increased alongside with binding this with the developing high-technology-based production and servicing.

What kinds of requirements should the Estonian educational system meet?

Jelena Helemäe Senior researcher of the Institute for International and Social Studies of the Tallinn Pedagogical University

Ellu Saar Docent of the Tallinn Pedagogical University

Will Estonian educational policy be successful? It all depends on to what extent it will be possible to harmonise the activities of the ministries that influence the implementation of educational policy, and also whether these activities can be linked to the overall strategic goals of the educational policy.

There are two generally accepted assumptions about the Estonian education: Estonians are educated people and the Estonian educational system does not meet the requirements of the labour market. But how educated are our people? The quantitative figures of formal education of the population of Estonia are significantly high, even when compared with the countries of the European Union. The proportion of persons with only primary or basic education is more than twice as low in Estonia in all age groups of work age as the average of the European Union countries. Indeed, because of its high educational level Estonia has been able to preserve a relatively high standing in the list of states drawn up on the grounds of the human development index. Nevertheless, the opinion that the Estonian labour force is currently not sufficiently educated has also been expressed. Estonia's educational resources have been considered to be obsolete.

One option for characterising the results of harmonisation of requirements of employers and employees is to analyse the educational levels of persons working in certain positions. According to the data in research papers on the Estonian labour force, only a half of those at the top of professional career (managers and senior specialists) had higher education in the year 2000. At the same time, less than two-thirds of the labour force with higher education worked as managers or senior specialists. Thus, 46,000 employees with higher education were doing worse than their competitors with their lower level of education: 37,500 occupied positions not requiring higher education, including 4,000 of almost simple labourers; 8,400 were even unemployed. If we add to the latter inactive persons of working age with higher education (27,600), we will have nearly 74,000 people whose higher education is not adequately used. At the same time, 74,500 managers and top specialists did not have higher education. Thus, at least in terms of characteristics of formal education, it would be possible to cover the demand for people with higher education in the society. In other words, the market value of higher education of nearly a half of the university graduates has turned out to be lower than its nominal value, in case of one-fourth of the group even substantially lower. What kind of social groups will gain in such a situation and what kind of groups will lose, i.e. whose interests such a situation serves – that is another issue.

Quality of legislation

An assessment of legal and regulatory impact of legislation

Raul Narits Professor of comparative legal sciences at the University of Tartu

In the European Union (EU), integration works mainly through legal instruments. In formal addresses, the community is often referred to as a "legal community", "*une communauté du droit*", "*Rechtsgemeinschaft*". Legal forms are the focus of the whole of the EU's operation. Indeed, in terms of legal influences, membership in the EU differs radically from the common activities of other international associations. What makes the situation a complicated one, both for Estonia and several other countries of Eastern and Central Europe, is that the legal reforms introduced during recent years have not been completed.

The article mainly considers the following problems in connection with the legislation of Estonia as one candidate state for membership in the EU: law as a means of development of a society and state; formation of a legal system and Estonian legal culture; the need for

accommodation with legislation characteristic to Europe; on some threats related to Estonia's integration into the EU.

In a society organised as a state, issues related to development of legislation have always been on the agenda in the past, are today, and will be in the future. Moreover, as community life becomes more sophisticated, the social processes also become increasingly complex. From the legal point of view, this means that there is a need for even more perfect legal solutions that would reflect the changed situation and account for social problems as well. It may be argued that in contemporary legal systems, the quality of a legal solution, its relation to its social cause, and the effectiveness of the legal system constitute the key issues for consideration.

Investigation of the regulative influences of law is in its initial stage in Estonia. However, the importance and meaning of this is perceived not solely within legal circles. The social mechanism of development of legislation is a sophisticated and dynamic creature that contains multiple aspects. The positive trend is that practices assessing the influences are on the agenda both in the EU and in the candidate states. Despite the diversity of the assessment practices, we have arrived at harmonisation of the so-called good legislation, even to the point where they meet certain standards. I am convinced that in Estonia, too, the analysis of regulatory influences will be put on the *Riigikogu's* agenda in a more comprehensive form, as this has actually already been included in the rules of the *Riigikogu* chairmen

On some problems in assessing the quality and impacts of legislation

Aare Kasemets *Head of the Economic and Social Information Department of the Riigikogu Chancellery*

The letter of the law gives the laws their form, but the deeper goals of laws are not juridical in their essence. At the same time, every week in journalism brings more news on the formal targets of legislation, e.g. to bring a law in compliance with the law of the European Union, etc. What will the legal act change in the lives of the target groups, what will the gains and losses be, how does the law comply with the principles of social justice, and have public interests been protected? These aspects often remain concealed as far as the voter is concerned. Informing of the public of the changes is, Kasemets believes, in the first place a moral, and only then legal and economic issue. Proceeding to the need for analysis of social-economic, budgetary, administrative and other regulatory impacts, Kasemets emphasises that in a state of law, the law as such is a liaison of politics at achieving social, economic, educational, cultural, etc. goals that relies, in an ideal case, on values shared by the society, as the validity of a legal act depends on people's behaviour. The deeper goal of each draft law is either to preserve the target group's behaviour in the society in the desired mode or to change it in the desired direction. Therefore, the stronger the legitimacy in society of the activities of both the parliament and the government and of each single legal act, the more their underlying purposes/impacts have been publicly discussed and the greater the impact of the legal act corresponds to the public interests. The latter can be measured by means of social sciences, despite the multiplicity of aims, both in politics and in the laws.

Kasemets briefly introduces the activities of the Economic and Social Information Department in the field of assessment of quality of legislation and impacts of draft laws: the projects are related to sociological research works (feedback to the parliament from the society) and evaluation of social–economical impacts of draft laws (incl. explanatory notes) that have been submitted to the *Riigikogu* for processing. The governing idea of the article is that the quality of scientific analysis applied in development of legislation and explanatory notes has an impact on the success of the implementation of the *Riigikogu's* functions and the quality of public services.¹ Given that the information presented to the *Riigikogu* via draft laws is accessible to the public through the Internet and other channels of media, its quality, besides the working of the *Riigikogu*, also affects the essence of discussions amongst non–governmental associations and the press; as a final result – also the attitude towards laws and their observance.²

Regional policy

Investment subsidies to the local government system

Marko Pomerants *Lääne–Viru County Governor*

Examining the practices of investments of the local governments so far, it may be said that the seven–year–old system of investment subsidies to local governments has been characterised by permanent changes; fragmentary distribution of financial means; arbitrary decision–making; lack of clear criteria; during some years also a great influence of lobby work; and during the last two years, centralisation.

Investment subsidies to local governments are necessary for two reasons: deficiency of revenues and the need to consider positive side effects.

Local government subsidies may be looked upon more systematically than they have been so far. Here is a dichotomy defining the overall size of the subsidy fund and ways of its distribution.

"Good policy" may be pursued depending on the stated purposes: for example, control mechanisms, stimulation of local government expenses, or effective financial planning. An overview of the possibilities and needs related to the changing of the local government investment subsidies system has been presented from the points of view of the Government and the local governments. The common and main reason why both parties should be interested in changes is related to the need for fiscal decentralisation and creation of conditions for medium– and long–term financial planning. In case of projects of greater volumes, a correspondence subsidy with a fixed amount limit should be taken in use as the type of subsidy. The attempt to create new investment programmes with narrow objectives should be looked upon as one potential threat, as this would make the financial means even more fragmented. In order to change the system, it will not be necessary to await for the administrative–territorial reform.

The European Union as influence on legislation

The European Union as an influence on Estonian legislation

Julia Laffranque *Head of the European Union Law and Foreign Relations Service of the Ministry of Justice, PhD student of the University of Tartu*

European Union (EU) decisions are made not only in Brussels. The homework performed in each member state is what matters. If we want this to go smoothly and want one common vote representing the state of Estonia in Brussels in the future, then now is the time to start thinking what the procedure of EU-related decision-making could look like in Estonia. It is true that first a number of foundational issues should be settled: conducting a referendum, possible amendment of the Constitution – which should not be confined to politics, but should also be carefully contemplated and justified also judicially.

Our present work arrangements related to European integration resembles to a great extent the French model. In Estonia, the central and co-ordinating role in these matters is played by the Office of European Integration (OEI), which is subordinate to the State Chancellery and is thus directly working also with the Prime Minister. One question that arises is whether the OEI should continue its work also in the future in the same way as the French General Secretariat of the Interministerial Committee that deals with issues of European economic cooperation in Europe (*Le secrétariat général du comité interministériel pour les questions de coopération économique européenne, SGCI*) – when there is a need to clarify and form the Estonian positions on this or that matter concerning EU laws that are being prepared at a particular moment. There is probably no doubt that at least at the beginning we will not manage without a central co-ordinating institution. Despite the fact that essential work in each specific field will be performed also in the future by the ministries responsible for the particular sphere, it is worth considering whether the OEI correspondents of the ministries should not have comprehensive knowledge of the field they co-ordinate, as it is in France in case of the SGCI.

What we must definitely learn from France is how to achieve consensus between the ministries and to send just one unified message to Europe. This does not concern only potential mutual differences between ministries, but also relations between other state institutions. It will be indeed regrettable if the small Estonia, with its hands somewhat tied on issues, would present contradicting and uncoordinated viewpoints in the EU. Taking account of the Estonian inclination towards the so-called cake-cutting and isolated independent action, such a situation cannot be excluded, however. What really matters is not the issue of who does what and then gets the laurels for his or her accomplishments, but efficient cooperation between institutions and its result – one unified Estonian vote in the EU.

The role of the Estonian Parliament after accession to the European Union

Tanel Kerikmäe *Deputy Dean of the Faculty of Law of the Concordia International University in Estonia*

After accession to the European Union, the role of representation of the people will be limited, in the context of legislation, to the problem of how to ensure legislative control over the executive power, which is the state's main representative in the decision-making process

on the European level. Considering the important role of the Parliament's European Affairs Committee, there should be a permanent committee whose members should be responsible for presenting the positions of their parties and where consensus should be attained concerning the political mandate to be given to the Government. The binding-ness of the mandate should also be specified. It is important to define Parliament's directions of activity as an applicator of supranational law. If the community's legislation cannot be applied in an unchanged form, the state's legislator's task will be to apply the provisions of the community, i.e. to include their contents into national legislation. Particular attention should be paid to freedom of implementation of the directives. Aside from that, communication mechanisms should be developed in order to influence legislation on the European Union level. The Estonian Parliament will have to take account in its operation of the fact that a part of sovereignty will be delegated to supranational institutions, but these will act as a guardian of national interests.

The European Union and Estonian social policy discourse

Merit Palmiste Head of the Karjaküla Social Centre, MA student of the Tallinn Pedagogical University

After entering into the Association Agreement in 1995, Estonia started making preparations for harmonisation of its legislation with the European Union's *acquis communautaire*. In reply to *The White Paper: Preparation of the Associated Countries of Central and Eastern Europe for Integration to the Internal Market of the European Union*, an action plan of the Government of the Republic was developed in 1996 for Estonia's integration into the European Union (known also as *The Blue Paper*). The action plans of the subsequent years also rely on the structure of *The White Paper*.

The topic of the research "Aspects of Development of the Estonian Social Politics Discourse in the Light of Accession to the European Union" was the extension of the social policy discourse of the European Union in the Estonian documents considering social policy trends. The issues of what the social policy of the European Union actually contains in itself and what kind of concepts system the Union's social policy discourse includes were explored. Another aim was to compare the changes in the contents of the Estonian social policy documents.

As a result of analysis of the Estonian action plans, it became evident that although their discourse is indeed approaching the social policy discourse of the European Union, they still do not reflect the underlying aims of the documents. The Government's action plans constitute a strategic plan of harmonisation of the European Union's *acquis*, and the relevant categories have actually been represented. At the same time it becomes evident from the Estonian specific harmonisation plans that Estonia has also acknowledged the broader goals of the Union. It is definitely good that Estonia has acknowledged the broader objectives of the European Union at its accession to the Union, although the action plans are primarily technical auxiliary documents that define the plan of harmonisation of the *acquis* through specific instructions for action.

The aim of Estonian development plans is the formation of sub-fields of social policy. It may be presumed that in connection with the decision of the Government of the Republic to join the European Union the general objectives that are acknowledged throughout the Union will also be reflected in the general development plans of Estonia.

It may be concluded from the results of the research that although the Estonian development plans perceive the need for supportive factors at attaining the goals, the acknowledged broader aims of the European Union have still not been either recognised or acknowledged. The development plans analysed in this research work, however, focus more on the particulars of the specific spheres, and any setting of broader goals cannot be seen yet.

While developing Estonian social policy, it is important to recognise the need to set broader goals, and in the context of accession to the European Union, also to be knowledgeable of the broader goals of the Union. Thus the future is in the hands of the experts in the given field who must have good knowledge of both the principles of formation of Estonian and European Union social policy. The final decision, however, will still be made by the people.

Social benefits

Fighting poverty with social policy

Arvo Kuddo Senior labour economist of the World Bank

A great proportion of the state's social benefits, including welfare, are paid to families that are not poor. Of the financial means allocated for ensuring the coping threshold, 62.3% is spent on supporting non-poor families. In the case of child or unemployment benefits, it is actually not the aim that these should reach only poor families. But unemployment benefits turned out to be directed most of all towards the poor – nearly half was received by the families living below poverty level.

Among social benefits, generally children's allowances, received in all cases, are dominant. In addition, all legal residents of Estonia with low incomes are entitled to apply for the basic welfare to ensure the minimum income level. Thus the dominant system in our country is more of a Beveridge-type social protection system, universal in its character. Implementation of the unemployment insurance system as of the year 2002 will add the insurance principles and unemployment insurance compensations that will depend on previous insurance premiums.

State expenditures on social benefits are exceptionally low in Estonia, and when expressed as proportions of GDP, the figures predominantly reflect a declining trend. The real value of the benefits is also decreasing fast. Using the most internationally relevant comparison – the benefits level index to GDP per capita – the rate of unemployment benefits and basic welfare will be substantially lower in Estonia than in any of the OECD countries. Only the children's allowances' rate to GDP per capita will exceed that of some OECD countries. This is also characteristic of the state's view on alleviation of poverty.

The Estonian state has no resources to ensure that the real value of universal-type social benefits remain constant. Therefore, sooner or later Estonia will have to make a political choice, changing the principles of income policy in order to factually take into account the financial situation of the family: the household's incomes, property situation, and features characteristic of the family structure (in the first place, the presence of members capable for work in the family, etc.) as the basis for calculations. There is no state policy in Estonia that would help people out of poverty by means of active measures and other policy. The extent of dependence of the uninsured on the state benefits is high, which may in turn encourage a dependence mentality. The benefits are of extremely passive character and are confined to monetary payments to all those who meet the comparatively liberal criteria under which benefits are granted.

The public administration reform

New technologies in public administration

Daimar Liiv Project manager of the Political Research Centre PRAXIS

Application of information and communication technology in public administration will ring great changes in the arrangements of public administration and set new requirements in front of the institutions executing public power.

The Administrative Proceeding Act that will enter into force in Estonia as of January 1, 2002, will set new principles and quality standards before the state. The order of administrative proceedings will be liberalised in several matters, and bureaucratic agencies will be granted the freedom to organise their internal work at their own discretion, with an emphasis on the standard principles of good administration,

In world practice, our forthcoming administrative proceedings reform and the rearrangement (modernisation) of public policy that inevitably accompanies the latter are known under the term regulatory reform. The aim of public policy review and administrative proceedings taking place during a regulatory reform has in most cases been declared to be a review of existing regulations in cooperation with the public and the interested parties by preserving or improving the protection of public interests in those fields where it is necessary.

For successful implementation of the regulatory reform, the Government should rely on the experience based on the OECD research works, so as to create a reform management system, improve the quality of new regulations, and modernise the existing regulations by substantially improving their quality. The knowledgeable and harmonised application of the above is indispensable for successful implementation of the reform and systematic modernisation of administrative procedure.

By learning from the experience of other countries as well as our own, and using the models proposed by scholars and practising experts (e.g. the model of assessment of readiness for application of Internet services proposed in this article) for analysis and planning, it will be possible to define clear priorities and to attain fast and significant results with relatively little

resources. Achieving this, however, implies that the decision-makers will have the will to act prudently.

Public services' focus on the citizen and the new technology

Maarja Kuldjärv Graduate student of Public Administration of the University of Tartu

Küllli Nõmm Undergraduate student of Public Administration of the University of Tartu

The aim of administrative reforms of the recent decades has been to simplify administrative procedure and to introduce a focus on the citizen in public services. For the citizen, the main indications of quality service are speed, competence, comfort, fairness, and effectiveness. Focus on the citizen is provided by concentrating as many services as possible in a single location or unit in order to reduce the number of direct contacts with civil servants necessary to receive a service or meet a request.

One of the most internationally widely used, and thoroughly tested and investigated options is to establish centres that provide a number of public services. Through technology, many new channels have been adopted, the Internet foremost, and also (cell) phones, various automatic machines, and smart cards. What is most important is that services be concentrated in logical groupings to make the system as user-friendly as possible. Surveys performed amongst citizens have demonstrated that they prefer grouping of services on the basis of situations encountered in life (e.g. childbirth, change of address, etc.) or specific fields (agriculture, social benefits). The bureaucratic-agency-focused approach to providing services that has been practised so far should thus be reassessed. For the citizen-friendly servicing systems to function realistically and effectively and to meet their implied goals, the principles of administration and administrative culture must be substantially altered. Setting up services on the so-called outside-in principle requires closer cooperation, exchange of information and integration of functions between public institutions. Because of this, common information systems will be needed to integrate the whole of the public sector. Development and application of a cross-compatible register system and a governmental inter-agency document management system will be important. Such systems would reduce the hindering impact of administrative boundaries, and will create conditions for application of servicing systems that would be based on new administrative technology and that would take individual needs of the citizens more into account.

CIVIL SOCIETY AND STATE AUTHORITY

On the way to civil society

Discussion of the Concept of Development of the Estonian Civil Society in the Riigikogu

Andres Siplane Advisor of the Economic and Social Information Department of the Riigikogu
Chancellery

On the Riigikogu's anniversary on 23 April 2001, a significant document – Conception of Development of the Estonian Civil Society (CDECS) – was submitted to the Board of the Riigikogu. The Riigikogu Toimetised (Journal of the Estonian Parliament) has observed the formation of this conception since its very first issue. Discussion of the sophisticated

relationships between the state and civil society will soon be put on the agenda of the Riigikogu as a nationally important issue. Following the discussions of the work of the redaction service in three Committees and the Fractions of the Riigikogu, a resolution of initiation of a nationally important issue will be made by the Riigikogu, and the processing of the CDECS project will begin like the processing of other project resolutions on the agenda of the Riigikogu. There are reasons to assume that the discussion of the CDECS will be a lively one, both at the plenary assembly of the Riigikogu and in its Committees and corridors, as representatives of hundreds of non-profit organisations, associations, and professional unions have participated in the preparatory process of the CDECS since 1998. The problem is how to achieve consensus, as a result of broad discussion of different political groups and non-governmental organisations, as an answer to the question: Quo vadis, our rainbow-coloured and mosaic-patterned civil society?

THE PARLIAMENTARY WORLD AND INTERNATIONAL RELATIONS

The parliamentary groups of the Riigikogu

Security: The system and the people

Peeter Olesk Member of the Riigikogu, the Pro Patria Union

Grey zones in European security structure are reality insofar as Russia's interests extend far beyond its current borders, and are, as such, more important than the right of single nations to self-determination. If we want more security in Europe, we must recommend the eradication of the grey zones; and this is feasible, if we insist on pursuing a more organized state of affairs in Europe. In essence, this implies giving answers to four questions:

1. How deep is Europe's internal integrity?
2. What are the trans-Atlantic relations and the role of the United States in Europe, and Europe's partnership at ensuring security outside the North-Atlantic region like?
3. How to define the extension of Europe, and respectively the North Atlantic region?
4. How must Russian integrity within Europe as a continent be understood, and how does Russia herself understand this?

The latter question has overshadowed a number of discussions within the Parliamentary Assembly of NATO. The topic may be an infinitely comprehensive one, indeed, but it still becomes evident from the remarks that it is naïve to talk about the borders of Europe if we do not know where the borders of Russia are, and what Russia's development in relation to the European borders is going to be like.

What could our position be? Estonia cannot dodge this question; Estonia's trump card could be having the courage to answer this question. Dividing Europe into Western Europe and Russia according to spheres of influence; or into Western Europe, countries with a national democracy, and the Soviet Union, has meant and will mean destruction of humans and of nations. European integrity actually begins from the point where destruction of peoples has been excluded and their right for self-determination acknowledged.

The alternative is that the state, as the power of the masses, is better than the human being, than the sovereign republic. This would mean the beginning of new suffering. According to my understanding, the underlying idea of NATO is to anticipate and prevent all this. When imagination fails, or is, as it in fact was, insufficient, there is a valuable lesson to be learned.

Estonia and NATO

The clear targets set by the new security forces structure

Jüri Luik Minister of Defence

The Estonian Defence Forces recently celebrated their 10th anniversary. Now the Defence Forces may step into their second decade of existence with clear development on a qualitatively new level: the "Analysis of the Structure of the Defence Forces", based on the Partnership for Peace between the Republic of Estonia and the North-Atlantic Treaty Organisation, has been completed, as has a document called "The Structure and Development Goals of the Defence Forces for a Medium-Term Period" which sets out the development goals of the Estonian Defence Forces up to the year 2015, relying on the structural analysis performed in 2001. The document was approved by the Government of the Republic on 6 November 2001.

For the first time in the history of Estonian Defence Forces policy planning, the needs arising from threat evaluation, the capacities to be developed, and the financial and human resources have been put together, creating conditions for development of the planned units and staffs in accordance with the specified time schedule. The new structure is substantially more appropriate and economical as compared to the one formerly planned.

The Estonian Defence Forces reform is attainable only with the support of the Riigikogu and all the political parties, and on the condition that we have enough statesmanship during the coming years for keeping the state defence issues above the day-to-day political fray, as is the rule in all normal states.

THE HISTORY OF THE RIIGIKOGU

A parliament without parties: The 6th Riigikogu, 1938-1940

Mati Graf Professor of history of the Tallinn Pedagogical University

With the 1938 Constitution, Estonia attained a two-chamber parliament consisting of a State Assembly (*Riigivolikogu*) and a State Council (*Riiginõukogu*). Its term was five years. The State Assembly was a house of deputies that had 80 members elected from a list of names on the basis of relative majority, from one-mandate constituencies. It adopted laws, approved the state budget and controlled the Government. The State Council was the passive house of the Parliament. It did not have the right to make law by itself, as all legal acts only became law after being reviewed by the State Assembly.

In the elections to the State Assembly held on February 24-25, 1938, the so-called builders of the new Estonia achieved a majority, as expected. Fifty-four seats out of 80 were occupied

by the candidates of the People's Front for the Implementation of the Constitution, who were joined by 10 independent members of the State Assembly. Together with two independent fellow nationals, the Russian who had got into the State Assembly under the colours of the People's Front formed a Russian group that became generally loyal to the People's Front, and therefore the number of people loyal to the Government grew to 66. The opposition had 14 seats. It included two former Central Party members, Jaan Tõnisson and Ants Piip, two former small landholders, Oskar Köster and Rudolf Penno, and two former soldiers of the War of Independence, Oskar Lõvi and Eduard Peedusk.

A feature of the State Assembly was that its groups (factions) existed only de facto. On 6 March 1940 Oskar Gustavson made a remark in the daily *Päevaleht*, saying that the State Assembly had been working according to provisional rules of order for two years, which meant that the State Assembly groups did exist in reality, but no one had actually officially recognised their existence.

Viljar Peep points out that the draft rules of order for the Riigikogu written by the board of a general meeting of the Riigikogu on 13 April 1939, which have been preserved in the State Archive, do not contain any provisions on either groups or a elders' council. In fact, the institution of a court of honour provided by the Constitution was actually included in the (provisional?) rules of order (at the 2 April 1940 general meeting of the Riigikogu), but as there was no more time left, it was never carried out in practice.

The views of the officially non-existent political parties and party mentality still came to the surface in the officially depoliticised Riigikogu. "Although officially there were no political parties as such in the Parliament in 1938, they did exist, both on the elections as well as later within the Parliament itself," said Otto Pukk (Deputy Speaker of the Riigikogu, and Speaker as of 17 October 1939) in 1945. According to his words, there were formally groupings of parliamentary cooperation in the State Assembly that were in essence political parties.

LITERATURE AND DATABASES

Databases at the Parliamentary Services

Marju Rist *Head of the Parliamentary Information Centre of the Estonian National Library*

This article is an overview of the activities of the Estonian National Library as a parliamentary library culling and creating databases. The basic criteria for selection of databases: topics in the field of social sciences are preferable, but linguistic and geographical entries are also considered. An important criterion is the needs and preferences of the users. The library has received feedback from surveys ordered by the Riigikogu Chancellery in 1995, 1998, and 2001. From among larger on-line databases, the article introduces database collections offering articles from foreign periodicals: OCLC First Search, EBSCO, ProQuest Academic Research Library, and Integrum World Wide. The 1990s marked a fast growth of spread of electronic media. The library as an important information user faces new challenges: keeping abreast of the offerings in the information market; the ability to find relevant information in accordance with demand. The greatest obstacle to acquisition of electronic information

remains the libraries' limited financial resources. The problem will need to be solved on the state level.

Footnotes

1 See European Commission (2001), Democratising Expertise and Establishing Scientific Reference Systems. White Paper on Governance. Brussels.

http://europa.eu.int/comm/governance/areas/group2/report_en.pdf; also Stiglitz J. E. (1998), Knowledge for Development: Economic Science, Economic Policy and Economic Advice. World Bank. http://www.worldbank.org/html/extdr/extme/js-abcde98/js_abcde98.htm.

2 The article is a further development of the comparative study of ECPRD (www.ecprd.org). See Kasemets A. (2001), Impact Assessment of Legislation for Parliament and Civil Society: a Comparative Study. In Legal and Regulatory Impact Assessment of Legislation. Proceedings of ECPRD seminar, held in Tallinn in 21–22 May 2001, ed by A. Kasemets.

http://www.riigikogu.ee/rva/ecprd_ria01.html; see also OECD (2000), Report on Parliamentary Procedures and Relations – Conference of Speakers of EU Parliaments, Rome 22–24 Sept. PUMA, Paris. <http://www1.oecd.org/puma/citizens/pubs/parliaments.pdf>.