

## Summaries in English

### PREFACE

Heiki Sibul *Secretary General of the Riigikogu*

Dear Reader of the *Riigikogu Toimetised*,

The idea for the *Riigikogu Toimetised*, the first parliamentary journal in Estonia, began circulating in the research service of the Riigikogu Chancellery already in 1996. It is somewhat symbolic that the idea took shape now, at the turn of the 20th and 21st centuries, when we enter a new millennium.

The Riigikogu is a legislative institution elected by citizens, and it needs its own political–investigative publication to introduce the activities of Parliament. In the previous decade, work for the building of parliamentary democracy in Estonia was focused on the creation of legal bases appropriate for the Riigikogu and on the establishment of procedures and an information system necessary for a better fulfilment of the constitutional tasks of the Riigikogu. Having completed the major body of this work in 1992–1999, we can now take following steps necessary for the development of parliamentarism in Estonia. One such example is the appearance of the *Riigikogu Toimetised*, both as a printed publication and also on the homepage of the Riigikogu

(<http://www.riigikogu.ee/rva/Toimetised.html>).

The main topics in the *Riigikogu Toimetised* are related to the functions of the Riigikogu, development of the Estonian legal system, political culture, possibilities of broadening democracy, programmes of national importance, quality of law–making, globalising foreign policy, and many other timeless topics important for parliamentarism and civil society.

The Riigikogu will now have a chance to provide the wider public balanced information about its work, and the reader of the publication can find an answer to the question why the legislator discusses certain things and makes decisions in one or another way.

I see as readers of the publication first and foremost members of Estonian political parties, teachers and students of universities, leaders of business and non–profit associations, journalists, representatives of foreign embassies and parliaments, representatives of international organisations, and naturally also the civil servants working in the Riigikogu Chancellery, and everybody who is interested in the matters relating to Parliament.

Enjoy the reading!

### PARLIAMENTARY DEMOCRACY

#### Thoughts on Parliamentarism, Democracy and Future Goals of the Riigikogu

Toomas Savi *President of the Riigikogu*

Democracy as a form of a state's political regime is a constantly regenerating process that is based on a continuing dialogue between the people and Parliament. The most important achievement of the previous decade is that, despite of a sometimes rather critical opinion towards their politicians, the people of Estonia have not even for a single moment lost faith in their state and Parliament. Although parliamentary work is founded on legislation, Parliament's activities as a representative body of the people cannot be reduced to that task only: an essential role in this process is played by the ongoing relations with the media and the professional and academic communities who have been called to participate in various forms of Parliament's work (first and foremost through committees of Parliament). An indispensable means for achieving harmony between the people's will and the activity of Parliament is the capable use of sociological information, avoiding at the same time the danger of embarking on the way to political populism: public opinion must control Parliament but it must not replace the constitutional forms of such a control.

All these ideals of parliamentary work are also pursued by the Estonian Parliament (Riigikogu) in its continuing work of harmonising Estonian legislation with the European Union law.

## **ISSUES OF NATIONAL IMPORTANCE**

### **Discussions of Issues of National Importance in the Riigikogu in 1992–1999**

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

A short survey by Kait Oole and Aare Kasemets on the discussions of issues of national importance (INIs) in the Estonian Parliament in 1992 – 1999 deals with the discussions of that period by organised by initiators and topics. These discussions can be distinguished from the ordinary procedural framework concerning bills of legislation and international conventions by their aim and manner of treatment. Discussions of INIs have been based either on § 135 of the Riigikogu Procedure Act, the Foreign Relations Act, or, arising from the provisions of the procedure of the Riigikogu, on the same legal grounds as discussion of any other draft of a resolution. So far the dominating INIs have been political choices concerning matters of foreign, agricultural, educational and cultural policy. Using an example of a discussion on rural life and agricultural problems, the article contains a summary case study on the different stages of discussion, its efficiency viewed against the background of public opinion polls and coverage in the Estonian media. When dwelling on the problems of efficiency and public acceptance of the discussions of INIs, it may be said, based on the public opinion polls ordered by the Riigikogu Chancellery, that the majority of the Estonian population is dissatisfied with the result of the discussions of INIs until now. The aims of bringing up INIs may be and are different – there are efforts to find political solutions to a social problem, an INI is put on the agenda of the Riigikogu as a public opinion, interest groups are consolidated. On the other hand, the aim of the discussions of INIs is to draw the public's attention to a topic of strategic importance for the state and

through this process inform the public (the European Union, civil society, administrative reform, etc.). Elaboration of the procedure for the discussion of INIs in 1999 by the amendment of the Riigikogu Procedure Act enables to adopt a special resolution of the Riigikogu as a result of the discussion, and this way relate the debate both to the legislative agenda of the Government and to the programmes financed from the state budget. In addition to the above, the authors wish to inform the reader about the availability of the transcriptions of the sessions of the Riigikogu on the Riigikogu homepage, which enable the reader himself or herself to get an in-depth overview of an issue.

### **Three questions to the members of the Riigikogu\*:**

1. How would you estimate the role of debates on issues of national importance in the Riigikogu's work in 1992–1999? Do you think they have helped to solve the problems at the national level?
2. The media provides coverage of the Riigikogu debates for the Estonian public. How do you estimate the role of the media in covering the Riigikogu debates and informing the society in order to bring the problems under public debate?
3. In spring 1999, an amendment was introduced allowing to adopt a resolution of the Riigikogu as a result of a discussion of an issue of national importance. What else could be done to make such discussions in the Riigikogu more substantial and efficient?

*\* Members of all Riigikogu factions were approached.*

Ants Käärma

*MP Chairman of the Riigikogu Rural Affairs Committee, Rural Union*

Issues of national importance discussed in the Riigikogu in 1992–1999 can be divided into three groups. First, various development plans and strategies concerning which the political forces had no particular differences of opinion. Examples of such issues are the main defence policy directions, environmental strategy, forestry policy, fundamental principles of information policy, fundamental principles of cultural policy, and long-term national development plan for fuel and energy management. Second, foreign policy issues: the Riigikogu influences foreign policy only to the extent as it can be influenced by the presence in international organisations and forums. The Government carries out its own foreign policy. Third, discussions of rural life and rural economy issues, that have taken place on four occasions.

Discussions of the draft laws concerning the first group, and foreign policy discussions, entailed no sensation or scandal. Therefore, the coverage of these topics by the media is rather modest. The discussion in August 1999 of “The Measures to Overcome Crisis in Agriculture” took place on the background of general silence. The coverage of the issue of national importance in such a way had a stimulating effect on the drafting of rural development plan by the ruling coalition for the application of the SAPARD\* programme. The Government also intends to implement one or two points (customs duties for goods from third countries, and the like) of the draft resolution.

\* SAPARD – financial support by the European Union for the structural preparation of the agriculture and rural life in applicant countries (incl. Estonia). The programme provides investment subsidies for the agricultural sector, manufacturing industry, rural undertakings, and for the financing of infrastructure and environmental protection sites in rural areas.

Vardo Rumessen  
*MP Member of the Riigikogu Cultural Affairs Committee,  
Pro Patria Union*

Discussions of issues on national importance in the Riigikogu have been ineffective in the opinion of the author. The coverage of these events by the media is also insufficient. General discussions in the Riigikogu are needed first and foremost for the issues that should stand above the partisan interests – culture, foreign policy, defence policy. In order to guarantee effectiveness of the discussions, the author thinks that such general discussions should take place outside the Riigikogu rules of procedure so that the opposition would not be able to block these discussions. Within such discussions representatives of social organisations could also be given floor, as it would help to broaden the perspective of the discussions.

Jaanus Männik  
*MP Member of the Riigikogu Finance Committee,  
Estonian Rural People's Party*

The discussion of issues of national importance is an essential form of the Riigikogu's work. The discussion should be aimed at giving a possibly good overview of the topic as a result of the discussion. It would be more efficient to adopt a resolution of the Riigikogu as a sum-up of the discussion using the possibility offered by the present Riigikogu Procedure Act. The author is of the opinion that the role of the media in covering the discussions in the Riigikogu and informing the people is essential and indispensable. At the same time, similar to the lack of quality of the discussions in the Riigikogu, the quality of the information published by the media leaves much to be desired. More than on the Riigikogu Procedure Act, the results depend on the level of democracy and the professionalism of the Riigikogu, and the level of cooperation between the coalition and opposition.

## **Foreign Policy Discussion in the Riigikogu**

### **Estonia's Main Foreign Policy Priorities**

*Address by Toomas Hendrik Ilves, Minister of Foreign Affairs, on behalf of the Government of the Republic of Estonia to the Riigikogu, 25 November 1999\**

Minister of Foreign Affairs Mr. Ilves pointed out three strategic directions of Estonian foreign policy.

The main priority of foreign policy of Government remains guaranteeing Estonian national security. The Government is committed to increasing defence spending as rapidly as possible and has decided to raise the level of funding for defence to 2 percent of GDP by the

year 2002. Estonia will continue to participate in peacekeeping efforts and contribute directly to securing international peace. In the next years, the Government intends to increase the size of Estonia's permanent mission to NATO, mainly by increasing the number of military representatives.

The Government's EU priorities are still clear: the most important foreign policy task is bringing the accession negotiations to a successful conclusion and becoming an EU member. Negotiations between Estonia and the EU have become more serious and substantive. The Government's aim is still to be ready for EU accession by 1 January 2003. As the Commission stressed in its progress report, *speed* and *quality* are decisive factors in the accession process. According to the Commission, Estonian progress in approximating laws has been inconsistent. The 9 Th. Riigikogu has adopted only 14 EU-related laws of 31 drafts sent to the parliament by the Government. If Estonia continue at this pace, then it is possible that in next year's report Estonia will be placed further down the list of accession countries.

Estonia's accession protocols to the World Trade Organisation's founding treaties were ratified in the Riigikogu. WTO membership is also one of the prerequisites for accession to the European Union. Estonia's EU accession negotiations will proceed now on another level because in planning economic policy, Estonia now proceeds from the same WTO principles as the European Union.

Estonian's main foreign policy priority is still national security. Negotiations between Estonia and the EU have reached a stage where Estonian accession depends largely on homework.

\*The full version of the speech is available on the homepage of the Estonian Foreign Ministry at the following address:

[http://www.vm.ee/eng/pressreleases/speeches/1999/Riigikogu\\_25.html](http://www.vm.ee/eng/pressreleases/speeches/1999/Riigikogu_25.html)

## **Foreign Policy Priorities of Estonia**

*Andres Tarand MP Chairman of the Riigikogu Foreign Affairs Committee, Moderates*

The starting points for defining Estonia's foreign policy priorities are the following: globalisation as one of the ever deepening processes in the modern world, and three aspects of the Estonian state – as a nation state, small state, and border state. There are a number of conflicts between globalisation and the nation state, but also between the internal balance of the recently independent states and European integration. On the other hand, the concurrent status of Estonia as a small state and border state means that these conflicts have to be overcome as a priority in order to maintain sovereignty. Foreign policy priorities that arise from the task of optimisation and that have been generally agreed on in Estonia are therefore membership in the EU and NATO. As a third priority, regional cooperation within the Baltic Sea region could be mentioned, stressing also the possibilities of additional positive regulations in relations with Russia.

## **THE STATE BUDGET**

## **Presentation in the Riigikogu at the 1st Reading of the Draft State Budget Act 2000**

Siim Kallas *Minister of Finance*

Considering Estonia's present economic situation, the Government took a conservative approach to the drafting of the budget for 2000. One of the aims was also to guarantee transparency of the drafting of the budget, its implementation and monitoring procedures.

Strict monetary and budgetary policy and low burden of national debt have so far helped Estonia to retain its international credibility.

The state cannot live beyond its means. Today's expenses must meet today's income and support sustainable development of the economy in the future.

When drawing up the state budget, the interests of the Estonian state and of the population as a whole were kept in mind. The guiding principle in drafting the state budget for 2000 was to improve the welfare of not only single interest groups but of the whole nation.

### **State Budget 2000, What and Why?**

Kalle Jürgenson *MP Chairman of the Riigikogu Financial Committee,  
Pro Patria Union*

Drafting of this year's budget was based already on the significantly amended law on the foundations of drafting the state budget. Reforming of the state budget has to continue in order to move towards a more transparent and flexible budget. The priorities of the ruling coalition in drawing up this year's budget are the national defence, education and culture. Alongside this and the reforming of the principles of drafting the state budget a lot of attention has been paid to a more targeted and effective use of state investments. Consideration is given likewise to the budgets of local governments and their use of funds, both as regards investments and daily expenses. A lot of attention in this year's budget has been given to an appropriate use of funds earmarked for the development of information technology and for the accession to the European Union.

### **Commentaries on the State Budget 2000**

Olev Raju *MP Member of the Riigikogu Finance Committee,  
Estonian Centre Party*

During the proceeding of the state budget one of the strongest critics of the ruling coalition was Olev Raju (member of the finance committee), chairman of the finance committee in the VIII Riigikogu. According to the official transcript of the Riigikogu proceedings, he claims that in the state budget drawn up by the ruling coalition there are mistakes of elementary arithmetic. He sees the biggest problems in the proportions of the budget of central government and local governments, and says that the calculations of the tax revenue that the local governments are expected to receive are questionable. Mr Raju also refers to the

negotiations in the finance committee with the association of local governments the results of which were not taken into account.

Villu Reiljan *MP Member of the Riigikogu Foreign Affairs Committee, Estonian People's Union*

Minister of Environment in the former Government, Villu Reiljan points out the example published in the Estonian media saying that the ruling coalition has also used the selling of state assets to cover the gap in the state budget created as a result of the income tax reductions. As a representative of the Estonian People's Union, he is against the draft law of this year's state budget because the draft law is in conflict with several laws. For example, the Fuel Excise Tax Act, as fuel excise is not compensated to agricultural producers, as well as Drafting of the State Budget Act and local governments charter ratified by Estonia. This puts an additional tax burden on some of the Estonian population and at the same time brings benefits only to a few, increasing social tensions and regional disparities.

## **TOPICAL ISSUES ISSUES ON THE AMENDMENT OF THE CONSTITUTION**

### **The Constitution Must Keep Up With the Times**

Liia Hänni *MP Chairperson of the Riigikogu Constitutional Committee, Moderates*

The article analyses the possibility to amend the Estonian Constitution that entered into force in 1992, and outlines an action plan for this purpose. The author has proceeded from an understanding that Estonia does not need an extensive constitutional reform but rather a development of the constitutional organisation of state to meet the conditions of the 21st century which will probably also witness Estonia's accession to the European Union.

### **Legal Expertise on the Constitution: Objectives, Organisation of Work, Results**

Paul Varul *Faculty of Law, University of Tartu*

The article presents the organisation of work, objectives and results of the committee of experts set up by the Government in the years 1996 – 1998. The author who served as chairman of the committee, presents his assessment of the work of the committee and introduces some of the main proposals made by the committee for amending the Constitution. The committee submitted a report with its conclusions to the constitutional committee of the Riigikogu who should decide on the possible amendment of the Constitution. The article gives an overview of the main proposals for amendment by dividing them into three groups. First, proposals for amendments by which the provisions of the Constitution would be specified, making them more complete and removing gaps and ambiguities. Second, proposals for amendments which are aimed at the organisation of rules regulating the constitutional institutions. It concerns first and foremost the naming of institutions, and their competencies. The third group includes proposals which contain fundamental changes in the organisation of state and the legal system. This group also includes proposals in connection with the possible accession of Estonia to the European Union.

## **A Critical Analysis of the Constitution Arising from the Practice of Constitutional Review**

Uno Lõhmus *Chief Justice of the Supreme Court of Estonia*

The presentation dedicated to the problems of the Constitution analyses the practice of constitutional review carried out by the Supreme Court to date. During the seven years of activity, 40 cases of constitutional review have been handled. In half of the cases the matter was raised by courts of general jurisdiction or administrative courts, in 8 cases by President, and in 12 cases by Legal Chancellor. The main problems can be divided in three groups: (1) the legislation does not always take into account the general principles of law; (2) matters related to the rules of delegation, and (3) matters concerning the procedure of passing of laws. The presentation also deals with the issue of creation of a separate constitutional court independent of the Supreme Court. The author comes to the conclusion that presently the creation of a constitutional court in Estonia is not practical.

## **ANTI-CORRUPTION ACTIVITIES**

### **Fight Against Corruption Outside Estonia**

Ivar Tallo *MP Member of the Riigikogu Constitutional Committee, Moderates*

The article provides an international perspective on the questions of corruption and the fight against this scourge. It gives an overview of the most debated topics and recent legislative initiatives that concern not a particular country but the international community at large and analyses the Estonian situation with this in mind. It states that fight against corruption has become an international activity because corruption is seen as an obstacle to both the political legitimacy and economic effectiveness of democratic regimes. It concludes that compared with other central and eastern European countries Estonia has quite developed conflict-of-interest legislation but a lot still remains to be done.

### **Application of the Anti-Corruption Act**

Eenok Kornel *Adviser of the Riigikogu Select Committee on Anti-Corruption Activities*

For the first time, the Riigikogu, the Government of the Republic and the general public have at their disposal official material "An Overview of the Application of the Anti-Corruption Act in 1999". The legislator now has feedback on how the law is interpreted and how its requirements are observed.

An overview prepared by the Riigikogu select committee on anti-corruption activities, published in this publication, demonstrates that the ministries have information about the application of the Act in their areas of government, and the city and rural municipality councils hold that information about their local government units. If two years ago, when answering questions in the Riigikogu, the Government of the Republic was unable to give generalised data, then in 1999 each of the ministers provided assistance in the process of uniform application of laws in their areas of government. According to the law, the local



government councils have a task of arranging and supervising declarations of the economic interests of officials.

The overview of the select committee on the application of the Anti-Corruption Act was compiled by comparison of the obtained data both with the requirements of the Act and with each other. The general picture should reflect the reality or be close to it. The overview as a generalisation contains besides numerical data also problems that emerged in the application of the Act. Key issues that should be solved by the legislator could be treated even in more detail than has been done in this overview. Parliament must in the future also pay attention to restrictions on the employment and activities of officials. The Anti-Corruption Act stipulates clearly what an official must not do, but it does not extend to all the officials listed in the Act. A complicated issue is also the form of declarations of economic interests that needs to be amended.

Estonia is in a situation where the media covers the topic of corruption in connection with scandals. Domestic scientific publications are practically non-existent in this field. In the Estonian legal practice the actual effect of laws should be analysed more frequently. Feedback between the legislator and implementers of laws gives a possibility to make reasoned amendments in the laws. Analytical works promote the uniform understanding, affect legal awareness and legal culture. The overview presented in this publication contributes to cooperation between different institutions in order to guarantee a stronger effect of legal regulation. Corruption is a complicated, crafty and hidden phenomenon that is hard to get and keep under control. Therefore, it would be good if we could first accomplish the purpose of the Anti-Corruption Act, i.e. implementation of preventive measures against corruption.

*The Riigikogu Select Committee on Anti-Corruption Activities*

## **Overview of the Application of the Anti-Corruption Act in 1999**

The full Estonian language text of the report is available on the Riigikogu homepage at: [http://www.riigikogu.ee/rk\\_komisjonid.html#P49\\_3935](http://www.riigikogu.ee/rk_komisjonid.html#P49_3935)

## **CONSTITUTIONAL INSTITUTIONS**

### **Presentation of the Auditor General in the Riigikogu Reporting on the “Use and Preservation of the State Assets”**

*In his presentation in the Riigikogu on 22 September 1999 Auditor General Juhan Parts dealt with four topics:*

First, he talked about the main problem in the financial management of the state, which is defining the objectives of state expenditure. The State Audit Office is of the opinion that in the case of every item of expenditure we have to ask ourselves what we want to achieve with it, and then we can ask what we actually did achieve and what it cost for the state. This

presumes that the whole process of drawing up the budget and the whole governance of the state should be results-oriented.

Second, Auditor General stressed the need for a state balance sheet. The balance sheet gives an overview of the financial standing of the state, its liabilities and their possible sources of coverage. Compiling and arranging of such data into a balance sheet is necessary for the planning of long-term activities, the assessment of what has happened during the year, and for estimating the effect of what has been planned for the subsequent year.

Auditor General also addressed the problems of internal control. According to him, there is currently no effective system of internal control in Estonia. Mr Parts stressed that although the existence of a financial control system is required by the European Union, it should first and foremost be a national priority as an element in raising the quality of management.

The quality of management was also stressed in relation to the fourth topic – the bankruptcy of the Maapank – an event that was also partly a result of wrong management decisions. Auditor General drew the attention of MPs to the conclusions of the Danish expert Eigil Molgaard, who had said that it is important for the state to create a management culture that meets the conditions of the market economy.

## **RESEARCH AND OPINIONS PRIVATE LAW**

### **How Should the Estonian Private Law System Look?**

*Uno Mereste MP Member of the Riigikogu Legal Affairs Committee, Reform Party*

In connection with the organisation of the Estonian legal system there is a proposal to regulate in future all private law contracts under law on obligations. This article discusses the definition of obligation and the changing of the role of law on obligations since the system of the Pandects (6th century AD) until now, and presents an alternative proposal to regulate all private law contracts under the contract law. It would be logically more consistent and would be better in conformity with the legal awareness of the people, which (as can be seen from the discussion of the law on obligations until now) refuses to recognise labour contracts, contracts of usage, deeds of gift, and other contracts as contracts of obligation.

## **LAW-MAKING**

### **Sociology of Law, and Law-Making**

*Henn Käärik Department of Sociology, University of Tartu*

Max Weber, founder of the sociology of law, explicitly distinguished formal, procedural (how?) and material, substantive (what?) dimensions of law. In modern society it is formally rational law that can be effective. In addition, law should be a rather closed, self-reproductive system, only indirectly reflecting changes in the social framework. Similar ideas

are upheld in the works of Parsons, Carbonnier and Luhmann. A radically different position is presented in the writings of Habermas. Law and the law-making process must be of an entirely communicative and consensual character: only those norms are valid and legitimate which all the concerned persons have agreed on as participants in rational discourses.

The actual state of law-making practices could be located somewhere between these two extremes: legislation is not a normatively and cognitively closed process, it makes more and more use of all kinds of social information. At the same time socio-legal studies clearly indicate that the use of social information in law-making is normally neither specially required nor formally regulated.

### **Social Information in the Service of Legislative Development: Situation and Proposals**

Paul Kenkmann *Department of Sociology, University of Tartu*

The article proceeds from a survey carried out by the Riigikogu Chancellery to study the opinions of participants in the law-making process regarding the use of social information in the legislative process and the ways of raising effectiveness of legislation with the help of that information. Developing of specific relationships between the “producers” of information and participants in the legislative process can be distinguished as a central way of promoting the use of social information, this way also determining the role of social information which in turn would incline the activity of the designers of social information in that direction. Giving social information such a role assumes a certain political agreement within the general context of raising the effectiveness of legislation.

### **Normative Technique of Law-Making, its Essence, Necessity, Problems**

Kaljo Tamm *Legal Department of the Riigikogu Chancellery*

The article describes the essence of the normative technique of law creation, its necessity and the problems of the normative technique that have arisen in the legislative process.

The author notes that the normative technique is a set of theoretically proven devices and methods used in the drafting of legislative acts. Its final goal is to help to guarantee that an act of law adopted by a competent authority within its powers and in accordance with the prescribed procedure is valid and has effect. The normative technique should guarantee that a legislative act contains no conflicts that could render the act void or limit its effect. In order to guarantee the effect of a legislative act all legal prescriptions contained in it should be enforceable, their implementation controllable, and the established rights clear, useable and realisable. It is important that each provision of an act, its every legal prescription would reach everybody whom it concerns and would be intelligible to that person. Almost any legislative act should be accompanied by a necessary implementation mechanism which is expressed either in the respective implementing provisions contained in the particular act itself or in necessary implementing legislation.

The article discusses problems that have emerged when in September 1999 the Government adopted a regulation on “The rules of the normative technique of drafts of legislative acts”, in addition to the previously existing rules of the normative technique approved by the Board of the Riigikogu. The article also discusses various problems encountered in practice. The author notes that a serious problem in the legislative process is a very frequent and sometimes somewhat chaotic amendment of currently effective legislation. It is not based on a profound analysis of the effect and implementation of the legislation in force. There is unfortunately no considerable feedback mechanism in Estonia between the implementers (courts, state and local government agencies, and others) and drafters and adopters of legislative acts.

### **Usefulness of Explanatory Notes in Draft Laws in the Fields of Socio–Economic Impacts, European Integration and Participatory Democracy**

Quality of Law–Making and Administrative Capability of the State

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

The article is based on a survey carried out in 1999 to analyse 156 draft laws submitted to the Riigikogu with respect to their conformity to the requirements of content of the legal acts regulating the legislative activities of the Riigikogu and the Government, and to the methods for the assessment of the impact of regulations in selected OECD countries. The author proceeds from a thesis that the problems of administrative capability and legitimacy of the Estonian public sector (incl. the legal system) arise often from the shortcomings in the preparation stage of draft laws – mistakes in political and administrative planning result later during the application of national or international law in budgetary extra costs, management of state agencies, and mismatches between different sectors.

The role of explanatory notes to draft laws is to present both to the parliament and the general public in a clear way information about political goals and legal, budgetary, social, and organisational changes accompanying the implementation of the legal act, because draft laws themselves are available in the Internet to all actors in the public sphere. Without sufficient public information it is difficult to talk about transparency in the political decision–making process and advantages of participatory democracy, for which the legislators are morally obliged by the provision contained in the general part of the Estonian Constitution saying that the highest power is vested in the people, and the requirement of § 44 on the availability of information concerning the public.

Based on the study of the explanations it may be concluded that in the law–making process in Estonia the prognosis of social–economic and budgetary effects of legislation, the use of procedures characteristic of participatory democracy, and the comparison of draft laws with international law is so far not sufficiently systematic in Estonia, but preconditions for a qualitative leap do exist. The author hopes that the given study, generalisations and proposals can be used both for the assessment of the law–making process in Estonia until now, as well as for the elaboration of the next stage development plans. The author also makes a proposal to start a national programme for the quality of legislation that would be

focused on the methods and requirements of analysis of regulations (see also <http://www.riigikogu.ee/osakonnad/msi/4001.html> p. 7.1–7.7).

## **PUBLIC OPINION**

### **The State and the People: Political Competence of the Population**

Andrus Saar *Saar Poll Ltd.*

As is characteristic for a society in transition, democratisation of the society causes conflicts connected to the political expectations of the population and realisation of those expectations. These processes are reviewed based on the results of public opinion polls carried out in 1995–1999. Awareness of the people about their rights is low but it displays a tendency of growth from year to year. On the other hand, the possibilities to participate in the social processes by influencing political institutions have not changed over years.

#### **Do the Activities of the Riigikogu Meet the Expectations of the People?**

Marika Kirch *Economic and Social Information Department of the Riigikogu Chancellery*

The article presents some of the results of a survey ordered by the Riigikogu Chancellery which reflects the change in the credibility of the Parliament and the interest of the people in its activities. After the regaining of independence the attitude of the people towards the Riigikogu has been positive rather than negative. In general there are more people who believe that the activities of the Riigikogu have been mainly in conformity with the interests of the people. Such an attitude is probably not so much a reflection of a concrete assessment of one or another composition of the Parliament but rather of people's support to their representative assembly whom they expect more and more to become a Parliament following European traditions.

A significant change has occurred in the opinion of non-Estonians. A year ago there were less than one fifth of non-Estonians whose expectations of the members of Parliament were met. Now their number is the same as among Estonians, i.e. approximately half of the respondents.

People's knowledge of the work of the Riigikogu has improved over years but it is still not believed to be very good. More than half of the respondents in the survey think that in order to improve the level of information, public broadcasts of the sessions of the Riigikogu should be continued. Most people would like everybody to have a possibility to obtain information they wish about the Riigikogu. Such an opinion reflects the need of the people for an open society which is transparent and where people also have access to information about the highest institutions in the country.

## **STATE BUDGET AND TAXES**

### **Taxation of Non-Profit Associations in Estonia and Worldwide**

Hilma Naaber and Kaarel Haav *Economic and Social Information Department of the Riigikogu Chancellery*

There are 5581 non-profit associations in Estonia (as at 1.11.99). By fields of life, their number is the biggest in public, social and personal services (3268 associations), and in real estate, lease and business services (1962). In Estonia, the following income of non-profit associations and foundations is tax-exempt:

- joining and membership fee;
- interest received from the placement of joining and membership fees in a resident credit institution;
- subsidies set out in laws or established by the Government of the Republic;
- other income defined in § 9 section 2 of the income tax act.

In accordance with the order no. 39 of 20 January 1999 of the Government of the Republic, 1194 non-profit associations, i.e. 21,4% of registered non-profit associations, were exempted from income tax.

Legal acts regulating taxation of non-profit associations in Estonia follow the principles of the tax provisions for non-profit organisations in the Basic World Tax Code.

The international centre for not-for-profit law (ICNL) has together with the World Bank made a study of the legislation in more than 100 countries and highlighted the following principles that encourage the activities of non-profit associations:

- exempting non-profit associations from income tax;
- tax incentives for donations and donators;
- economic activity of a non-profit association is taxed if the profitable economic activity is not directly related to no-profit goals of the association;
- tax incentives for VAT and customs duties.

Viability of non-profit associations depends first and foremost on legislation and the different possibilities for their financing.

### **Vehicle Taxes in the EU Member States**

Kai Priks *Economic and Social Information Department of the Riigikogu Chancellery*

The Estonian Motor Vehicle Excise Tax Act was under attention already in 1998 with respect to its amendment. The aim of the amendment of the Act was to bring excise tax rates into dependence on the cost of the motor vehicle, and through the excise tax rates promote indirectly the procurement of newer, more energy-efficient and environmentally friendly vehicles. In this connection, an overview of the vehicle taxes in the EU member states was made.

In the EU member states there are a number of taxes imposed on motor vehicles. They can be an excise tax (Netherlands, Ireland, England), motor vehicle tax (Belgium, Ireland, Italy, Luxembourg, Portugal, Sweden, Germany, Finland), vehicle registration tax (Belgium, Denmark), or vehicle weight tax (Denmark).

The above taxes may be either single taxes imposed at the purchase or registration of the vehicle, or annual taxes charged for the use of the vehicle on public roads.

## **ECONOMY**

### **Producer Subsidy Equivalent and Consumer Subsidy Equivalent in OECD Countries and Estonia**

Toivo Mängel *Economic and Social Information Department of the Riigikogu Chancellery*

Taking into consideration the producer and consumer subsidy equivalents in planning the future development directions of agricultural policy provides, in the opinion of the author, a sufficiently adequate picture of a comparative level of subsidies by product groups in Estonia. A comparison with the European Union countries is for the time being not sufficiently revealing. Using the Estonian PSE and CSE as a basis for foreign economy oriented economic calculations is hindered because of the methodological shortcomings having to do with the calculation of the PSE in rapidly transforming economies. In the countries where in the recent decade very rapid macroeconomic transformation has taken place, it may be necessary to adjust the results of the PSE calculations from year to year.

## **COURT STATISTICS**

### **Overview of the First and Second Instance Court Statistics Based on Statistical Indicators of 1998 and 1st half of 1999**

Küllli Luha *Ministry of Justice*

Summaries of statistics of the first and second instance courts are compiled twice a year, in July and January, and the data is also published on the homepage of the Ministry of Justice:

In 1998, 6290 criminal cases were filed with the county and city courts. Resolved were 5945 cases. 8267 people were convicted (according to enforced court decision). On average, solving of one criminal case took 3 months and 24 days. By the end of the year, 3089 criminal cases were left unsolved.

In 1998, there were 30038 civil cases in the courts, of which 62.9% were solved (18910 civil cases). The average length of a civil process was 4 months and 22 days. By the end of the year, 9803 civil cases were left unsolved.

In 1998, 1549 administrative cases were filed with administrative judges, of which 975 were resolved.

In the first half of 1999, courts of first instance in Estonia received 3560 criminal cases. 3403 criminal cases were resolved. There were 4760 convicted persons (according to enforced court decision). The average proceedings of a criminal case took 3 months and 17 days. In the first half of the last year, 2576 criminal cases were left unsolved.

The number of civil cases submitted to the courts of first instance was 11861, at the same time 51.3% of the cases were solved (10891 civil cases). The average length of proceedings in a civil case was 5 months and 5 days. By the end of the reporting period, 9978 civil cases were left unsolved.

In the first half of 1999, administrative judges received 2315 applications or complaints. 20% were resolved (549 administrative cases).

An overview of the criminal, civil and administrative cases submitted to and settled by the district courts can be seen on figures no. 6 (1998) and no. 7 (1st half of 1999).

By way of conclusion to the above overview, it must be recognised that the situation in courts is not at all satisfactory. From year to year the number of cases submitted to courts and the number of unsolved cases increased (especially in civil matters). In some courts the criminal and civil processes last for extremely long periods, in certain regions there are significantly higher workloads, the quality of cases submitted to the courts is poor.

Things get piled up in the courts which have little to do with administration of justice and which courts should not be dealing with. Judges who are often accused of incompetence must deal too much with the work that someone else should have done. Therefore, the expectations of people coming to the court that the court system should be effective and guarantee the quality are not always met. The court is only part of the whole system of administration of justice and therefore the judge cannot be the only person responsible for the ineffectiveness and poor quality of the administration of justice.

## **PARLIAMENTARY WORLD FOREIGN DELEGATIONS OF THE RIIGIKOGU**

### **A Short Overview of the Riigikogu Foreign Delegations**

The members of Riigikogu participate in seven international parliamentary organisations:

- Inter -Parliamentary Union - IPU - <http://www.ipu.org/>
- Baltic Assembly
- European Parliament - EU-Estonia Joint Parliamentary Committee - <http://www.euoparl.eu.int>
- Parliamentary Assembly of the Council of Europe - <http://stars.coe.fr/>
- Organisation for Security and Cooperation in Europe, OSCE - <http://www.osce.org/>
- Western European Union, WEU - <http://www.weu.int/assembly/home.htm>
- North Atlantic Treaty Organisation (NATO) Parliamentary Assembly - <http://www.nato.int/>



- GLOBE International GLOBAL LEGISLATORS ORGANISATION FOR A BALANCED ENVIRONMENT Website: <http://globeint.org>

Information: Karin Jaani *Head of the Foreign Relations Department of the Riigikogu Chancellery* Overview of the Riigikogu Foreign Delegations available on the homepage of the Riigikogu at the following addresses: Foreign delegations of the Riigikogu – [http://www.riigikogu.ee/rv\\_deleg.html](http://www.riigikogu.ee/rv_deleg.html)  
Parliamentary groups of the Riigikogu [http://www.riigikogu.ee/rv\\_parryh.html](http://www.riigikogu.ee/rv_parryh.html)

### **Estonian Delegation to the Parliamentary Assembly of the Council of Europe**

Kristiina Ojuland *MP Chairperson of the Parliamentary Delegation of the Riigikogu to the Council of Europe, Reform Party*

The first delegation of the Riigikogu was established in September 1991 shortly after the restoration of independence of Estonia. It had a special guest status until Estonia acceded to the Council of Europe in May 1993.

The delegation has three permanent members (Ms Kristiina Ojuland – head of the delegation, Mr. Lauri Vahtre and Mr. Anti Liiv) and three substitute members (Mr. Elmar-Johannes Truu, Mr. Ivar Tallo and Mr. Sergei Ivanov).

The Parliamentary Assembly of the Council of Europe (PACE) has four part-sessions in a year per one week in Strasbourg. The members of the delegation belong to four different political groups and work at the different parliamentary committees which are meeting between the part-sessions. The members of the delegation are *rapporteurs* in their relevant committees. In their political groups the members of the delegation make lobby work in the interests of Estonia.

The main aim of the delegation is to represent the Riigikogu in the international organisation and actively participate in the common European projects. There is close cooperation between the delegations of three Baltic States.

The Council of Europe plays an important role in promoting democracy, human rights and the rule of law in its member states. Therefore it has a part to play in Estonia's integration to the European Union where the Copenhagen criteria demand from the candidate countries political stability and existing democratic institutions. The delegation uses an opportunity to exchange the information with the other delegations of the European Union candidate countries.

### **IN OTHER PARLIAMENTS**

#### **Associations of Former Members of Parliament in Europe and Japan**

Kai Priks, *Kaarel Haav Economic and Social Information Department of the Riigikogu Chancellery*

Informal or officially registered associations of former MPs are a widespread practice in the world. Gatherings of these associations are officially arranged in the form of annual meetings, but also series of lectures, visits within one's own country and abroad may be organised. The activities of the associations are normally financed from membership fees. The present article introduces the activities of the associations of former parliamentarians in Finland, Sweden, Denmark, Belgium, France, Germany, Japan, and Poland. In Estonia, there is also an organisation uniting former parliamentarians. It is the so-called "20th of August Club" including the members of the Supreme Council of the Republic of Estonia who voted on 20 August 1991 for the resolution of the Supreme Council "On the National Independence of Estonia". Yet, it is still too early to talk in Estonia about organisations similar to the organisations of former parliamentarians in the above countries of Europe. Moreover, among the members of the "20th of August Club" are also several of the present members of the Riigikogu. See also: [http://www.riigikogu.ee/osakonnad/msi/tel284\\_i.html](http://www.riigikogu.ee/osakonnad/msi/tel284_i.html)

## **PARLIAMENTS IN FIGURES**

### **Statistics of the Activities of the Riigikogu**

*Kaja Vaabel Documentation Department of the Riigikogu Chancellery*

Statistics of the activities of the VIII and IX compositions of the Riigikogu might be seen as a yardstick for the work accomplished by the Riigikogu. We learn that as a result of the work of the VIII Riigikogu 754 legal acts were adopted, of them 643 laws, 109 resolutions, and 2 statements. The overview contains a comparison of the IX and VIII Riigikogu during the same time period.

We also see what is the workload of the different standing committees of the Riigikogu, or in other words, which fields of life in Estonia require more regulation. The tables show that these are the finance, economic affairs, constitutional, and legal affairs committees. They were the leading committees in the first and second sessions of the IX Riigikogu with total 71% of the passed legislation and respectively with 70% of the legislation in the VIII Riigikogu.

### **Remuneration and Benefits of Members of Parliament – an International Comparison**

*Kai Priks Economic and Social Information Department of the Riigikogu Chancellery*

The necessity for an international comparison of remuneration and benefits of Members of Parliament has arisen from the work of drafting, amendment and revision of legal acts regulating the payment of the work of Members of Parliament. This overview is based on the data presented in Istanbul in 1996 at the conference of the Association of Secretary Generals of Parliaments.

Members of Parliament normally receive remuneration for their work on the basis of an official document, but the level of regulation is different. In Estonia, payments to Members of Parliament are regulated by the law on the salary, pensions and other social guarantees of

the members of the Riigikogu that entered into force on 1 July 1992 and was amended at the beginning of 1999. In addition to the basic salary, Members of Parliament receive various allowances and social guarantees: travel expenses, housing expenses, office rooms, office equipment, expenses for post and publications, money on transfer to another job, pensions.

## **HISTORY OF THE RIIGIKOGU**

### **Beginnings of Parliamentary Practice in the Republic of Estonia**

Jüri Ant *Department of History, University of Tartu*

On 23 April 1919, the democratically elected parliament of the Republic of Estonia – the Estonian Constituent Assembly – began its work. The article quotes in length the speech made at its opening session by August Rei, Chairman of the Constituent Assembly. The activity of the Constituent Assembly in the creation of the foundations of the state and in the law-making was extremely fruitful during a bit more than one and a half years of its existence. According to the Constitution adopted by the Constituent Assembly on 15 July 1920, it ended its activities on 20 December 1920. From that moment, the 100-member Riigikogu (State Assembly) elected by the people for a term of 3 years began its work.

## **CITIZEN AND THE STATE COOPERATION**

### **Memorandum of Cooperation Between Estonian Political Parties and Third Sector Umbrella Organisations**

Proceeding from the common interest to strengthen cooperation between the state and non-profit associations in shaping public policy and promoting participatory democracy in Estonia,

and,

the desire to provide, as equal partners, a contribution to the building of civil society which is an essential precondition for promoting public welfare and increasing competitiveness of the state,

the political parties and non-profit associations of Estonia who are signatories to this Memorandum, consider it necessary to

- jointly build up and in 2000 present to the Riigikogu the concept for the development of civil society which will cover the aspects of civic initiative in the devising and implementation of policies in various areas of life in Estonia;
- form a Co-operation Chamber operating on a regular basis involving the Estonian political parties and third sector umbrella organisations for maintaining mutual contact and developing ideas aimed at promoting civil society in the interests of democratic development of Estonia;

- maintain a continuous dialogue, based on the development concept of civil society, in the process of the devising and implementation of national and local level policies and in the assessment of their results. Parties to the Memorandum consider it particularly important for non-profit associations to be informed about the law-making process of the Riigikogu, the Government of the Republic and local municipalities, and participate in this process, as well as be prepared to take on the challenges presented by the society.

The dialogue between political parties and non-profit associations is aimed at developing a new understanding of the relationship between the public and non-profit sectors in today's democratic society and reaching the stage of the growth of educated civic initiative.

14. December 1999

On behalf of non-profit organisations: Estonian Union of Co-operative Housing Associations *Andres Jaadla*  
 Association of Estonian Cultural Societies *Valter Haamer*  
 Kodukant Movement of Estonian Villages and Market Towns *Mikk Sarv*  
 Network of Estonian Non-Profit Organisations and Foundations *Kadri Kopli*  
 Friends of Earth – Estonia *Peep Mardiste*  
 Estonian Social Welfare Development Centre Social Sphere Round Table *Deiv Rahumägi*  
 Estonian Central Sports Union *Mait Arvisto*  
 Estonian Popular Education League *Tiina Jääger*  
 Estonian Cooperative Union *Tõnis Blank*  
 Estonian Union of National Minorities *Jaak Prozes*

On behalf of political parties:

Estonian Centre Party *Küllo Arjakas*  
 Estonian Coalition Party *Märt Kubo*  
 Estonian Rural Union *Jaan Ots*  
 Estonian Pensioners and Families Party *Mai Treial*  
 Estonian Reform Party *Paul-Eerik Rummo*  
 Estonian Social Democratic Labour Party *Tiit Toomsalu*  
 Estonian People's Union *Andres Varik*  
 United People's Party of Estonia *Leivi Sher*  
 Pro Patria Union *Aimar Altosaar*  
 People's Party – Moderates *Mart Meri*

Commentaries of the representatives of political parties represented in the Riigikogu on the Memorandum of Cooperation reflect almost the whole mosaic of the principles of cooperation between the public authorities, political parties and the third sector.

*Aimar Altosaar (MP, Pro Patria Union)* sees the cooperation memorandum as a public relations project that is aimed at drawing the public's attention to the possibility to actually participate in the process of shaping the society and influencing governance of the state not only during elections but continuously.

*Tiit Toomsalu (MP, Estonian United People's Party)* stresses two possibilities offered by the cooperation memorandum. First, NGOs can now do legislative lobby work through

organisationally clear and legal channels, and second, pressure groups can influence the process of law-making in its initial stage.

Paul-Eerik Rummo (*MP, Estonian Reform Party*) sees the signed memorandum and forming of the cooperation forum between umbrella organisations of political parties and third sector as an encouragement and incentive to the so far relatively weak third sector in Estonia. He believes that designing the concept of the desired civil society and its discussion in the Riigikogu will help to open new perspectives for cooperation between the state and citizens' initiative.

Mai Treial (*MP, Estonian Pensioners and Families Party*) stresses that non-profit associations help to balance the state's social economic development, the growth of income disparities as well as cultural and regional disparities, and will thus alleviate tensions in the social-political life in Estonia.

Andres Varik (*MP, Estonian People's Union*) takes first a look back at the ideas of the creation of the rule of law and civil society confirmed at the time of regaining of Estonia's independence. He concludes, while looking at today's Estonia, that the more civil societies are formed and the more active and professional they are the better are the chances for cooperation with politicians.

Küllo Arjakas (*MP, Estonian Centre Party*) highlights the fact that the signed cooperation memorandum is quite a unique historic event even in the international context. On the one hand the signatories were all major political parties in Estonia, and on the other hand, it consolidates all major Estonian NGO associations. Thus, there is a basis for a more serious cooperation for the building of civil society in Estonia, while at the same time this sphere of activity is further regulated by the Estonian legislation and international agreements.

Leivi Sher (*Estonian United People's Party, adviser to the faction*) points out that the cooperation forum connected with the memorandum is presently the only institution where non-partisan citizen associations have an equal partnership standing with political parties. He expresses hope that in future it will help to avoid situations where for example, while drawing up a government-sponsored programme for the integration of society, several major Russian-speaking groups to be concerned were not included in the drafting process.

Mart Meri (*MP, Moderates*) says that the state functions effectively when it can sort out from the special interests of the different groups of the society the interests that associate to the public interests of the society, in order to subsequently implement them step by step through cooperation. Discussion of the different interests of the civil society and the respective decision-making takes place in the parliament elected by the people and in the government implementing those interests. In his opinion, cooperation between the third sector, Parliament and the Government has been ineffective so far. One of the reasons is also the lack of the used information. The cooperation memorandum creates a necessary procedure and an information channel for this purpose.

## **If Non-Profit Associations Take Responsibility, Will the Republic of Estonia Reach Participatory Democracy?**

Taivo-Ahti Adamson *Union of Estonian Non-Profit Associations and Foundations*

On 14 December 1999, by signing a cooperation memorandum, a cooperation assembly of Estonian political parties and non-profit associations was founded. The task of the assembly is to help through exchange of opinions to shape views of the both parties on long-term strategic goals of development in Estonia.

The cooperation assembly provides a forum for political parties where they can listen to people's opinion. So they can hear signals which are useful to take into account when defining the policies of their parties. This is another step towards participatory democracy offering the more active part of the people a possibility to say what they think, knowing that they are listened to and that there exists readiness to discuss things with them.

Umbrella organisations for non-profit associations have received motivation for cooperation and have formed a Consultative Council of Non-Profit Organisations for the purpose of coordinating their activities.

The whole activity got started at the end of 1998 from a project called "The Strengthening of Sustainable Development of Estonian Non-Governmental Organisations" supported by the United Nations Development Programme. Part of the project is strengthening of the partnership between the state and non-profit organisations (see also: <http://www.ngo.ee> ).

## **LEGAL EDUCATION**

### **Is the Estonian Legal System an Obstacle to Developing Civil Society?**

Michael Gallagher *Estonian Law Centre*

One may argue that civil society is best viewed as the process that moves society towards consensus in how to face the future. Implicit in this is a strong connection between ordinary people and the decision-makers making governmental policy. At present this connection is weak in Estonia. To develop such a connection, NGO's should be prepared to work at the community level to assist people in developing and expressing their views. But it also requires that policy makers take these views into account. Here, transition issues in the development of the legal institutions may cause problems. At present, Estonian legislative process is relatively closed to the public. Equally important, there is confusion over the role of law and lawyers in public policy development. Is law the "master" or "servant"? The conclusion suggests a need for a second type of NGO to help insure that Estonian law does not form a barrier to development of civil society. The Estonian Law Centre could be this NGO.

### **When a Citizen Wishes to Participate in Law-Making**

Ülo Siivelt *Estonian Law Centre*

The Estonian Law Centre has given its contribution for the development of participatory democracy in Estonia. In September 1998, an e-mail list was created at the Estonian Law Centre for lawyers and people interested in law. By now the list has grown into a substantial source of information for more than 650 lawyers, civil servants, and people interested in law, which is quite a large number of participants for Estonia. Discussions have been in the form of questions and answers and they have been effective. The readiness of participants is also notable.

Based on proposals sent by the people, in November 1999 a new discussion list was created within the existing list for the discussion of concrete draft laws. Authors of draft laws were also included in the discussion list. Preliminary results are promising. A deeper analysis is still to be done and it might become a reality already in the following issues of the *Riigikogu Toimetised*.

## LITERATURE AND DATABASES

### Bibliographical Databases in the Estonian National Library

Kristina Pihlau *National Library*

The National Library of Estonia has a nine years experience of creating and using bibliographical databases. By now there are more than 40 different databases in the National Library. The article gives an overview of three of them: *Majpol*, *Varia*, and *'igus*. These databases are mostly used by the Parliamentary Information Centre.

Since 1999, nine Estonian research libraries use the integrated library system INNOPAC in their daily work. With the help of Innopac they compile the joint electronic catalogue that is also accessible on the Internet.

Currently the National Library is working on a project called ISE (*Index Scriptorum Estoniae*) that makes it possible to use the databases also on the Internet. It is meant only for the members of Parliament and the Parliament's Office.

### ESSDA Spreads Information about Changing Society

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

In law-making there can often arise a need for information on social problems. Such information can be obtained from the Estonian Social Science Data Archive (ESSDA) in Tartu. ESSDA is an interdisciplinary centre at the Department of Social Sciences of the University of Tartu which also functions as a national archive of social sciences. ESSDA's aim is to guarantee the maintenance and use of social information gathered in Estonia and about the Estonian society, as well as integrate Estonian social scientists into international social information networks.

ESSDA deposits data files of more than 200 empirical social studies, including research results on the media, public opinion polls, information on the youth, education, urbanisation, leisure, rural life, satisfaction with work and working conditions, etc.

ESSDA is a member of CESSDA, the Council of European Social Science Data Archives that enables access to materials contained in other European data archives.

ESSDA's Internet home page (<http://www.psych.ut.ee/esta>) provides information about the archive and available research findings.

## **VARIA**

### **Estonian Political Caricature: from Gentle Humour to Biting Satire**

Aare Kasemets *Editor-in-Chief, Riigikogu Toimetised*

The editor-in-chief's hobby-story "Estonian Political Caricature: from Gentle Humour to Biting Satire" begins with a motto by University of Tartu Professor Harald Peep: *Humour is said to be very democratic. No one can either be forced to laugh or prohibited from laughing.*

Political caricature is a part of political culture. To start with, the author introduces three roles of political caricatures in the media. First, caricatures are part of competition between the actors and ideas in the political arena. A good caricature is often like a can of condensed information, which contains in a compressed form the message summarising several articles – it reflects the standpoint of the publication. Second, caricatures reflect interaction between politics and the media. The historic decline of the image of political leaders is, according to many media sociologists, directly related to changes in the media environment. The new media helps journalists, artists and others who observe how politicians act in different social roles to discover a number of elements of verbal, character and situation comedy. The third task of comical genres has since the ancient times been the sharpening of the common sense and demythologisation of heavenly and earthly gods. In the modern media environment, it means that in order to speed up social changes and political reforms, to put in frame the vices and the wicked, etc., it is possible to use humour, jokes, burlesque, ridicule, irony, grotesque and black humour alongside a deadly serious political speech or academic research. And if this does not help, one can also use sarcasm and satire. The author places the Estonian political caricature in 1999 on a humour-satire scale. Compared to what we see in Western European media, Estonian political caricature is relatively gentle and as a rule does not use any "remedy" stronger than black humour. In parliamentary activities, as we know, humour often plays a conciliatory role helping to resolve unpleasant situations and making the working atmosphere more friendly.



The caricature shows how Prime Minister Mart Laar reporting to the Riigikogu tries to blame the unpopular raising of fuel excise tax on the European Union or Euro-Mom.

## FINAL COMMENTS FROM THE EDITORS

### New Parliamentary Forum – What, Why, for Whom, and What Next?

Aare Kasemets *Editor-in-Chief*

Ülo Siivelt *Managing Editor*

The back column of the *Riigikogu Toimetised* editor-in-chief Aare Kasemets (Riigikogu Chancellery) and managing editor Ülo Siivelt (Estonian Law Centre, Tartu) sums up the issues related to the concept of the publication, its first issue and future plans. When searching for the concept of the *Riigikogu Toimetised*, the Estonian information market, parliamentary publications in other countries, etc., were analysed. Eventually, a framework arising from the constitutional tasks of the Riigikogu was designed, which has no international counterparts. As the Estonian society and thus the possible readership of the Estonian-language part of the *Riigikogu Toimetised* is relatively small, it was not practical to create a publication that would focus narrowly only on law or politics.

Editors emphasise that the legislative activity of the parliament affects all the major subsystems of the society. As legal regulation is only one of the many alongside the cultural, economic and administrative regulations, the governing of the state through legislation is in the ideal case a field of interdisciplinary cooperation which in the modern world should not be left only at the discretion of politicians and lawyers. Legal systems are one of the last strongholds where the effects of the new electronic media and of the increasingly globalising political and economic life are finally starting to be felt. These trends won't leave uninfluenced the content and form of the work of the parliament as a body representing citizens. All this needs to be discussed and therefore there will hopefully be no lack of supply of electronic contributions to the *Riigikogu Toimetised* – especially if the forum offered by the publication will also include representatives of universities, business and non-profit associations, as well as representatives of other parliaments.

As President of the Riigikogu Toomas Savi and Secretary General Heiki Sibul stressed in their introductory articles – we are creating together a tradition of the first parliamentary

academic publication in Estonia. The editors will try to foster the spirit of cooperation in this work.

The following issue of the *Riigikogu Toimetised* may appear either as only an Internet version or both as an Internet and printed version at the latest in September this year. The content of the second issue will be made up of presentations delivered in the Riigikogu, surveys, as well as articles and studies contributed by the representatives of citizens associations. We also welcome contributions of articles and short surveys from experts abroad.

Information and research services of parliaments of other countries, representatives of the Council of Europe and the European Parliament, and representatives of foreign embassies to Estonia can enter the *Riigikogu Toimetised* through the English language summary on the cover page. Texts in this publication are not protected by copyright and all interested parties can translate and use them without any restrictions by following the good practice of referring to the source.

Editors believe that the *Riigikogu Toimetised* could become a forum to discuss in the international context the possibilities how to make the Estonian society more humane, just, wealthy and sustainable. Suggestions for this would reach as reasoned proposals, after passing parliamentary and public debate, to the working table of the members of the Government and from there to the future state budget programmes.