

Summaries in English

EDITOR-IN-CHIEF'S COLUMN

More principles are needed

Helle Ruusing, Editor-in chief of the Riigikogu Toimetised; information adviser, Chancellery of the Riigikogu Press and Information Department

Estonian parties have partisan interests in abundance, but a shortage of worldview, firm convictions and principles. To this point, the post-election coalition forming process has proceeded based not on worldview but on convenience. Thus the electorate has to be reminded time and again in the run-up to elections about who exactly they are dealing with. There is a need to distance oneself from coalition partners, devise catchy slogans, draw a new logo or even change their name. New faces must be found. It is annoying to hear again and again that someone joined a party they received the best offer from that party. For a party it is not important whether someone shares their worldview as long as he or she picks up enough votes. And people do not care whether a party represents their worldview or not, just as long as they make the best offer. Everything takes place in public, without any modesty. Time has shown, however, that even the best offer can turn out to be a major failure. Straw men based on opposites are set up just for elections: the former and the current, the ethical and the unethical, the favourites and bêtes noires of the media. If desired, a label can be pinned on everyone, and the “victims” can even reap benefits from a negative label.

Voters on the other hand would like to know what are a party's views on tax, social, education and health care policy. They would like a comprehensive vision that would ensure development in the longer term as well, not individual planks in the platform, like lowering the income tax or increasing the parental benefit or pension.

Two days before the 89 th anniversary of the Republic of Estonia, on 22 February 2007, the 10 th Riigikogu will hold its final session. Time will show what the assembly's claim to lasting fame will be. Certainly we should acknowledge those sixty or so deputies who received their mandates from the people on 2 March 2003 and served their electors honestly for four years in parliament. This spring the people will make a new choice, and, the writer believes, not on the basis of how successful the campaign is but on worldview.

ESSAY

The political dimension of sustainability

Marju Lauristin, adjunct professor of social communication, University of Tartu

Attempts to introduce in Estonia the ethos of a Nordic-like compassionate state has not fallen on especially receptive ground. Our actions with regard to our social environment are like those taken by a little-educated peasantry living hand to mouth who lack the ability or do not desire to restrict the consequences of personal selfishness or keep the spiritual environment from becoming contaminated. Even though there is discussion in Estonia of all these problems, the lack of a holistic vision is creating increasing public dissatisfaction with how Estonia is developing. In the opinion of the writer, this vision should be by its nature a socio-ecological one, informed by holistic natural, social, economic and cultural environment that would ensure the continuing vitality of growth of the Estonian people in the longer term. This vision can only be formed proceeding from the principle that the coping power of human societies is ultimately determined by as stringent a set of rules as the ones that must be taken into account when it comes to the preservation of natural ecosystems. We can see human interactions and societies also in terms of renewable and non-renewable resources, pollution and capacity for self-purification, external factors and internal sustainability. The first requirement for change is the giving up of the monopoly role that the ruling parties have enjoyed with regard to decisions affecting the longer term development of Estonia, and replacing it with a consensus-based mechanism for developing strategic decisions based on involving civic society. The hub of this system could be, for instance, the so-called future committee of the Riigikogu, responsible for laying the groundwork for strategic decisions.

POLITICAL FORUM

Presidential elections

Electing the president – the touchstone of interparty consensus policy

RiTo conversation circle

The Riigikogu Toimetised roundtable conversation, moderated by Aivar Jarne, head of the Riigikogu press service and including members of the Riigikogu Rain Rosimannus of the Reform Party faction, Eiki Nestor of the Social Democratic Party faction, Agu Uudelepp, chief of information of the People's Union Party, Vello Pettai, University of Tartu political science scholar, and Argo Ideon, journalist of Eesti Ekspress, discussed the fact that for the third consecutive time the Riigikogu was not able to elect the president on its own and the right to elect passed to the electoral body. In spite of this fact, the participants in the roundtable were not convinced that the electoral procedures should definitely be changed, especially since that the Riigikogu was fairly close to electing the president this time around. They added that if there were no fallback option like the electoral body, the members of parliament would be more motivated to gather themselves together and reach an agreement with regard to the president and not continue with three empty voting rounds every five years and then the convoking of the electoral body. In the opinion of some officials, it should also be considered whether the necessary number of votes in the third round of Riigikogu voting might be lowered from 68 to, say, 60. On the other hand, introducing popular presidential elections, an option often discussed in Estonia, no longer seems to be of much interest to any party. Rather there is a focus on making small changes to the current system which would above all strengthen the will of the parties to be more ready to elect a president. Neither is any political force in Estonia prepared to expand the powers of the president, as was revealed in the roundtable, there is only preparedness for a certain amount of fine-tuning.

State budget

World views and educational budget

Mailis Reps, Minister of Education and Research, Estonian Centre Party

The connections between world view and educational budget can be seen through the point of view of educational ideologies (values) and the educational policy decisions derived from those ideologies; this determines what the relationship between state and citizen is like when it comes to availability of education. Compared to other states, Estonia invests a relatively large part of its public sector budget into education. Educational spending is 3.9 times greater than it was 12 years ago, and funding of vocational education has grown 4.5-fold. At the same time, statistical indicators are only numbers, and their meaning can only be understood with a thorough knowledge of a country's educational sphere and its formative history. The outcome of financial policy is characterized by the relationship between its cost and the new quality of content achieved, and above all the social effect achieved. Thus the educational budget reflects both a country's educational ideology and concrete educational policy preferences. The goal of Estonia has been to increase the social dimension of education – supporting socialization of people, with how well they are socialized being expressed in their ability to cope independently. This is the obligation of a caring state, the aim toward which we are indeed working.

Curricular reform

Compiling study programmes: the art of seeking compromise

Peeter Kreitzberg, member of the Riigikogu, Social Democratic Party

Since the restoration of Estonian independence, the study programme for general education schools has been the subject of constant discussion, since the curriculum is one of the most important documents for self-determination of the state and the nation. The basic idea for the third study programme, which recently started making its rounds, is that every child is important to a small and decreasing society. This idea has been in currency in Finland for decades already. Schools must become safe places for learners in the broadest sense of the word. The study programme must create opportunities for this. The Estonian educational system must provide a place for every young person up to the age of 18. Dropping out of school before this age is not a developmental defect in a child, but an anomaly of the educational system. Discussion of the general part of the

study programme in the Riigikogu deserves support, but not just so that the document would be adopted in a coercive, uninformed, and rapid manner.

Curricula, theory and practice

Urve Läänemets, adviser to the Minister of Education and Research

The main aim of education is to contribute to the socialization of people in their environment, their form of coexistence – nature, culture and society. A knowledge-centred society cannot function without knowledge-based schools. Treatments of education in post-Soviet Estonia have focused on developing study programmes, especially those for general education schools. The development of general education planned in the Institute of Pedagogical Scientific Research (1959–1991) started back in 1987 at the teachers' congress. If those plans had been realized, we would have had study programmes in place for general educational schools and pre-school child care institutions already in 2000. Unfortunately things went differently and now we are forced to admit that we need research studies in order to develop school education, including research in the field of curricular theory and practice. It is not possible to ensure quality of education with slogans and declarations, either in planning content or later, in the classroom. Above all, we need comparative studies.

Procrastination with a new study programme deprives teachers of a sense of security

Ilje Piir, history teacher at the Tartu Forselius Upper Secondary School

The writer finds that procrastination with a new study programme puts Estonia's teachers in a quandary. Teachers want some sort of sense of security – any kind. It was a surprise that the University of Tartu, entrusted the task by public tender of developing a study programme, was not up to the task, and that such a conclusion was reached even before the term expired. A new group of syllabus and curriculum developers undertook the task. Such unexpected developments produce great doubts in schoolteachers: why and for whom such sudden steps? The writer reaches the conclusion that if curricula and public discussion are not organized sufficiently well, it would be reasonable to postpone the implementation of a new study programme.

Discussion of Estonia's higher educational strategy. White Hall forum

Marika Kirch, adviser to the Economic and Social Information Department of the Chancellery of the Riigikogu

The higher educational strategy, which is currently in legislative proceedings of the Riigikogu sets the higher educational development directions for 2006–2015. The fourth White Room forum focused on the issue of whether and how this strategy guarantees that Estonian higher education will be successful in an open Europe. Many leaders in education and research who are concerned for the area presented their positions in advance of the forum. Critical discussion was held at the White Hall forum and a web forum, which preceded it. Among other things it was emphasised, that strategic document must be financed. If higher educational strategy texts remain just that and no attention is paid to the goals set out in the texts in practical policy, e.g. budgetary financing, nothing will change in educational policy.

The position of member of parliament

A parliament of professionals

Küllo Arjakas, member of the Riigikogu, Estonian Centre Party political secretary

Taking part in the work of the Riigikogu demands increasing professionalism on the part of all deputies, and as a result the work-related organization and legal regulation of the position of member of parliament inevitably require updating. For this purpose, a non-partisan work group was formed at the end of 2003, at the initiative of then Vice-President of the Riigikogu, Rein Lang, in order to discuss MPs' legal status, obligations and prerogatives – issues that are necessary for representatives to be able to perform their duties freely, professionally and independently. Over more than a year and a half of activity, the working conditions of the parliaments of European Union states were reviewed, and numerous issues related to our parliament were discussed, ranging from the involvement of alternate members to opportunities for hiring assistants. Representatives from all parties offered additions and suggestions to the Riigikogu's current procedures for

work-related organization. Insofar as a consensual solution could not be found to all of the questions under discussion, neither did the joint committee reach its goal – the introduction of a draft law on the status of MP. Presumably the new Riigikogu elected in March 2007 will return to the same topic.

National development plans

Strategic planning in Estonia, yesterday and today

Keit Kasemets, State Chancellery strategy director

The wave of strategic planning in Estonia began in the mid to late 1990s and was above all related to the longer term planning of budgetary resources – both domestic and European Union funds. Without a development plan, it was difficult to apply for funds, and thus everyone tried to determine strategically the development of their organization or domain. At the same time, the lack of a clearly targeted and coordinated strategic planning system brought about a situation where a large number of development plans were approved on various levels. The goals of these development plans were not in concert with each other, the content overlapped partially, and funds for implementing them were usually absent. To clean up this situation, the government adopted a regulation in December 2005 entitled "Categories of strategic development plans and the procedures for compiling, supplementing, implementing, evaluating and preparing reports on plans". This regulation laid the groundwork for improving the quality of strategic planning and facilitated the making of clearer strategic choices. This was a big step in the right direction – thanks to this legal act, the quality of the development plans has significantly improved in under a year.

Thin state

Elections as a judgement on the quality of government

Allar Jõks, Chancellor of Justice of the Republic of Estonia

In election season, today's Estonian political elite sees electoral principles as being driven primarily by the letter of the law. In the dash toward elections, there is an attempt made to keep things legitimate, and thus a balancing act takes place on a legal razor's edge while fair play and good practice often fall by the wayside. Why do we even need to talk about honest elections? Because honesty engenders trust, and the trustworthiness of government institutions is the very thing that Estonia has a shortage of. The number of people who do not support any party is constantly on the increase. Only 27% of eligible voters took part in the last elections to European Parliament, and in local elections Estonia seems to be for ever doing battle with the 50% turnout threshold. Naturally the reasons for public sector institutions' lack of perceived trustworthiness are broader than the lack of honesty in elections, but the importance of elections as a means of achieving power cannot be underestimated in this connection. Perhaps the public would start to have more trust in government institution if those in power trusted each other more; and if, instead of legal norms ensured by state enforcement powers which either merely enjoin or interdict, there were agreements of goodwill where the parties to the agreements would submit to rules of fair play.

Schengen visa space

Estonia moving in the direction of joining Schengen

Kalle Laanet, Minister of the Internal Affairs, Estonian Centre Party

The first action plan for acceding to the Schengen legal space was drawn up by Estonia in 2001. In 2005 we made interim conclusions, reviewed the continuously growing acquis, and laid plans in order to be ready to join Schengen in autumn 2007. All of this requires great efforts on the part of the state and its various agencies. Considering the fact that Estonia's eastern border and sea border will become the external border of the Schengen area, we must make sure that no illegal immigrants would cross that border and that domestic security after accession would not weaken but rather become stronger. Currently, illegal migration is not exerting great pressure on Estonia's borders, but the situation may change if Estonia becomes a gateway to all of Europe. That is why the border guard is making preparations for operating in a changing situation. Estonia must make its contribution to creating a common sense of security for Schengen states.

Without Schengen, Estonia is not really in Europe

Marko Mihkelson, Vice-chairman of the Riigikogu's Foreign Affairs Committee, Pro Patria and Res Publica Union

In terms of its pro-European attitude, which at times seems unshakeable, Estonia is far ahead of practically all the other EU member states: nowhere else in Europe is support and confidence in the Communities as high it is in Estonia (78%). However, today we are in a situation where the European Union is internally more fragmented than unitary. The problems that have arisen in the new enlargement of the Schengen space are a telling sign that it is time for the European Union to seriously reconsider its strategic goals. As we know, ten new member states along with Bulgaria and Romania, which are about to join, are currently not in the euro zone or Schengen. The political maelstroms of populism of the last few years – from popular unrest in Budapest, to Slovakia and Poland's actions, which shook European values – have of course not contributed to any appreciable progress toward the Europe's so-called "full-service package". In spite of this, we must not forget that Europe is still at its strongest and most unified only after it has freed itself from internal obstacles, after it stops pigeonholing various countries. The motto for Europe – unity in diversity – should not in any way mean that different member states should have markedly different possibilities for complying with their rights as members and exercising their rights.

CONSTITUTIONAL INSTITUTIONS

European Court of Justice

European Court of Justice and preliminary ruling proceedings

Uno Lõhmus, judge, European Court of Justice

Liina Teras, adviser to Uno Lõhmus, judge, European Court of Justice

How is the European Union enlargement reflected in the work of the Court of Justice of the European Communities? A great increase in the number of court cases was expected after 2004 expansion. Unfortunately this did not happen. On the contrary, the number of cases received by the court decreased. By the time this article was written, not a single application for preliminary ruling had arrived from Estonia. Yet there is no reason to think that the number of cases will decrease in years to come as well. The judges of new member states needed time to adjust to the new situation, which is why we can expect an increase in the number of cases to resume in the future. In concluding, the writers hope that this short overview of the relations and judicial process of the European Court of Justice, although foremost an expression of their own personal positions and not the official ones of the European Court of Justice, will help people better understand how the European Union judicial system operates. Familiarity with the work of the European Court of Justice is not necessary merely for judges. Knowledge of judicial practice is an inseparable part of the work of national officials.

European Court of Justice preliminary decisions and their effect on Estonian judicial practice

Julia Laffranque, Estonian Supreme Court justice; Docent of European Law, University of Tartu; president, Estonian Association for European Law; chairman, Consultative Council of European Judges

In only over two and a half years, Estonia has had to get used to the fact that it is not only in the jurisdiction of the European Court of Human Rights in Strasbourg but also of the European Court of Justice, the judiciary institution of European Union. Thus the application of Estonian law and knowledge of Supreme Court rulings is not enough when it comes to resolving Estonian court cases, especially in the administrative sphere where there is the most interconnections with European Union law. Analysis is necessary regarding whether the law of the European Union regulates a given field, and if it does, in what form. Without thorough analysis it would be hard to say how much the decisions of the European Court of Justice have affected Estonian judicial practice in concrete cases, especially considering the fact that as far as the writer knows, no Estonian court has requested a preliminary ruling from the European Court of Justice. Still, there are abundant examples of how European Court practice has been taken into account in Estonian judicial practice, especially the practice of Estonian courts of law. The first major rulings from the Supreme Court civil and administrative chambers attempt to provide a more general foundations and guidelines for judges for ruling on matters related to the law of the European Union. Judges ruling on a particular case will have to bone up on precedents in the field of European Union law.

Once they are familiar with the case, the psychological obstacle is removed and it is much easier to rule on a case.

STUDIES AND OPINIONS

The work environment

Business environment and labour relations

Arvo Kuddo, senior labour economist, World Bank

Despite impressive economic growth rates (since 1994, GDP has doubled in real terms), and like many other transition economies, for many years Estonia has experienced jobless or even job loss growth. Employment declined between 1994 and 2005 from 675,000 to 602,000. This job loss partly reflects closure of many enterprises, as well as “defensive restructuring” by enterprises, a process in which redundant labour is shed in order to increase productivity, the gains from which are then translated into higher wages rather than higher employment.

A favourable business environment is essential for promoting creation of new businesses, growth of established firms, and job creation. This report analyses various business constraints that hinder business establishment and employment growth using the findings of the EBRD/World Bank Business Environment and Enterprise Performance Surveys (BEEPS) and World Bank Doing Business 2007 surveys of firms in Estonia.

Entrepreneurs still face serious challenges to launching a business in Estonia. They can expect to go through six steps to launch a business over 35 days, on average, at a cost equal to 5.1 percent of gross national income (GNI) per capita, and must deposit at least 34.0 percent of GNI per capita in a bank to obtain a business registration number. This is at the level or below the level in other transition countries, but the procedures are much more complex compared to high-income countries. One of the priorities of the national economic policy should be to eliminate what are mostly bureaucratic financial and organizational barriers to development of entrepreneurship.

In the last three years the ratio of employers indicating labour regulations as a constraint to job creation has increased from 20% to more than 50%, and rigid labour regulations have become the leading constraint to business expansion. This points to the necessity of adjusting labour relations in particular to reflect the changes in the overall economic situation. Employers in Estonia are now more satisfied with skills of their workers but one quarter of firms in the 2005 BEEPS identified lack of skills or education as a constraint to business expansion.

Despite recent tax reforms in Estonia, according to Doing Business 2007 data a medium-size company must pay 50.2 per cent of its gross profit in taxes (including corporate income tax, social contributions and VAT) compared to 56.0 per cent in the ECA region but 47.8 percent in high-income OECD countries. Tax system is heavily biased towards taxation of labour which is taxed at a rate of 40 percent on average (tax wedge) compared to 12% on capital. Low paid wage earners in Estonia are also relatively highly taxed compared to the tax wedge of wage earners at 50% average wage levels in EU-15. Less progressive tax wedge has an impact of employment of low qualified workers but also youth and other vulnerable groups.

Worker migration – a challenge to the labour environment and the general health care system

Ain Aaviksoo, director of the health care policy programme, PRAXIS Centre for Policy Studies

The departure of workforce abroad has been described in Estonia as the biggest problem faced by the health care sector. In fact, the desire to migrate has decreased since Estonia joined the European Union, even though the case of younger workers and certain fields still require serious attention. In short, the problem of ensuring a new generation of workers is a greater problem than that of the departing workforce, but through a purposeful policy and investments, and skilled public relations, it is possible to ensure that Estonia will have a sufficient number of health care workers so that the availability and quality of health care services will not suffer.

The position of member of parliament

The position of member of parliament: independence and dependence

Mihkel Solvak, doctoral degree candidate, University of Tartu Political Science Department

Parliament is a central institution in representative democracy. But are the members of parliament themselves central to the functioning of the institutions or are they merely vehicles for the will of someone else (party)? The aim of this paper is to assess to what degree we can look at an individual member of parliament (MP) as an independent variable in influencing the output of a legislative institution in a multiparty parliamentary democracy. The procedural rules of the parliaments of Estonia, Lithuania and Poland are analysed to determine whether, and if so, then in what way, an individual MP can be considered to be a relevant actor in parliament. Special aspects under study are means of parliamentary oversight, right to initiate legislation and the committee system.

The main means of parliamentary oversight available to individual MPs are interpellations and questions (written and oral). In all three parliaments under study there are constraints to the content of questions and interpellations, and in all of them a third party has to give his/her approval. Only in Poland is the number of MPs permitted to ask oral questions limited to a minimum 15 persons, in all other cases there are no numerical limits. MPs use those means extensively, strengthening the argument that the individual and his motives are relevant to the study of parliamentary oversight.

The right of a MP to initiate legislation is crucial in influencing parliamentary output and should therefore be of central importance to every MP wanting to implement their political agenda. Only in Poland, the number allowed to initiate a draft is limited to a minimum of 15 MPs. There are complex technical requirements in all three parliaments and limitations to the content of drafts in Poland. The number of drafts sponsored by MPs is close or more than the number of government-sponsored drafts in all three parliaments. The rate of success is however dramatically lower than that of government. The fact that MPs still initiate a significant number of drafts shows that, when it comes to the production of legislation to implement a political agenda, the individual MP is relatively meaningless.

Since an MP's chances of seeing his or her own drafts being accepted are slim, one should look at other ways in which (s)he can directly influence legislation. Those ways are provided by the committee system. The personal preferences of MPs determine their committee membership in all three parliaments, despite the fact that formal rules state that membership is determined by the party faction in parliament. An important means at the disposal of MPs is the right to attach minority opinions – easy in Poland, where every member can make his disagreement public, and relatively easy in Lithuania, where a small group is required. Estonian MPs do not have such a possibility.

Limited importance can be attached to committee size, where a smaller size can help an MP to specialize and add to his or her relevant weight in committee decision making. Here the Polish Sejm as a large parliament stands out with large committees, but that is balanced by the possibility to form subcommittees which allow for a high degree of specialization.

All in all, an individual MP can be considered to be of importance in understanding the motives behind government oversight, initiating legislation for purpose of publicity and the functioning of the committee system. His or her weight diminishes radically when we look at which drafts will turn into laws or who determines the parliamentary agenda. Nevertheless in some important aspects we should not underestimate the role, importance and motives of individual MPs in a multiparty parliamentary democracy.

The public sector

Utilizing telecommuting in state institutions

Sander Põllumäe, counsellor of the Administrative Law Chamber of the Supreme Court

Innovation in the area of information technology makes it possible to use telework (telecommuting) as an integral part of organization of work in Estonian public agencies. Telework is more used in agencies that have goal-based organization of work, are situated in different facilities or different regions of country or where nature of the tasks requires travelling and telecommunicating with colleagues and partners. Often this kind of work

organization is not considered to be telework. Public agencies themselves consider there to be a telework situation only if there is some kind of flexibility of work of benefit for the public servant to choose freely his/her time and place of work. In queries and interviews telework was mostly mentioned in connection with servants, who study, take care of family member or have small children. Although the percentage of these agencies who do not allow telework has fallen from 59% (2003) to 16% (2006), telework is still regarded to be anomaly. Some agencies have special rules about telework in their rules of procedure or record management rules; e.g. the rules of procedure of the National Audit Office states that telework is allowed only if the servant bears for all additional costs. In Ministry of Education and Research telework is regarded as a privilege and all additional costs are compensated to servant.

Generally the technical basis for using telework in Estonian public agencies is good. It is mostly mentality and cultural habits that force or restrict application of telework as a part of organization of work in Estonian public agencies.

Policy formation

How laws were made in Estonia in the early years of regained independence

Moonika Olju, assistant to the head of the Department of Government, Tallinn University

Marika Saar, specialist in administrative cooperation, Tartu County Government

The article reconstructs the policy-making process of two Estonian legal acts: the Government of the Republic Act and the Local Government Act, which were made 1992–1994.

In the analysis, three different configurations emerged. In the case of the Local Government Act, experts, interest groups, civil servants and politicians participated in the policy making, but the politicians clearly dominated, as they were the decision-makers. In the case of the Government of Republic Act, two configurations emerged. A work group of lawyers, politicians and secretary-generals were the participators in the making of the concept of the draft act, but decisions (except political ones) were made by secretary-generals with the work group. In the making of the draft act, politicians, civil servants, experts and other actors participated in the process during which the work group of lawyers prepared the draft act, but even though final decisions were made by politicians, they only confirmed/dismissed the decisions made by secretary-generals with the work group or relied on the expertise of the work group in making political decisions.

The difference in the configurations may be one of the reasons, why the Local Government Act was passed in the parliament, but the Government of the Republic Act was not. The reason might be that in the first case, the politicians who later passed the law were also the drafters. But in the latter case, the law was drafted by civil servants with secretary-generals, with only passive participation by the politicians.

The authors tried to explain the configurations with the help of the politico-administrative ideal models of Guy Peters, but the analysis revealed, that the ideal models do not help to explain the policy making processes at hand. The main deficiency was that the theory only treats the relations of politicians and civil servants, while as our research revealed that in the policymaking, there are also other important actors, whose relations to each other or to politicians or civil servants could be even more important than the communication between the latter.

The minister's personal adviser as a civil servant with a political mission

Maria Keris, master's degree candidate, Tallinn University

Jako Salla, master's degree candidate, Tallinn University

The role and position of minister's advisor in Estonian politics and civil service system is a topic that has received little attention so far. Traditionally, the minister's personal adviser has been seen as an integral part of a political structure but, as this article will show, the position can also be analysed as a third player in a policy-making process. Advisers have a significant and at the same time dualistic role in coordinating ministries' policies: on the one hand the adviser participates in the process of policy formulation and selection as a political actor, on the other – he/she has an active role as a civil servant in the implementing process. In this article, firstly, the causes of emergence of minister's personal adviser's position in western European political

system are outlined; secondly, the possible roles of an adviser are brought out and thirdly, the case study carried out in two Estonian ministries in autumn 2005 will be presented.

Presidential elections

Presidential election systems in Europe

Allan Sikk, adviser to the Economic and Social Information Department of the Chancellery of the Riigikogu

Once again, Estonia was not able to elect a new president in the Riigikogu. This deepened the understanding, both in parties as well as among the public, that our current procedures for electing the head of state are cumbersome and must be made simpler. Yet the key requirement for changing the electoral system is finding a replacement method that is both democratically functional and which will meet with the greatest amount of consensus in society. This in turn will require a sufficient understanding of existing alternatives. The aim of the article is to further this understanding. Since it would be complicated to list all of the possible sets of rules that could be used to elect the president, the writer limits himself primarily to introducing and grouping the systems used in Europe. In individual cases, the article discusses rules used in other parts of the world.

Analysis of the influences of legal acts

The institutional preconditions for knowledge-based and sustainable public policy in Estonia

Aare Kasemets, adviser, Ministry of the Environment; University of Tartu doctorate degree candidate

What are the institutional preconditions for a knowledge-based and sustainable public policy? How to assess the expedience and sustainability of political decisions? In the opinion of the writer, Estonia needs a national action plan to shore up policies, action plans, and regulations, including preparing and implementation of legal acts, which would systematically build a foundation for knowledge-based policy, sustainable development, impact assessment and participatory involvement. The article provides an overview of the international context and of analysis of knowledge-based public policy, law and administration and integrating principles, which allow assessment of the expedience, validity and sustainability of the drafting and implementation of policies instituted by either the European Union and the Estonian Riigikogu and the government. In the light of the results of comparative studies of assessment of the effects of explanatory memoranda attached to draft laws submitted by the Government – as well as of comparative studies on the involvement of parties – the strength of the requirements of knowledge-based policy is evaluated, focusing on the political will, coordination of the work of ministries, ministries' administrative and analytical capacity, and prerequisites related to checks and balances on the executive branch. The article closes with a few policy recommendations for increasing the effect of the strategic management and regulations and the proposals made by Estonian universities and research institutions for intensifying the cooperation with policy planners and scholars.

Future trends for the European Union

EU future prospects and Estonia: opportunities and choices

Jane Õispuu, political science doctoral degree candidate, University of Tübingen

The article views the various scenarios for the future of the European Union as seen by a small member state such as Estonia. The EU's period of stagnation can be analysed in three different dimensions: an institutional crisis, crisis of confidence and crisis of vision. Even though the EU future debate has been fairly sluggish, three main future strategies have nevertheless developed, of which each one tries to provide an answer to one of the EU "crisis" dimensions. From Estonia's perspective, the most favourable solution would be to implement a constitution for Europe or carrying out its core reforms, as this will strengthen the community method, prevent the spread of intergovernmentalism and improve the effectiveness of EU policy. We should be careful with various "cherry picking" and "Europe of projects" strategies, which do not promise a long-term solution to the problems of the EU. In the case of "core-Europe" strategies, special attention should be paid to enhanced cooperation taking place outside of EU treaties – a core Europe formed in such a manner would signify the most negative development from the point of view of both Estonia and other new member states.

Territorial conflicts

The problem of Cyprus and the Estonian-Russian border treaty on the background of EU accession

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The debate over Estonia's eastern border – in particular the possibility and need to encode it in legislation, based on the existing *de facto* boundary line – has lasted for practically the entire period of the regained independence among both politicians and the public, including the media. One of the primary arguments of those who favour the pragmatic approach – to put into legislation the boundary line which currently serves as the border – was the need to be acceptable and "street legal" in the eyes of the EU and NATO: without the eastern border enacted in legislation, neither organization, it was argued, would want Estonia among its members (so too in the case of other states, including Latvia). At the same time, in this debate it seems to have been inadvertently or intentionally overlooked that along with Estonia, Cyprus also joined the EU in 2004, and that country has been split between two communities for over 30 years with barely two-thirds of its territory under the control of an internationally recognized government. An analysis of the similarities and differences of the situations of these two countries should offer a good deal of food for thought for policy planners and sociologists, both in the vein of historical assessment and shaping future strategies. Among other things, the example of Cyprus is important to remember and if necessary to bring to the fore in the case of Georgia and Moldova with their similar pasts. Both of them have their hands full with ethnic and territorial conflicts incited from abroad, which curb their decisive break with Russia's sphere of influence and integration with Western structures.

Foreign policy

Defining the foreign policy ideology of Estonian parties

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The article treats current research conducted by the University of Tartu Department of Political Science. The focus of the article lies on the defining of foreign policy ideology of the Estonian political parties in the Estonian parliament *Riigikogu* (Centre Party, People's Party, Pro Patria, Reform Party, Res Publica, Social Democratic Party).

The aim of the research is to define the sources of the foreign policy action of the political parties. We elaborated an analytical model, which was proposed by Ulf Bjereld and Marie Demker (2000) in research on the main Swedish political parties' foreign policy behaviour. The foreign policy ideology is measured by the scale "historicism" and "liberalism".

We defined three main criteria to define the political parties' position on this scale. First we evaluated the political parties' attitude towards political debates on the foreign policy issues, postulating that openness for debates is characteristic for liberalism and foreign policy consensus is defined by historicism. According to this criterion, most of Estonia's political parties prefer consensus in foreign policy and therefore belong to the group of parties who prefer historicism. Only the Centre Party and Reform Party differ from the others, leaving an open door for political debates on foreign policy, and the Reform Party considers the debate to be a normal phenomenon after joining the EU and NATO.

The second criterion is involvement into the process of foreign policy decisions. According to this criterion most of the Estonian political parties had an ambiguous position. The Centre Party and People's Union used the argument of public involvement only in the public discourse but in general they did not sense any pressure from either voters or party members. Pro Patria focused more on party internal pressure and they did not consider the bigger public involvement. All these three parties belong rather to the historicism ideology. Res Publica and Social Democrats considered public involvement important and also perceived slight public pressure to the foreign policy issues. The Reform Party is most open to public involvement and also perceives public interests on the foreign policy issues. However, all parties declared that foreign policy is a less relevant issue for the voters and party members than internal policies.

The third criterion is the worldview, which was defined on the scale of Realism vs. Liberalism. Parties in the Realist school are more historicist and parties which tend to perceive the world through Liberalism values are more liberal. Pro Patria, Peoples' Union and Res Publica perceive the world as anarchic and hostile and therefore we can define them as historicist parties in foreign policy. The Social Democrats are more ambivalent but rather liberal. Central Party and Reform Party both tend to perceive the world in the vein of the Liberalist school.

In total, it is difficult to define the foreign policy ideology of Estonian political parties because there are several ambiguous issues and very often party foreign policy ideology is defined by a few front men or women. However, we defined this ideology on the relative scale in the Estonian context. Pro Patria, Peoples' Union and Res Publica tend to support all historicism. As its name indicates, the Centre Party is located in the centre but leans slightly towards historicism. The Social Democrats are also in the centre of this scale but also leans slightly towards liberalism. The most liberalistic party in Estonia is the Reform Party. This research is a pioneering one: the young party system has not initiated any earlier research on the foreign policy ideology of Estonian political parties.

Organized crime

How Russian organized crime rings developed

Risto Pullat, head of the Police College of the Estonian Public Service Academy

Russian organized crime was created by the shadow economy and the criminal subculture. Prison camps became the primary breeding ground for criminals. The criminal subculture *cum* the world of thieves reached a peak in the 1950s. The Soviet elite became an obstacle preventing progress toward a post-industrial society and caused a downturn in the economy, providing impetus for the shadow economy and organized crime. The collapse of the Soviet Union affected the economy and the justice system, and flexible organized crime expropriated a large part of state holdings as private property. The medium on which Russian organized crime thrives is an unstable economy and social sphere.

CIVIC SOCIETY AND STATE AUTHORITY

Cooperation networks

Cooperation is power: Estonian women's organizations are functioning and developing

Reet Laja, Estonian Women's Studies and Resource Centre chairwoman

The Estonian women's movement, whose traditions reach back to the century before last, started developing especially rapidly in the beginning of last century when Estonia became an independent democratic state. When independence was lost, all women's organizations stopped operating as well.

The women's movement in the Soviet era was rife with conflicts: ostensibly women had all their rights, and women were allowed employed in all walks of life in accordance with forcible emancipation. Although activity was largely formal and controlled from above, there was some self-initiative: an attempt to stress the importance of the family, and health protection of mother and child. At the end of the 1980s, major social changes resumed in Estonia. In the course of these changes, the Estonia's Women's Society was reinstated in Tartu, along with a number of other influential pre-war women's organizations. Around the turn of the century, Estonia already had over 160 different women's associations, according to the Estonian Women's Studies and Resource Centre. Estonia keeps in contact with European women's organizations through a broad-based umbrella coalition called the Estonian Women's Associations Roundtable, formed in 2003. In October 2004, the Roundtable was accepted as a member in the European Women's Lobby. It is noteworthy that this roundtable and its constituent organizations have consistently stood up for gender balance equality in society, both in Estonia and Europe.

HISTORY OF THE PARLIAMENT AND INTERNATIONAL RELATIONS

History of legislation

Constitutionality and the central bank system

Uno Mereste, Estonian Academy of Sciences academician, member of the 7th, 8th and 9th Riigikogu

The writer recalls the strong opposition that developed between financial experts and the Ministry of Justice in the early 1990s, when the central bank was in the process of drafting a new draft legislative act on Eesti Pank, the central bank. Ministry officials would rather have modelled Estonia's new monetary and banking system as a more or less exact copy of the Soviet monetary and banking system, with the only difference being that it was controlled from Toompea, not Moscow. At the same time, monetary experts knew from international experience that a state bank system would not always be capable of ensuring stability of the currency, because this could be achieved only by a monetary system, where the treasury – the central bank – is completely independent of the government and not subordinate to its orders. Thanks to extensive lobbying efforts by monetary scholars, the bill they drafted was passed in the Riigikogu on 18 May 1993 with an overwhelming majority, 89 votes in favour. This law ensured that Eesti Pank had a completely legitimate basis to operate as a central bank along with the powers enjoyed by other such state institutions in the present day. An experts group from the Ministry of Justice did submit to the Chancellor of Justice a petition for declaring the new Eesti Pank Act unconstitutional, since the act allegedly gave the central bank executive powers, but the Chancellor of Justice found that the principles embodied in the act were not in conflict with the constitution. The decision was not challenged.

LITERATURE AND DATABASES

Information society and the library

Convenient access to European cultural and research information

Toomas Schvak, Estonian National Library research and development centre project manager

The central question when it comes to the integration of European Union member states is how to preserve the special national and cultural character of each member in such a diverse body and bind them into a whole, creating a united European identity. One possible answer is by creating pan-European multilingual services, an endeavour that has been supported actively in the last few years by the European Commission's research and development programmes. Since 2005, the European Library web service offers all those interested the opportunity to access information in European national libraries via one webpage. The webpage describes electronic services offered by 45 national libraries, while searches can be made in 19 library databases. The portal can be used in 16 European Union languages, including Estonian.

Estonia's ESTLEX legal information system

Riina Vende, head of the ESTLEX department, AS Andmevara

Estonia's ESTLEX legal information system marked its 15th anniversary in 2006. In 1990, the legislative basis for a Self-Sufficient Estonia (IME) was compiled. Upon the initiative of the Ministry of Justice, a national legal acts register was founded on 14 June 1991 by government regulation no. 110. From 1991 to 1996, ESTLEX relied on state financing. Starting in 1997, in connection with the electronic State Gazette (eRT) database becoming publicly available, ESTLEX was self-sufficient. Since 1 June 2002, the functions of the national legal acts register are performed by the electronic State Gazette.

ESTLEX has continued its activities on a commercial basis. Throughout its period of activity, ESTLEX has functioned as a service provider whose users have stayed with it and expanded thanks mainly to value added, and the integration of public legal information into a unified information system. Cross-links have been created between legal acts, allowing browsing from one act to another. Legal acts are supplied with links to the official original text, full text in the eRT and the English-language translation, related EU legal acts and Supreme Court rulings. The information system also takes in the most comprehensive real time database of Russian-language legal acts translations.