

Summaries in English

EDITOR-IN-CHIEF'S COLUMN

Tired of politics

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

Spring 2006 should be a hot one in Estonian politics. The birth of a new party is right around the corner. Sooner or later the result will be a shifting of the entire party-political terrain. In the autumn a new head of state will be elected in Estonia; in nine months, the people will elect another parliament. Still, both politicians and the people alike seem tired. Public opinion polls and the turnout percentages at elections clearly point to the fact that a little over half of the people do not vote and will not vote. There seems to be more and more jadedness among politicians as well. Every year it is harder to find people who, after running for parliament, want to do the work for four years. In the last three and half years, a member of parliament has been replaced on 69 occasions. Around 25 have given up their seats, and ten or so have found another job, whether in the European Parliament, at the Bank of Estonia, on the Supreme Court, or as county governor. The “revolving doors” stem largely from the fact that governments only last around two years and when the coalition falls, the ministers retake their seats as Riigikogu members. Why is being an MP not all that popular? I don't think it's a question of the money or the benefits. We should think more along the lines of what the role of the parliament is: most laws have been enacted and parliament should perform the other functions vested in it by the Constitution. Parliament cannot be the place where the decisions made by government are rubber-stamped. The representatives of the people need people of action, who invest the status of MP with respectable content. There are plenty of issues that need to be resolved. This edition of RiTo draws attention to some of them. In an essay entitled “Will the Estonian people survive?”, the demographic expert, professor emeritus Ene-Margit Tiit discusses the factors that have an effect on the population level. Other topics featured are energy policy and domestic security, and there is also an opinion survey on how society sees power and vice versa.

ESSAY

Will the Estonian people survive?

Ene-Margit Tiit, University of Tartu professor emeritus

In Estonia as well as other parts in Europe, the search has been on for some time for the magical cure that would make more women have children. Besides the low birth rate, which is two-thirds the replacement level, Estonia also faces a problem in its relatively low average life expectancy and high mortality. The main concern, however, is that Estonia's population of 1.3 million (including only 0.93 million ethnic Estonians) is especially sensitive to any decrease. Fortunately, demographic forecasts have become increasingly positive lately. For a while, theoreticians warned that Estonia's population could drop by a third or even half over the next half a century. In light of the background of the forecasts and algorithms, it should be noted that the figures for population forecasts compiled at various times instil optimism rather than pessimism. Naturally, mortality and birth rate indicators are evaluated on the basis of current data, and population forecasts are repeatedly recalculated. According to the last Eurostat forecast, Estonia's population will be 1.1 million in 2050.

POLITICAL FORUM

Internal security

The field of internal security needs rapid solutions

Kalle Laanet, Minister of the Interior, Estonian Centre Party

As a result of the developments of the last decade, the Estonian state faces a question: will views and tactics from decades ago be enough to cope with the enemies of our society today or do we have to reconsider our attitudes and principles of distribution of resources and come up with more effective weapons in the battle against various social ills? Changes in the field of internal security are already ongoing, ranging from the police,

the border guard to the Citizenship and Migration Board. The key question, of course, involves public service education. This especially in a situation where the biggest problem for institutions related to ensuring internal security is currently staff turnover and low wages. In the future, competition will become even stiffer between those who need labour, since everyone knows very well that secondary school class sizes will be decreasing dramatically in the years ahead.

Adoption of the euro

Transition to the euro must remain an economic policy priority in Estonia

Andres Lipstok, President of Eesti Pank

The Estonian government and the central bank, Eesti Pank, have set the goal of joining the euro zone at the first opportunity—as soon as Estonia fulfils the necessary conditions. On 27 April of this year, the government decided that the previously set goal of joining the euro zone on 1 January 2007 is not realistic due to the inflation level, and that preparations should be launched for a transition date of 1 January 2008. Provided that that current economic policy trends continue, the postponement of the adoption of the euro by a matter of months should not create a backlash in the Estonian economy. Naturally, accession to the euro zone will require economic policy support at home. Economic policy actions that increase internal demand should be avoided or reduced; and if controlled prices are changed, their influence on inflation and on compliance with the Maastricht inflation criterion should be considered. Eesti Pank supports the government decision to postpone a hike in the alcohol and tobacco excise tax. To halt the rate of growth of real estate loans, the central bank stiffened regulations on banks in relation to home loans from 1 March.

Does Eastern Europe have to review its plans for the euro?

Kalev Kukk, member of the Riigikogu, Estonian Reform Party

The rapid accession of Estonia, Latvia and Lithuania with the euro zone has become more and more questionable in the eyes of experts. Even though the forecasts as of spring 2006 promise some improvement in the necessary conditions for complying with inflation criteria, allowing Estonia to become a member of the euro zone in 2008, there is absolutely no guarantee that is the way it will work out. According to economic theory as well as many of Europe's leading monetary experts, a high level of inflation is inevitable in small developing countries with open economies like Estonia's who have long since pegged their currency to the euro. In spite of this, Estonia cannot under any circumstances remove from the agenda its aim of joining the euro zone as quickly as possible. At the same time we cannot continue ad infinitum with such one-off pro-euro decisions such as postponing a hike in the excise taxes. We should have instead considered concentrating the excise rises in 2004 and 2005, but hindsight is always perfect. In any case, Estonia will have to continue a conservative monetary policy, a budget that aspires to a surplus.

Energy policy

Gas as a part of Russia's policy

Andres Tarand, member of European Parliament, Estonian Social Democratic Party

Russia's attempts to politicize gas deals in order to improve its foreign policy positions has led to a situation where the European Union no longer muffles its criticism of the behaviour of Moscow. The case of a single European Union energy policy is more complicated. Achieving such a policy is hindered by the short-term interests of and competition between member states, which in many cases is tied to the influence of large energy monopolies. Such a situation of course harms Europe as a whole and weakens the positions of the European Union not only in negotiations with Russia but on all of the world market. This is the Russian side's strongest trump in the gas policy game. At the same time, Russia should not forget that, in the current situation, two-thirds of Gazprom revenue comes from the European Union market, which is accompanied by a dependence on Western investments, including modern petroleum and gas production technology.

The Russia-Germany gas pipeline: environment and politics

Külli Arjakas, Riigikogu Environment Committee member, Estonian Centre Party

The question of the environmental influence of the gas pipeline to be constructed between Russia and Germany takes on a special importance due to the vulnerability of the Baltic Sea. The International Maritime Organization (IMO) has declared the Baltic Sea an especially sensitive area, although they did omit the areas belonging to Russia in the eastern reaches of the Gulf of Finland and around Kaliningrad. But the question is not only about the possible environmental effect of the gas pipeline, since the route of the gas pipeline is accompanied by many energy policy and energy sector decisions. All this adds a clear political dimension to the gas pipeline. Poland senses the politico-economic threat the most keenly, for it was the game of Russia and Germany for the Baltic States and Poland that awakened historical mistrust with regard to the Berlin-Moscow axis. Since many of the technical and other issues surrounding the new gas pipeline are still open, Estonia has not to this point come out clearly for or against the gas pipeline project.

Energy efficiency – how to do more with less. White Hall forum

Toivo Mängel, Riigikogu Chancellery Economic and Social Information Department, adviser

Siiri Sillajõe, Riigikogu Chancellery Economic and Social Information Department deputy head, adviser

The third Riigikogu White Hall forum, held in early March at the initiative of the Riigikogu's European Union Affairs Committee, was devoted to energy problems, the primary point of departure being the issues raised in the European Commission green book. It was found that Europe needs a single approach in energy issues, since if dependence on imports remains as great as it is right now, then we cannot wait around for the next crisis to occur. In furthering energy conservation on the level of the home consumer, new European Union member states in particular should consider, as a social measure, how conservation is related to the standard of living. In Estonia, energy conservation policy to this point can be categorized as a standalone policy with very weak tie-ins to other policies. In order to change this situation, making energy use more efficient is to be an energy development priority in the long-term state development plan for fuel and energy economy up to 2015.

CONSTITUTIONAL INSTITUTIONS

Council of the European Union

The Council of the European Union seeks common interests

Urmas Paet, Minister of Foreign Affairs, Estonian Reform Party

The Council of the European Union is the primary decision-maker of the communities, and includes ministers from all member states. Step by step, the European Union is becoming a stronger player on the world stage in the author's field of expertise—the foreign policy of the Council. In this work, Estonia pays much attention to European Union policy toward neighbouring countries. In the framework, we can contribute to continuing democratic developments primarily in Ukraine, Georgia and Moldova. Having travelled the same road as these countries are now, we can share our experience and knowledge with them regarding both current and forthcoming difficulties and problems, the necessity and nature of reforms. The European Union should indeed change toward greater openness in foreign relations, have a longer-term vision and continue expanding the borders of the Union. We, the recent newcomers, should say as much everywhere, with a clear and loud voice. European Union enlargement means broadening of the stability and well-being zone, which is a good and right thing in everyone's interests.

The Council of the European Union after European Union enlargement

Gert Antsu, State Chancellery European Union Affairs director

The article analyses the functioning of the Council of the European Union after the latest enlargement. It looks both at the Estonian domestic shaping of positions and the working of the institution at the EU level.

Estonia has managed to adopt a rather well-functioning system of shaping its positions for the Council since the accession to the EU. The formal requirements are that if a draft proposal of the European Commission makes it necessary to adopt, amend or repeal an Estonian law or to pass a regulation of the Government, then the position on that proposal has to be approved by the Government. The same applies to proposals which would have a significant social or economic impact on Estonia. On all those positions (except those which only need a Government regulation) the Government consults with the Riigikogu.

However, as the volume of EU legislation and related time pressure are considerable, the ministries need to be aware of new proposals already in the drafting phase in the Commission in order to be able to shape their own positions within five weeks of publication of the draft. We will also need to prioritise better in order to have sufficient resources to deal with the proposals that are truly important. If we can have good, thoroughly analyzed positions based on consultations with relevant interest groups, then we also stand a fair chance of influencing the decisions in Brussels.

The last enlargement of the EU two years ago has not significantly changed the decision-making in the Council. Although there are 27 member states (and future members) around the table and personal contacts are more difficult to establish, the pattern remains the same. Even though most decisions are made by qualified majority (QMV), the consensual culture still prevails and an attempt is made to have all countries on board if possible. As earlier, there are no permanent coalitions, but they are based on concrete issues.

Thus we can say that despite the claims to the contrary, there is no institutional crisis in the EU. The institutional balance crafted by the Nice Treaty makes it possible for the EU-25 or EU-27 to reach the necessary decisions as shown by the major agreements reached within the last two years on the financial perspective or the chemicals package REACH, also an agreement seems imminent on the services directive.

Even though the EU is working well on the basis of the Nice Treaty, we have agreed certain institutional changes in the draft Constitutional Treaty, which still remains in limbo after the Estonian ratification on 9 May. Those changes are generally positive, but they would not alter the institutional balance, rather they would make the decision-making smoother. The Constitutional Treaty would make the decision-making in the Council simpler, more transparent and more efficient (by making the QMV a near-universal rule, opening the sessions of the Council more to the public, linking up the subsequent presidencies in a team presidency, electing a president for the European Council and separating the general affairs and external relations branches of the present General Affairs and External Relations Council).

The article concludes that the Council is functioning as well as ever after the enlargement, although a certain face-lift based on the Constitutional Treaty could be useful. However, if there is a crisis in the EU, then this not institutional but rather emanates from the perceived lack of legitimacy and the lack of courage to take bold decisions – and here the Constitutional Treaty will not help much.

STUDIES AND OPINIONS

Public opinion

Public opinion and the Riigikogu

Juhan Kivirähk, independent sociologist

Democratic societies are built on trust. The 47% turnout at the last local elections shows that the trust between electors and elected necessary for successful action is lacking. The perceived trustworthiness of the current Riigikogu will determine how great a share of the citizenry makes the effort in a year's time to go to the polls and elect the next, ninth membership of the Riigikogu.

The Estonian population has great trust in state structures that perform well-defined functions, but has little trust in political institutions and parties. The public has a low level of knowledgeability regarding the functions of the Riigikogu and opportunities at its disposal. Trust in parliament fluctuates in the same tempo as trust in the government.

Better-educated, younger and better-earning respondents have more trust in institutions of authority. Respondents with a low social status have less trust in the Riigikogu. An analysis of trustworthiness from one type of subsistence in society to another shows that judgments regarding state authorities are made largely on the basis of personal level of subsistence.

As expected, trustworthiness is also related to party preference. Respondents who do not support any party regard the Riigikogu and the government's activity with mistrust. Trust in the parliament's actions is highest among the right-wing party constituency, and lowest among the supporters of the Centre Party, People's Union and the Social Democrats.

Trust is also affected by media consumption. Estonians who keep track of many sources of information, primarily nationwide dailies, have more trust in the Riigikogu. Clear dependencies are not evident in the case of the Russian-language media consumers. Certainly the low trustworthiness of the media itself has an effect here. It can be assumed that it is not the content of the media message that exerts an influence, but rather that the choice of media outlets itself indicates how an individual relates to the state authority.

Even though the level of trust in the Riigikogu is on a good level compared to other European Union states, especially the new member states, there is no point in considering the loss of electors' trust in state authority an inevitability. Estonia's social atmosphere has already for some years now had hopes for a coherent and trustworthy state. If we turned into a reality the proposals in the Estonian civic society development strategy and the Sustainable Estonia 21 national development strategy, we could hope for trustworthiness trends to turn in a more positive direction.

Riigikogu members and social scientists: different views of Estonia

Tõnis Saarts, Tallinn University Political Science lecturer

Members of parliament and sociologists live in different worlds, it would seem. This is confirmed by an expert survey conducted among Riigikogu members and social scientists as part of the Open Estonia Foundation financed project "Democracy and national interests". In the opinion of members of the Riigikogu, the primary problems for Estonian democracy lie in the Estonian media, which is, they feel, biased and unjustifiably critical of the political elite. Social scientists feel that Estonia is unfortunately the kind of country where the opportunities of citizens to affect the decisions pertaining to them are limited, and that furthermore, the state is not able to ensure even a minimal sense of security for many of its citizens. The reasons for the divergent vision lie in the professional background of the two groups of experts, and thus the only way to develop a more constructive dialogue is to try to understand the other side's expectations and the special nature of how they see the world.

Youth political protest in France, Finland and Estonia

Marti Taru, Tallinn University, Institute of International and Social Studies, scholar

The article treats the participation of European youth aged 15 to 25 in protest actions that may include violence. Estonian, Finnish and French youth are the main subjects. The article is based on the consideration that participation in protest actions is influenced by views as well as social standing. The tendency to protest was measured using a consolidated index made up of six indicators: participation in illegal demonstrations, run-ins with the police, run-ins with opponents, damage to property, occupying of buildings and facilities, and traffic blocking. The empirical analysis took place in the framework of the EUYOUNG project on the basis of data gathered in December 2004. The correlations were evaluated using the Spearman correlation coefficient.

The differences between countries are noteworthy. Whereas among Italian youth, 22% had taken part in at least one action in the last 12 months, the figure was only 1-2% for English, Slovakian and Estonian youth, and 5% for Finnish youth. The findings place in doubt the trustworthiness of the indicator, and thus this value has since been treated as a more general indicator of protest.

Analysis of the data shows that general socio-political activity is a leading factor in participation in protest actions—protest is a natural part of social activism in individuals. Activism of close friends plays an important role—socio-politically active youths tend to interact with each other. Protest tendencies are higher for those

whose parents are interested in politics and participate frequently in demonstrations. Their role model and support promotes high socio-political activism.

Among political attitudes, dissatisfaction with the government is a factor that promotes protest. The perceived urgency of problems and prospects for one's own socioeconomic welfare in the future are practically unrelated with the propensity to protest.

On the basis of the correlations that emerged, we can conclude that youth participation in protest actions can be attributed to an existing model of behavior running its course, rather than a rational reaction to a social problem, even if the problem does affect youth directly. These correlations and this model have manifested themselves most strongly in the case of youth in France, and the least in the case of Estonian youth.

Power in the eyes of Estonian youth

Velli Parts, Mainor Business School psychology lecturer

Most efforts to conceptualize power have approached the concept by either attempting to define the term or listing its bases and sources. The concept of power still engenders a lot of controversy, as scholarly works argue for and against various definitions, forms, and uses of power. Although most people have an intuitive notion of what power is, until now, there has not until now been a single definition of power. This paper argues that instead of searching for the proper definition, one should consider changing the approach and treat power as social representation. Social representations are in the words of the originator of the theory, Serge Moscovici, socially created and communicated ideas, images, and knowledge shared by members of social groups. In the form of lay theories about the social world they constitute the 'common consciousness' of a group that intermediates and determines cognitive activity of its members. Two studies were conducted to describe the way power is represented in the eyes of Estonian youth. The research question leading the first study was: *What does Estonian youth associate with power?* The word association method was used to elicit respondents' spontaneous and relatively non-reflected responses representing habitual patterns of thought as expressed in everyday thinking and communication. Domination (including misuse of power), powerful persons, authority and position, money, state and politics appeared to be the main categories that represent power for young people. Study 2 was conducted to examine the representation from a different angle using a rating scale. Four notions appear to function as core beliefs of power representation for Estonian youth: sanctions and misuse of power, authority, state and elite. Along the evaluative dimension, power representation is divided into two themes where authority (a mixture of expert and referent power) is evaluated positively, and another three components located on the negatively evaluated side of the representation. It is argued that the relationships between the core components of power representation reflect the underlying principles that guide people's understanding of societal life. Classifying power into negative and positive parts reveals the deepest layers of our conceptual frameworks about society where power in real life (i.e. sanctions and misuse, state, and elite) is separated from authority or ideal power. A replication of study 2 was conducted two and half years later. The structure of the representation was not changed, but there were some changes in the way misuse of power, state, and elite were related to each other.

Energy sources

Natural gas in the Baltic Sea region

Mihkel Veiderma, Estonian Academy of Sciences Energy Council chairman

The article presents an overview of natural gas reserves, production volumes and dependence on imports, the use of gas and the gas pipeline network in the Baltics and new projects in the Baltic Sea region. The main focus is placed on the idea of constructing a Russia-Germany pipeline through the Baltic Sea, a project that has not been coordinated with the countries in the Baltic Sea region. The article stresses the need to thoroughly analyze the Baltics' energy future from the standpoint of security, its influence on the ecosystem of the Baltic Sea and conformity to the principles of international maritime law. There is a proposal to connect the planned gas pipeline with underground storage facilities in Latvia. The article surveys the minefields deployed in the Baltic Sea during World War II and the chemical weapons sunk there, which may pose a threat to the construction of the gas pipeline and to the sensitive ecosystems of the Baltic. The need to adhere to international maritime law and the requirements of the Baltic Sea protection convention is stressed.

Internal security

Putting research studies to work for internal security

Ülo Jaaksoo, Estonian Academy of Sciences academician, chairman of the Cybernetica AS management board

Ensuring internal security is a field where much depends on cooperation between various agencies. As a result, Estonia faces the task of how to define and combine the internal security dimension of various agencies, which would in essence mean overcoming domestic barriers and moving in the direction of a state without internal borders. This would require a corresponding national programme to be developed and launched, as Austria, for one, has done with its security studies programme. In building our internal security programme, we could use Estonia's advanced electronic data interchange environment and data network capability and public key infrastructure, Europe's largest. The time is ripe for involving Estonian researchers in resolving security tasks and thereby increasing internal security capability.

Information management: an inseparable part of crisis management

Eleka Rugam-Rebane, Government information adviser, Tallinn University Information Sciences Department, Ph.D. candidate

Information shortage is a common problem in crisis situations and is especially heightened in the context of time pressure. There may not necessarily be anything known about a crisis or a great many insignificant facts which tend to interfere with decision-making rather than aiding it. That is why people who study crises emphasize that a successful outcome to a crisis depends on readiness at all levels, including the information level. Mapping problems related to information behavior and information management makes it possible to better prepare for crisis situations. First and foremost, this means contributing to the development of the relevant information sources and outlets that may prove necessary in a crisis situation.

Public sector

The possibility of a stable and competent senior civil service in Estonia

Jako Salla, Tallinn University master's candidate

The Estonian civil service system has been in the process of reform since Estonia regained its independence in 1991. Currently the system has several qualities typical of the career system, though it can be still described as an open position system. This paper analyzes different prospects for development in the Estonian civil service; the emphasis has been laid on the senior civil service (SCS). Competence and stability in SCS are the main areas of interest for the author in this context. The theoretical part of this paper is based on the models of career (closed) and position (open) systems. The empirical part of the paper is based on a survey conducted by the author among representatives of the Estonian senior civil service. The conclusion of this analysis shows that it is not only possible but even necessary to have a competent and stable senior civil service in an open administrative system.

Decentralization of the government of Tallinn

Sulev Mäeltsees, Tallinn University of Technology Humanities Faculty Dean, professor

Mikk Lõhmus, adviser to the President of the Riigikogu, Tallinn University of Technology Ph.D. candidate in public administration

The emergence of cities 100-150 years ago raised social and economic issues among which city management, especially its expedient decentralisation by means of city districts, occupies a prominent place. In the Republic of Estonia, city districts were established in the 1930s.

In Tallinn, city districts were formed in 1993 as part of the process of democratic reorganization and re-establishment of local governments. City districts differ in terms of population (the difference in population

between the districts of Lasnamäe and Pirita is more than tenfold). The principal criterion for establishing district boundaries was the similarity of the socio-economic problems to be solved, not the size of the city district. At the same time, the opinion of the local people, also expressed by citizens' associations such as societies etc, was important.

After the 1993 municipal election, much work was done to introduce a new management system in Tallinn. City districts were granted quite significant rights to organise their affairs. The Local Government Organisation Act adopted in 1993 did not regulate the issue of city districts in detail. Tallinn was expected to make suggestions as to how to amend the Act.

Unfortunately, before any suggestions could be made—which would have required generalisation of our own experience as well as studying city management of other countries—centralisation of management began in Tallinn. The process received a fresh impetus after the 1999 municipal election. The centralisation process that had begun in Tallinn continued over the following years when mayors, deputy mayors and also city district managers as political appointees were replaced. The branch executive officers of municipal boards were in a service relationship with the city without a term and successfully able to use political instability to strengthen their own positions.

In order to exclude the possibility of introducing changes in the city management based on purely political emotions, Tallinn City Government decided in 2003 to commission Tallinn University of Technology to make as comprehensive a study of the situation and problems of the city management as possible.

The university proceeded from the principle that the activities of a local government as an institution proceed from the democratic values of the society; various management instruments are but means to foster them. These values—autonomy, subsidiarity and democracy—have found an outlet in the European Charter of Local Self-Government. While autonomy can be addressed only as the basis of the relations between the central government and local governments, democracy and subsidiarity are directly applicable to city management. In addition to this, the principle of subsidiarity is the binding factor of economic and social effectiveness.

The study proves that there is an imbalance between the rights, obligations and responsibility of various instruments of city management. A dozen years after the city districts were formed in Tallinn, their legal and financial means to perform local tasks have been rendered almost nonexistent. At the same time, city districts differ in terms of a number of social characteristics. Therefore, taking any decisions requires a good knowledge of local conditions. The branches of municipal boards lack sufficient means to supervise and manage provision of public services of local importance; there are also problems with speed of response and solving problems as a whole.

Recommendations to improve and reorganise management in Tallinn were made on the basis of the study.

In general, effective city management was considered necessary. It must be flanked with ensuring and developing democracy. The public administration principles of the European Union—subsidiarity and good governance that require citizen friendliness—must be adhered to also in case of city management. In various socio-economic areas, city districts with their rights as well as financial resources, obligations and responsibility are the ones responsible for guaranteeing rapid and effective development of the city as a whole. City districts must be granted a varying scope of decision-making rights. City districts must have less discretionary power in areas that are important from the point of view of the whole city or in socially sensitive areas.

The current city management model is clearly administratively centralised: the city district is solely headed by the city district manager, a political appointee of the City Government (i.e. appointed for the term of office of the City Council) and the district administrative council, established as a representation of the citizens, acts but in an advisory capacity. The role of the administrative council in city district management has to become more important and political decisions at the city district level must be taken by the administrative council, i.e. democratic decentralisation has to be introduced.

City management, let alone capital city management cannot be expedient if only issues of a few odd areas are addressed. Integrated solutions are needed—integrated solutions dealing, in addition to decentralisation of city management, also with issues concerning the relations between the capital city and the central government, and the regional co-operation of the city with its hinterland.

Problems in ensuring sustainability of Estonian real estate policy

Janno Reiljan, member of the Riigikogu, Estonian People's Union, University of Tartu adjunct professor of Foreign Economics

In the course of the reforms of the period of restoration of independence and transition to a market economy, Estonia developed different attitudes toward the real estate necessary for performing state functions. Residential units were overwhelmingly privatized and housing problems were left to the market to resolve; real estate for production and service went into the ownership of companies, in which the state may hold a share; institutions that provided public services (universities, hospitals, museums) went to foundations, companies and persons under public law, which the state contracts for services; the basis for developing state forests and roads is the legislation adopted by the Riigikogu and long-term activity plans.

No policy for development and management of real estate (buildings) related to state governance and administration has thus far been developed in Estonia, and as a result the state activities in this field are disparate, contradictory and ineffective. Disposal of the major part of the state's real estate is fragmented among hundreds of sub-agencies. The real estate of three ministries (finance, justice and the interior) has been transferred to Riigi Kinnisvara AS and the state institutions act as renters. At the same time, many state institutions lease the real estate they need from the private sector. On the other hand, state institutions lease out unused real estate to commercial and the third sector. To avoid economic losses and to create clear development prospects for management and development of state-owned real estate, it will be necessary to develop and implement an integral, comprehensive real estate policy that insures an expedient and standard approach for all the real estate necessary for the governance and administration activity of the entire state.

In order to develop an efficiently running state real estate policy, a number of problems will have to be resolved comprehensively as an integral system that considers the reciprocal associations.

The working environment

Involvement of employees through representatives working at enterprises

Epp Kallaste, Praxis Center for Policy Studies, analyst

Krista Jaakson, University of Tartu Economic Faculty, Ph.D. candidate

The article analyzes Estonia's current and prospective employee involvement systems on the background of other European Union states. Compared to other countries, Estonia's current system is special in the sense that it is not a single or double channel system but something in between. Namely, employees can be represented by either a trade union trustee or a non-union trustee selected by the employees. Under current legislation, the functions of both of these are the same. The Ministry of Social Affairs has therefore proposed to amend the employee representation system so that a trustee for all employees—both union members and non-members—could serve as the partner in notification and consultation on the enterprise level, and collective bargaining functions would be left to the trade unions. Basically, the new system, which would create the basis for a form of employee representation with two different functions, would bring Estonia closer to the double channel system in its traditional sense.

Problems of the working environment and 'soft law' in new member states

Charles Woolfson, University of Glasgow and University of Latvia

Current evidence suggests a deteriorating working environment in the new member states of Central and Eastern Europe. This could be an important neglected dimension of current labour force 'exit' to older member states. Support for occupational health and safety regulation concerning the working environment appears to be limited among business and political elites in the new member states. This has created a lack of policy 'reform fit' between the 'social dimension' of a European social model and domestic agendas dominated by more 'business-friendly' free market considerations. The European Commission has also currently adopted assumptions concerning the need to 'simplify' the *acquis*, as well as advocating 'soft law' as an alternative to traditional regulatory instruments such as directives. However, the lack of contextual industrial relations supports—in

particular, the power imbalance in industrial relations due to the weakness of trade unions and social dialogue on the workplace level—make prospects for ‘soft law’ as a strategy for working environment improvements in the new member state uncertain.

Putting justice in order

Implementation of the Rome Statute of the International Criminal Court in the Estonian legal system

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René Värk, lecturer in International Law, Institute of Law, University of Tartu

Upon becoming a State Party to the Rome Statute of the International Criminal Court, most countries face the need to adopt implementing legislation. This is due to the so-called principle of complementarity, which tacitly presumes that States are able to prosecute the same crimes at the ICC, and also because legislation might be necessary for the State to cooperate with the Court. In Estonia, the relevant provisions are contained in the fairly new and modern Penal Code and the Code of Criminal Procedure. The article at hand outlines some of the problems that still remain in Estonian law with regard to the ICC.

Although international crimes are generally well-implemented in Estonia, crimes against humanity are somewhat loosely defined, and some war crimes not entirely satisfactorily covered. In most instances, the war crimes in question would nonetheless be punishable as ordinary offences aggravated by the fact that they were committed in time of war. This does not entirely solve the problem, as, for instance, the command responsibility provision in the Penal Code is expressly limited to the part of the Code that defines international crimes as such.

It is noted that the Estonian Constitution provides for the immunity of certain high office holders from criminal proceedings. No express exception has been made to these rules for the purposes of prosecuting crimes covered by the Rome Statute, but the procedure for lifting the constitutional immunities makes it possible for Estonia to take advantage of its prerogative under the principle of complementarity. More problematically, however, there exists a constitutional provision to the effect that a member of the Riigikogu shall not be held legally responsible for votes cast or political statements they make in the Riigikogu or in any of its bodies. This provision would seem to bar criminal proceedings against a member of the Riigikogu who had made a speech containing incitation to a crime punishable under the Statute. There appears to be no provision in domestic law for setting aside this indemnity.

It is concluded, in light of the foregoing, that the generally favourable attitude of the Estonian legal system towards applying treaties domestically does not in itself absolve the legislature from the responsibility of implementing treaties through legislation. Incorporation of treaties into domestic law provides a convenient fallback option in case there is no implementing legislation, but may cause some additional difficulties, particularly at the constitutional level.

The right to strike and freedom of enterprise

Tiiu E. Tammeleht, Estonian Central Association of Trade Unions, legal secretary

The right of workers to strike is one of the elements of freedom of association and is inseparably tied to the right to collective bargaining. In the international context, employee rights, including the right of association, began to be protected actively and in an organized manner in 1919, the year the International Labour Organization was founded. The foundation for the right to strike was laid only in 1952, however, when the Committee on Freedom of Association declared the right to organize strikes to be a worker right. From that time on, the right to strike is recognized as one of the main ways workers and their organizations can legitimately develop and protect their economic and social interests.

In the Estonian legal space, the right to strike is a constitutional right whose more detailed regulation is delegated to legislation. Despite this, disputes broke out due to strikes that occurred in 2003 and 2004, and prompted changes to the regulatory framework for strikes. The two short-term solidarity strikes staged by engine drivers caused such outrage in the management of railway enterprises that they deemed it necessary to take the matter to

court and the Chancellor of Justice. Since Estonian law does not define essential services, the main question was whether strikes on the Estonian railways are justified at all.

Unfortunately from the standpoint of democracy, not all rights and freedoms are of the same weight. Some of them, including freedom of association, may be more important than others. Thus we have to take the principle of social statehood into account in addition to other constitutional principles. This principle obliged states to ensure persons freedom of association expressly when the content is to safeguard terms and conditions of employment. Even though the court was relatively laconic in formulating its decision, confirming only the right of employees to strike legally, it also likely proceeded from precisely this in considering the primary rights.

And ultimately, effecting competing rights peaceably is an option that can only be considered if the rights are acknowledged reciprocally. Thus the justified freedom of action of employees whose patience has been exhausted should not be restricted by legislative powers but rather by the wisdom of the relevant employer, applied in dissuading its employees to return to work.

CIVIC SOCIETY AND STATE AUTHORITY

Participatory democracy

Civic society home and away

Daimar Liiv, University of Tartu Ph.D. candidate

The Concept for the Development of Civil Society (EKAK) was adopted on 12 December 2002 after a long period of discussions. Along with the Constitution, this document is one of the few official documents that describes the positions of Estonia's Riigikogu on core ideological developments of our political system and democracy. EKAK is based on the understanding that in the name of a lasting and developing democratic regime, the public sector needs to hear its citizens and co-operate with as many of them as possible. In decision-making, the public sector must consider the special interests, values and goals of the members of the society and their associations, and take them seriously even if they are in the minority. In this way, EKAK expresses the commitment of our political leaders to the progressive ideas of the participatory democracy.

For the implementation of the EKAK, a joint commission was created from representatives of the executive power and non-profit organizations which started its work in 29 October 2003. The writer of this article analyses some aspects of the preparation and implementation of the EKAK in comparison with similar processes involving Compacts in the UK and of the Accord in Canada. He argues that despite the similarities of the processes, there are several important differences in the approaches and in real organization of the cooperation. First, the executive power was almost a non-participant in the process of preparation of the EKAK—the Estonian non-profit sector worked mainly with the political parties and the Riigikogu. This caused a rather long delay in forming the joint commission and establishing its agenda with regard to governmental activities. Another important problem is that the Government did not recognize in every aspect the idea of equal partnership in organization of the work of the joint commission as it was done in Canada and the UK. For example, the government nominated by itself NGO members to the joint commission and did not accept co-chairmanship of the commission. One of the factors which makes such behaviour possible is the weaker identity, organizational level and self-consciousness of NGOs in Estonia. The idea of independence of NGOs is also not as strongly established in Estonia as in the UK and Canada.

But the most disturbing difference is that there is very limited financing of the joint commission's work. In Canada and the UK the work of both joint working bodies was financed by the government. In Estonia's case, the governmental financing is very limited and does not even cover the travel costs of NGO members of the commission. It is also almost lacking financing for the research. This is in direct contradiction with the very essence of the EKAK and must be changed.

HISTORY OF THE PARLIAMENT AND INTERNATIONAL RELATIONS

History of legislation

Corruption and the anti-corruption act

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

From his first days as an MP, the writer of this article studied how to launch proceedings as quickly as possible on an act to prevent corruption. Attempts to get the Ministry of Justice interested in it were not successful. The worst part of it was that the ministry's employees considered such a law useless. Fortunately there were other kinds of lawyers as well, and they were enlisted in putting the draft law into a written form. The draft law was introduced into the Riigikogu in November 1993 by the writer Arvo Valton, the chairman of a broad-based group of MPs, on behalf of 25 members of the Riigikogu. It was assumed on tactical considerations that if the draft law was spearheaded by Valton, the law would go through fairly quickly. But it emerged already before the first reading that the idea of an anti-corruption law had influential opponents. The common desire of many members of parliament to stop corruption was nonetheless so strong that a number of unjustified claims regarding the inefficacy of the law were refuted through patient explanatory work. Discussion of the draft law took place in both the legal defence committee and general session with Valton actively pushing the bill. He made immense personal contributions to polishing the wording and preparations for establishing the act. The act was adopted on 19 January 1995 and it was supported by 52 of the 75 members in attendance.

LITERATURE AND DATABASES

Information society and the library

Research libraries in a knowledge-based Estonia

Martin Hallik, University of Tartu Library, director

In scholarly communication, electronic periodicals and databases are pushing aside traditional print periodicals and monographs. In light of this fact, annual University of Tartu Library budget expenditure on e-materials has grown—in the form of spending on joint procurements of licenses for use of scientific databases financed by the Ministry of Education and Research. Currently, members of the University of Tartu community have access via the library to more than 70 databases containing over 17,000 full text scientific journals, in addition to reference databases, electronic reference works and books. Aside from this, information on the contents of the scientific library collections must also be made more available. Thus it is important to cover, in the electronic catalog, absolutely all works found in the library, since collections not described in the e-catalog are essentially buried treasure. The digital cultural legacy on the web helps to link Estonians living in Estonia and elsewhere around the world and to introduce our culture to other peoples. To increase the rate of digitization and amount of text digitized, the University of Tartu Library plans to embark on a large-scale project to digitize its collections starting this autumn.

The humanities scholar in the information society library

Piret Lotman, Estonian National Library Research and Development Centre, senior research fellow

The humanities, or liberal arts, have traditionally been associated with the classic library in the form developed over the centuries, which can be seen as an archive of publications. Such a body of text essentially represents the cultural memory of a school of thought, reflecting its interests and its choices. Stocking and maintaining an archive type of library becomes more and more expensive as the amount of printed material produced increases, demanding more space and time. In theory, today's information technology allows for the digitization of all texts, and book depositories would become obsolete along with the problems of the traditional library. But the virtual library would lose its function of repository of cultural memory—it is not selective or rigidly connected to the time that it was created, unlike texts in the linear literary culture. Neither is electronic text authorized: it is easily changeable and thus unreliable. Humanities scholars need printed books.

Humanities libraries are a type of library developed in the United States, but were conceived of in theory (Bernard Fabian, Michael Knoche) as well as practically implemented (the Duchess Anna Amalia Library) in its finest form in Germany.

Even though Estonian library science, and the more valuable part of our old books, have their roots in Germany, the Estonian language does not even have a term for “library of humanities”. The reasons reach back to the Soviet occupation, when Soviet bodies, aiming to transform the national identity, removed humanities literature

from Estonian libraries and cut Estonia off from the Western Judaeo-Christian cultural sphere, creating irreparable lacunae in our book collections. The priority in the Soviet Union, as in the Third Reich, was placed on physical science collections, and the attitude toward disciplines and literature in the humanities as inferior extended to the higher schools that trained librarians. When Estonia regained its freedom, the gaps created on the bookshelves by the occupation forces persisted, and the prevalent attitudes toward humanities literature collections did not change in the library establishment. The priority in library science of today belongs to the successor of informatics, information science.