

## Summaries in English

### EDITOR-IN-CHIEF'S COLUMN

#### *Ready?*

**Helle Ruusing**, *Editor-in-Chief of the Riigikogu Toimetised, Information Adviser of the Information Service of the Chancellery of the Riigikogu*

20 August of this year is the twentieth anniversary of the day Estonia again became an independent state. Today, twenty years later, many people tend to think that the Estonian state is ready. It is true that in twenty years Estonia has travelled a long way in its development, and often there are no clear memories of the situation from which we started. Looking back, it can be said that the right course was chosen, and this course has been kept. But the state is certainly not ready yet. It is possible that there are spheres where the development has reached a deadlock, and where changes are needed. One of such spheres is the foreign affairs. Twenty years ago it was useful for the country to have a single foreign policy to achieve its goals, but by now foreign policy has become an elitist field where there is a shortage of expert participants. But it would be perfectly normal to have a public debate also over foreign policy issues. Matti Maasikas, who knows everything about foreign service but is at the moment serving the European Commission, writes about the developments of Estonian foreign policy and the challenges facing it in his essay "The Third Phase of Estonian Foreign Policy – Normal Business Day".

After the elections in March, Estonia got a new Riigikogu. Only four political parties made it to the parliament, which is the smallest number of parties in Estonian parliament after the restoration of independence. Is it good or bad, is it few or many? Will the debate at the Riigikogu become more substantial when there is a clear coalition and a clear opposition? We will get an answer to that in four years. But certainly the emergence of new strong political forces or the division of existing ones cannot be ruled out in the future.

One of the issues where the attitudes of the Estonian society cannot be considered modern in any way is the attitude towards equality. Each time somebody in Estonia raises the issue of lack of equal opportunities, let it be in participation in public politics, labour market or some other sphere, the debate ends rather quickly with the conclusion that our society is not ready for changes. It is really too much to expect that the generation of 40–50-year-olds that at present holds the leading positions would be ready for a very thorough change in their choices and understandings. It seems we have to wait for the time when a new generation not holding on to old, fixed ideas sometimes originating from the 19th century takes over. When it is no longer strange and exceptional that a man stands for the equal treatment of men and women. But until then we have to admit that 20 women in a new parliament of 101 members and one female minister in the government is not a European result.

Striving towards stability is human and understandable. We should not allow ourselves to be lulled to sleep by what we have achieved because when we wake up, it may turn out we were not ready enough for changes.

### ESSAY

#### *The Third Phase of the Estonian Foreign Policy – Normal Business Day*

**Matti Maasikas**, *member of the team of advisers (BEPA) of the President of the European Commission*<sup>1</sup>

The author divides the Estonian foreign policy after the restoration of independence into three large periods. The first covers the years 1990–2004, from Lennart Meri's becoming the Minister of Foreign Affairs until Estonia's accession to the European Union and NATO; the second lasted from 2004 to 2010, until Estonia's accession to the Organisation for Economic Cooperation and Development (OECD) and the euro area, and the third period began in January 2011. By now the normal business day in Estonian foreign policy has arrived. We no longer have any new international organisation to dream of; we are "in" everywhere. This makes the author ask: how can Estonian diplomacy organise its normal business day life in such a way that the national interests of Estonia are protected, that there would still be excitement and swing for ourselves, and that we deserved the interest of and respect from our partners? As our resources will always be very limited, the author thinks that first of all it is necessary to set our foreign policy priorities more clearly than before. Secondly, our priorities should be followed more purposefully and comprehensively than before. Thirdly, how to attract and maintain international

visibility. The latter is not an issue of vanity. The international position of a country of Estonia's size greatly depends on to what extent we are known and respected by our partners abroad. The answer is both extremely simple and, taking into account Estonia's capacities, devilishly complicated. Namely, it is necessary to participate constructively and visibly in the discussions on the most burning problems that the European Union, NATO and our allies are facing. These are the crisis of the euro area, crumbling solidarity of the European Union, decreasing defence expenditures, and the ability of both the EU and NATO to face global challenges. If Estonia can give a visible and constructive contribution in these discussions, we can feel much more secure, but – NB! – never complacent.

## **POLITICS**

### **Foreign policy**

*Arab Spring: Expectations, Hopes and Threats*

*RiTo conversation circle*

In *Riigikogu Toimetised (RiTo)* conversation circle on 24 May, three foreign policy experts analysed the present situation in Arab countries, where the demonstrations against the ruling powers that started in Tunisia have spread over almost the whole North Africa and Middle East. The participants in the conversation circle were the Chairman of the Riigikogu Foreign Affairs Committee Marko Mihkelson, Senior Researcher of the International Centre for Defence Studies Erik Männik and Expert on Asian and African foreign policy Hannes Hanso, expert on Middle East. *RiTo* Editor-in-Chief Helle Ruusing acted as the moderator and compiled a summary of the discussion.

The participants in the conversation circle agreed that the stormy changes which started in the countries that for a long time had stayed relatively peaceful contain both hopes and expectations and also lots of question marks. On the one hand the sympathy of all democratically-minded people goes to the insurgents who have managed to overthrow the dictators who have enjoyed unlimited power for decades. At the same time all major changes involve certain risks, therefore it is still too early to rejoice. The huge wave of optimism accompanying the overthrow of dictators may rather quickly be replaced by a deep crisis, and the result of that may be that instead of democratic changes, some extremist forces who establish a new dictatorship come to power. The behaviour of transitional countries that are still moving from one social formation to another may be even more unpredictable than that of the countries with authoritarian regime. In the opinion of the participants in the conversation circle, one of the key issues for the whole region is the development of economy that should help mitigate poverty and unemployment, and reduce the wish of the people, especially young men, to leave their homeland to seek fortune somewhere in Europe. And here is a huge challenge for the international community – how to help the Arab countries pass the transition period so that their economy could continue to develop normally and the whole region would survive the hard times as painlessly as possible. Otherwise the crisis and the risks it involves will only become deeper. At present the lion's share of the export income of North Africa and Middle East, with the population of 400 million, depends only on oil and gas. Both the EU and the USA have helped the countries of the region for decades with huge sums of money, but this is not a solution because actually they do not need fish but fishhooks. And therefore, until the Arab countries have not been successfully integrated into the global economy on a wider scale and have not found any export articles to add to the existing ones, they will depend on oil for ever.

### **Riigikogu elections**

*Workers, Capitalists and the Results of the Riigikogu Elections of 2011*

*Oudekki Loone, Lecturer in International and Comparative Politics, Tallinn University*

Estonian elections in 2011 were held under the conditions of high unemployment (16.9%) and rather small inflation (2.7%); the real growth of Estonian GDP had turned positive in 2010, after two years of decrease. The article analyses the economic dimensions of election results, showing that “parties of work” have somewhat gained from unemployment, a link with “parties of capital” is unclear or missing. Perceptions of economic situation of Estonia and personal economic situation with respect of objective economic indicators

(unemployment, GDP, inflation) are analysed; the positive/negative perceivances seem to correlate with GDP and somewhat with unemployment, there seems to be almost no correlation with inflation rate; Estonian electorate could be characterized as “having a general sense of economic conditions”. The positive change of GDP in 2010 might have favored the ruling coalition of two “parties of capital”. High unemployment seems to be one of the key issues behind the almost doubled number of votes (in comparison to 2007) of Social Democrats, an opposition “party of work”.

*Who Does Not Vote? A Comparative Survey of Three Riigikogu Elections*

*Rein Toomla, Lecturer in Theories of International Relations, Institute of Government and Politics, University of Tartu*

The article deals with the part of electorate that did not attend the elections. Voter turnout in elections has been around 60 per cent; in 2003 it was a little lower, in later elections it was somewhat higher. Thus, around 40 per cent or a little less than that of the citizens of the Republic of Estonia who have the right to vote do not attend elections. This data is based on the surveys of public opinion that were ordered by the Institute of Government and Politics of the University of Tartu and carried out within the framework of research projects financed through targeted funding. The author has compared the results of three polls that were made immediately after the Riigikogu elections of 2003, 2007 and 2011. The survey was based on six demographic indicators – gender, age, nationality, education, employment and place of residence. As a positive trend the author points out the decrease of the percentage of those who did not vote both among men and women. To summarise the surveys taking into account ethnic affiliation, it can be noted that there is practically no difference in attending elections, both Estonians and non-Estonians, in the latter case mostly Russians, show more or less similar voter turnout. When all other social-demographic criteria are studied, it can be seen that there are problems everywhere – men are more passive as voters than women, young people still do not want to attend elections, the voter turnout among people with basic education cannot be compared to that of people with higher education, the unemployed have to a great extent lost interest in the elections and many people living in smaller prefer to stay home on election days.

*Changing Votes at the 2011 Riigikogu Elections*

*Mihkel Solvak, Project Manager, Institute of Government and Politics, University of Tartu*

In the article the author uses the data from the voter polling conducted by the Institute of Government and Politics of the University of Tartu in March 2011. The poll enables to assess how the votes at the Riigikogu elections of 2011 were redistributed between the political parties in comparison to the elections of 2007, and who were the voters that did not remain faithful to the political party they had supported and changed sides. It turned out that those who voted for a political party both at the 2007 and 2011 elections formed 42.9 per cent of the sample. The rest had voted at one election but not at the other; had voted for minor political parties; could not remember for whom they had cast one of the two votes, or refused to answer. 66.2 per cent of the above-mentioned 42.9 per cent of voters remained faithful to their chosen political party. Thus at least 33.8 per cent of those who voted for a political party at both elections changed their preference. This proves how mistaken can an opinion that takes into account only the change in the total number of votes cast for political parties be. In Estonia, this actually covers a very changeable voting behaviour of voters, which means that our voter is not especially faithful to a political party and all political parties are able to win over the votes from other parties.

*Voting Considerations at the 2011 Riigikogu Elections*

*Martin Mölder, Assistant, Institute of Government and Politics, University of Tartu*

The functioning and quality of representative democracies can be assessed on the basis of how the political parties compete between themselves for the voters of the electors and how the voters make their voting decisions. The elections research conducted by the Institute of Government and Politics of the University of Tartu after the Riigikogu elections of 2011 enables to a certain extent to assess the mutual relationship between the Estonian political parties and their voters. Among other things, it was asked what, according to the voters

themselves, had been the decisive issue in making a choice – the political party or a concrete candidate. It turned out that in the case of three political parties of the four parties that gained seats in the Riigikogu, the dominant factor was not voting for a political party generally but preferring a concrete candidate. In the opinion of the author, the trend to make a voting decision more by candidates than by political parties shows that the political connection between our political parties and their voters is not especially strong. At the same time, in certain issues, like citizenship, the Defence Forces and introducing Estonian-language instruction in Russian upper secondary schools, the voters have sharply divided into two camps – on one side there are the Centre Party supporters and on the other side the voters of all other parties. Thus the behaviour of Estonian voters is also influenced by a certain more general gap on our political party landscape and among our voters. But there is still much room for development in the policy-based competition that is the basis for representative democracy.

## **Governance**

### ***The OECD Analysis of Public Governance of Estonia: Fragmentation is the Greatest Problem***

***Annika Uudelepp, Estonian Coordinator of the OECD analysis, Member of the Executive Board of PRAXIS Centre for Policy Studies***

This article provides a brief focused overview of the OECD analysis of the functioning of Estonian governance sector “Towards a Single Government Approach”. It is a thorough analysis of governance ordered by Estonian state. The governance of Estonia is built on relatively independent ministries who are responsible for their area of government. All this makes setting and realising common goals complicated for the Government. The main message of the OECD is that Estonia should move towards a single government approach. In order to achieve that, it is necessary to make the work of central government more flexible, to improve co-operation between agencies and to give more focus than before to common realisation of the Government’s objectives, and also to find possibilities for raising the quality of services offered by the state and local governments and for unifying the quality of services in local governments. In addition to functioning of the Government as a whole, active steps need to be taken that the development of the state would have a clear goal and a common action plan. At present, there are about 70 strategy documents in Estonia which have been approved by the Riigikogu and the Government. Their abundance confirms that every agency has its own idea of what is important in the development of Estonia and no common understanding has emerged. The abundance of strategy documents only increases agency-centeredness and gives a bureaucratic flavour to strategies. The OECD finds that, in order to overcome fragmentation, the Government should be made to work as a whole in Estonia. All this means that state agencies will have to extend their work outside the boundaries of their formal competence in order to achieve common goals and to offer solutions to complicated political problems.

## **CONSTITUTIONAL INSTITUTIONS**

### **Financing of local governments**

#### ***What Requirements Does the Estonian Constitution Set on Granting Financial Resources to Municipalities?***

***Tim Kolk, Advisor to the Chamber of Constitutional Review/ the Supreme Court***

The article is inspired by the Supreme Court decision of 16 March 2010 concerning the supplementary state budget of 2009 (available in English: <http://www.nc.ee/?id=1122>). [The Grand Chamber of the Court unanimously declared the unconstitutionality of the failure to adopt such legislation, which 1\) would stipulate which obligations imposed on local authorities by law are of a local character and which obligations are of a national character, and 2\) would distinguish between the funds allocated to local authorities for deciding on and organising local issues and the funds allocated for performance of national obligations, and would provide for funding of the national obligations imposed on local authorities by law out of the state budget.](#)

This article is the first to analyse how the distinctions between local and national obligations should be made and how the financing should be organized according to the views of the Court. The steps taken towards execution of this decision by the state authorities in 2010/2011 have not been sufficient according to the author. The main conclusion is that execution of this decision demands a comprehensive reform of the obligations of

municipalities. It can be referred to as the long-awaited administrative reform, but it does not require redrafting of municipal borders.

## STUDIES AND OPINIONS

### Better regulation

#### *Implementation of Better Regulation Principles in Estonian Internal Security Policy\**

*Aare Kasemets, Estonian Academy of Security Sciences, Head of Research Group*

*Annika Talmar, Estonian Academy of Security Sciences, Research Fellow*

*Ero Liivik, Estonian Academy of Security Sciences, Lecturer*

The article discusses the implementation of better regulation principles in internal security policy on the basis of the results of the content analysis of draft legislation and strategic policy documents and the e-survey of officials. Internal security policy as an integral concept lacks a universal definition and therefore acts as an umbrella term to cover the plurality sub-terms, initiatives and departmental identities. Also, the operational elements of policy cycle/process are rare.

The research problem emerged from the study of the explanatory memoranda of draft legislation in 2004–2009, according to which the Ministry of Internal Affairs and the Ministry of Justice have some problems with observing the requirements of impact assessment and participation provided in legislative regulations.

As high-quality legislation is the means of achieving the political aims of the state, and the planning and budgeting of regulatory impact assessment in the state takes place through strategic documents, the following statement became the research hypothesis: the reason for the problems connected with the quality of legislation is that in the concepts, purposes and instruments of the Estonian internal security policy documents, the guidelines for better regulation (e.g. impact assessment, civic engagement, simplification) have not been taken into account.

The article opens the problem of selective obedience to rules of draft legislation, showing that the quality of public information on impact assessment and involvement of stakeholders in the explanatory memoranda of draft laws is questionable and the preconditions for evaluating the validity of constitutional legislative rules and the quality (e.g. necessity) of law are not fulfilled. Theoretical approaches (e.g. the concepts of rule of the law, discursive democracy, better regulation and risk society in the framework of institutional theory) enable to evaluate the connections between the invisible system of values, concepts, terms and routines dominant in politics and its materialisation in strategies and laws.

For the integration of better regulation and politics, the content analysis of the National Security Concept of the Republic of Estonia (2004), Main Objectives of Security Policy of Estonia until 2015 and the Development Plan for the Area of Government of the Ministry of Internal Affairs for 2011–14 was made. The authors found that it was still early to speak about the systematic implementation of better regulation principles and the integration of legal policy and internal security policy, noticeable progress had been made only in involvement of stakeholders. Development measures for better regulation were not included in the Development Plan for the Area of Government of the Ministry of Internal Affairs for 2011–14 (hypothesis). Additional electronic survey of the officials of the Ministry of Internal Affairs (n=104) indicates discontent with the organisation of the impact assessment of policy documents and draft legislation. According to institutional analysis this shows readiness for changes.

### Gender equality

#### *Reduction of the Gender Wage Gap is a Time-Consuming Process*

*Pirjo Turk, PRAXIS Centre for Policy Studies, Labour and Social Policy Analyst*

The gender wage gap influences all members of the society in one way or another. According to Eurostat data of 2007, Estonia with its 30.9 per cent wage difference of men and women placed the highest in comparison with other European countries. It is important to explain that the average gender wage gap does not mean that Estonian employers pay a female employee nearly one third less than to a man for the same work.

The research ordered by the Ministry of Social Affairs reveals that the average gender wage gap in Estonia can mainly be explained by gender segregation of the labour market, that is, by the fact that Estonian women and men are gathered in different professions and areas of activity. There are few men and women who do a similar job. Women more frequently work in less paid positions. This is also confirmed by the impact of the recent economic crisis on the wage gap. In 2008, the salary gap of men and women was 31 per cent and in 2009 the gender difference of wages was 27 per cent. Men were more often working in the spheres where the economic activity shrunk due to the crisis, for example in the construction sector. Therefore, in general, incomes of men also decreased.

In Estonia, men have the similar right to be on parental leave as women but men seldom use this right. In December 2010, fathers formed 5.5 per cent of the people receiving parental benefit. Establishing of the individual right to the leave for parents for fathers might be considered. An individual period of the leave for parents intended for the father would on the one hand mitigate the long career gaps of women and, on the other hand, it would indicate that the state recognises the role of the father as the person who brings up a child and takes care of the child. In addition to that, the period of parental benefit should be made more flexible: to enable a parent to work part time and to receive the parental benefit for a longer period, at the same time sharing taking care of the child and working with the other parent. There is no reliable and sufficiently detailed information concerning remunerations in Estonia. The people's own initiative and awareness plays a great role in negotiations. Greater transparency of salary systems would reduce experiences of unequal treatment among employees and would create preconditions for receiving equal pay for equal jobs.

***Party Lists, Votes and Candidate Gender at the Riigikogu Elections of 2007 and 2011***

***Mirjam Allik, Ph.D. student, Trinity College, Dublin***

For those who strive for gender equality in politics, the Riigikogu elections of 2011 were a disappointment because, in comparison to previous elections, the percentage of women among candidates and those elected decreased. At the same time it cannot be said that in 2011 women received less votes than men. The proportion of people who received a small, average or large number of votes is the same among candidates of both genders. If gender does not influence the amount of votes, then why are women underrepresented? In the author's opinion, one explanation could be the wrong angle of research – the reasons for the low representation of women do not lie in voting and the day of elections but in the events preceding them, like the compilation of lists and the small percentage of women among the candidates. As is known, women's representation in politics is influenced by both demand and supply. On the basis of the election results discussed in this article, it seems that there is a demand for women from the voters – female candidates do not get fewer votes than men. But the demand for more women from political parties is another matter. Previously, interviews with the party leaders and members have shown that the demand for greater participation of women tends to be low. At the same time, future research should also pay more attention to the supply of female candidates and women's decision to enter politics.

**Economy**

***Estonia's Way to the Economic Crisis and the Lessons to Be Learned: the Aspect of Labour Cost***

***Janno Reiljan, University of Tartu, Professor of Foreign Trade***

The purpose of the article is to assess the bases of Estonia's economic policy within the context of economic crisis and the development of gross wage in general and by areas of activity before and during the crisis. The author analyses the alleged economico-political reasons of the success story of Estonia's development, Estonia's economic policy within the context of the economic crisis and its actual perspectives, and the general developments relating to gross salary and sectoral differences in Estonian economy until the time of the economic crisis and during the crisis. He finds that Estonian economic policy gives no reason to speak of a strategy of catching up with developed countries. Becoming a member of the European Union did not stabilise Estonia's economic development. The processes which so far supported the economic growth have taken a

backwards turn, that is, hindering the economic development. The depth of the economic recession showed that the earlier development had been based on unsustainable factors.

Estonia is on the way of assuming the position of the producer of intermediate products dictated to us by companies of developed countries. Economic growth depends primarily on external demand for outsourcing and services because, due to the high debt burden of households, domestic demand cannot bring about a significant growth. The hope to achieve a new success with the earlier economic policy after the economic crisis is ungrounded in the changed circumstances and domestic situation. The precondition for success would be a radical change in the economic policy which primarily means priority development and implementation of the bases of innovative knowledge-based economy. Even if a start is made now, creation of a sustainable basis of growth may take a dozen years or so.

***In Economy, Everything Moves Up and Down Unavoidably<sup>2</sup>***

***Kalev Kukk***, Adviser to the Prime Minister, Tallinn University, Contract Associate Professor of Human Geography

Since mid-1990s, Estonia has experienced a successful process of integration to the global economy. Hand-in-hand with political integration to the European Union (and to NATO as well), the credibility of Estonia as an attractive place for investors, in particular for foreign direct investments but also for local investors, has increased rapidly. Accession to the EU and NATO in 2004 accelerated these processes, e.g. the net liabilities of commercial banks to foreign credit institutions increased by more than 18 times in 2003–2008. The growth of GDP that was based largely on the inflow of foreign capital was 32 per cent in same period. Unfortunately, such rapid (statistical) growth (“The Economist” ironically, 10 March 2007: “your money, my growth”) relied on domestic market oriented branches like construction, retail trade, real estate business.

The features of overheating became more and more apparent. This process can be measured by the explosive growth of wages (during 2007, more than 20 per cent average; y-to-y) and by the increase of inflation (from January to September 2008, more than 10 per cent; y-to-y). Labour market turned into a full employment market. Total increase in the number of employed persons amounted to 49 700 in 2005–2008, of whom 44 700 persons were employed in construction and trade. The first attempt to access the euro zone was not successful.

Expansive growth supported by foreign capital inflow turned out to be unsustainable. In the first quarter of 2008, GDP decreased by 2.2 per cent (y-to-y). There was an expectation of “a soft landing”. In autumn, after the spreading of the global financial crisis, it became clear that instead of “a soft landing” Estonia, like Latvia and Lithuania, had to face a serious economic contraction. The inflow of new capital to the economy stopped and the main export markets collapsed. The import demand of Finland decreased by 30.0 per cent, that of Sweden by 24.7 per cent, that of Latvia by 37.4 per cent, that of Russia by 33.9 per cent, that of Germany by 17.5 per cent and that of Lithuania by 37.9 per cent in 2009 (measured in euro). The number of employed persons started to fall and unemployment began to rise. At the same time, deflationary developments in European economies reached Estonia and gave the country the real opportunity to fulfil Maastricht inflation criteria for accession to euro zone.

After having decreased for nine quarters, GDP started to grow in annual figures in the second quarter of 2010, like in most European countries. The recovery of demand in foreign markets, above all in Nordic markets, was followed by a rapid growth of industrial output and exports. The number of employed persons started to increase and unemployment started to decrease. The GDP growth of 6.7 per cent (y-to-y) in the fourth quarter of 2010 was the second-fastest among EU countries (Sweden being the fastest). It is relevant to point out that the amplitude of the quarterly fall and growth rates of GDP was 23.3 per cent in Estonia in the period of 2008–2010, which was the highest among EU countries. On the other hand, this verified the thesis that the peaks and bottoms of the cycles may be sharper and entering and exiting the crises may be faster in case of currency board arrangement compared to classical monetary policy.

**Right to vote**

***Prisoners’ Right to Vote***

***Katre Tubro***, Chancellery of the Riigikogu, Adviser to Legal and Analytical Department

There are increasingly less countries in Europe where prisoners are automatically deprived of the right to vote by law, as is the case in Estonia.

European countries have different regulations. There are countries where prisoners' right to vote is not restricted and there are countries where some restrictions are made, and there are also countries, including Great Britain and Estonia where prisoners do not have the right to vote. Other European countries besides Estonia and Great Britain that have such laws are Bulgaria, Georgia, Liechtenstein, Hungary and Russia.

The European Court of Human Rights summarised the long-time discussions on prisoners' right to vote in its judgment in the case *Hirst versus United Kingdom (No 2)* in 2005. With this judgment, the European Court of Human Rights confirmed that the right to vote is a fundamental right and not a privilege. The general restriction on the right to vote which does not come from a specific criminal offence is disproportionate and undermines the principle of equality and involvement and the belief in the legal order. Participation in elections increases commitment to the civil society and the sense of responsibility and promotes social involvement.

Under § 58 of the Constitution of Estonia, at the Riigikogu, a local government council and the European Parliament elections, the right to vote is restricted for persons who have been convicted of a criminal offence and are serving an imprisonment sentence. Nor can they participate in referendums. The restriction applies to all prisoners regardless of the type of the criminal offence they have committed or the length of the punishment imposed on them. As the Constitution here grants the right of discretion to the legislator, naturally the general principles of the restriction of the fundamental rights have to be followed in exercising this right.

It has been discussed in Estonia whether there is a need to abolish the restriction. After the judgment in *Hirst versus United Kingdom (No 2)*, the Chancellor of Justice also pointed out the problems of our current regulation. Likewise, already after the Riigikogu elections on 4 March 2007, the OSCE has recommended Estonia to make amendments to the Act concerning elections so that it would be in conformity with European standards and with the obligation assumed in regard to the OSCE to the effect that all restrictions of rights and freedoms must be in strict accordance with the meaning of the Act. Although mitigation of the restrictions has been talked about, no action has been taken. In Estonia, like in Great Britain, the solution of the problem has been postponed for a long time although it should be clear that this cannot go on endlessly. There have been concerns about the administrative aspect of the organisation of elections among prisoners. Such concern certainly cannot be considered serious nowadays. Even if there may be some difficulties, it is the responsibility of the state to organise the elections and to find solutions to problems.

### **Parliamentary scrutiny**

#### ***Parliamentary Scrutiny of the Security Sector in Estonia***

***Ele Sisas, Consultant to the Security Authorities Surveillance Select Committee of the Riigikogu***

The security sector is often mistakenly considered only the Government's playground while actually the parliament as the representative body of the nation has an important role in handling security issues. The respective regulation which is in force in Estonia dates from 2001 when the Security Authorities Act entered into force (its preparation had begun already in 1997) and the Security Authorities Surveillance Select Committee of the Riigikogu is the institutional expression of parliamentary scrutiny. The Select Committee includes representatives of all Riigikogu factions and two officials. The Select Committee plays an especially important role in the supervision of information collection activities because secret collection of information for the purposes of ensuring national security is a sphere where, with great probability, persons are not notified of covert surveillance and there is a risk of collecting excessive information. The activities of security authorities are mostly supervised by the Committee and other possibilities of parliamentary scrutiny (written questions, interpellations, Question Time, etc.) are used less. The system of parliamentary scrutiny of the security sector in Estonia is an activity with a wide scope of competence and a reactive mandate. The Select Committee inspects acts after they have been implemented and exercises supervision over the activities of security authorities and efficiency thereof and over ensuring of the fundamental rights.

Regular supervision of security authorities is exercised through the Prime Minister and the relevant ministers who submit an overview of the activities of the security authorities and of supervision over their activities to the



Select Committee at least twice a year. In recent years, overviews of the activities of the Select Committee have been published on the Riigikogu home page and are available to all who are interested. In the opinion of the author of this article, these reports are formal and too general. More substantial reports would help raise public awareness of the activities of security authorities and would create an opportunity for a wider debate on security in the society.

## **Police**

### ***The Development of Police through Times***

***Priit Suve, Prefect of the West Prefecture***

Since its creation the police has undergone significant changes. An unschooled military organisation of artisans has in developed countries become an educated and research-based community centred civilian organisation. The article deals with three issues that have helped ensure the development of the police. The changes of paradigm in the attitude towards education, military character and legitimacy are of symbolic meaning. In nearly 200 years, noteworthy changes have taken place in these issues. The place and role of police in society have developed remarkably. The police organisations are representing the interests of the society more, and they are more diverse, which has significantly helped develop fight against crime. Community-centred police relies on cooperation with the community which not only reduces crime, but also fear of crime. By making changes of direction in the issues discussed in the article, it is possible to change the nature of organisations in the desired direction.

## **Data protection**

### ***Data Protection in Estonia Reflected in the Case-Law of the Court of Justice***

***Liina Kanger, Supreme Court, Legal Information Department, Analyst of Administrative Law***

***Eve Rohtmets, Supreme Court, Legal Information Department, Analyst of Case-Law***

The Court of Justice has interpreted the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (data protection directive) in seven decisions made on the basis of references for preliminary ruling and applied the directive in three cases that reached the Court as a result of complaints. According to the authors, two conclusions of fundamental importance to Estonia can be made on the basis of the case-law of the Court of Justice. For Member States, the flexibility of data protection directive involves an obligation to complement it with concrete legal basis by single cases that would correspond to the principle of adequate definition. Secondly, the Estonian Data Protection Inspectorate as an independent supervisory agency in the system of state agencies must not be under the control of any ministries in the sense of economic, organisational and personal independence, in order to preclude the dependence of the level of the fundamental rights of persons on political will. In practice these two conclusions mean first, that social scientists and jurists, IT professionals and the specialists of many other fields have to co-operate effectively to increase the coherence of the legal framework of data protection. Second, taking into account the growing importance of data protection sphere in information society, the strengthening of institutional structure requires state initiative to remove this area outside the sphere that can be influenced politically.

## **Family policy**

### ***Estonian Parental Benefit against the Background of the Goal of the European Union Employment Strategy***

***Häli Tarum, Political Science and Governance, BA***

***Dagmar Kutsar, University of Tartu, Institute of Sociology and Social Policy, Associate Professor***

Researchers have stated that Estonia lacks a definite family policy vision and resources which would enable the state to create a coherent and supporting family policy. In order to understand in which direction the Estonian family policy is moving, the authors of the article analysed the debates held in the course of the deliberation of the Parental Benefit Act, which was passed in the Riigikogu in 2003, on the basis of the verbatim records of the

Riigikogu. The discussion held in the Riigikogu during the deliberation of the Parental Benefit Bill was useful in many respects, first of all because it showed which Estonian family policy problems are considered important at the state level. In the case of the Parental Benefit Act, the main emphasis is on pronatalist approach which aims to increase the birth rate and to make giving birth to children more attractive for Estonian women. The suitability of the parental benefit to the Estonian family policy system may be questioned and this was also revealed in the deliberation of the Act in the Riigikogu. Namely, it was found that the parental benefit is not an integrate solution and the problem of population increase should be solved by a single package of Acts and not by one specific measure. The Parental Benefit Act needs an equally selective child benefit and family allowances system which would take more account of the welfare level of children and would separate it from the amount of the family income, that is, which would essentially have an equalising effect on children as a social group.

## **CIVIL SOCIETY AND STATE AUTHORITY**

### **Advisory councils**

#### *Advisory Councils as a Form of Participation*

*Külvi Noor, Analyst, PRAXIS Center for Policy Studies*

*Maiu Uus, Analyst, PRAXIS Center for Policy Studies*

Standing advisory councils are a cooperation form with quite a long tradition for a country like Estonia; the first such advisory bodies were established already in the early 1990s. PRAXIS Center for Policy Studies did the analysis to map advisory councils and identify common criteria.

The role of an advisory council in policy formation process is somewhat different. There are those playing primarily a strategic role – the council has actively participated in the creation of the field strategy and law-making. Other councils may also have a strategic orientation, but on a more general level, not so strongly tied or limited to the specific drafts of policy documents. Members of advisory councils are representatives of various sectors, citizens' associations, in addition to the public sector and often organisations and researchers. Depending on the main addressee of the council – Government of the Republic, minister or ministry – the bodies with the so-called high-level and broader membership can be distinguished.

In general, the officials as well as the representatives of non-governmental organisations are mostly satisfied with the results of the work of advisory councils. The officials and representatives of associations underlined the advantages of this form of participation, including their permanent nature (more effective than temporary work groups), an opportunity to obtain various opinions and knowledge, broader discussion of decisions, direct exchange of information and feedback to one's work.

In conclusion, the following circumstances can be outlined which make the advisory council unique compared to other forms of participation and cooperation: established on the basis of the legislation; improves the transparency of the decisions; permanence and longevity of the advisory body; enables to accomplish the highest form of partnership.

In addition, the advisory council enables explaining to the interest groups of the field the opinions of the ministry and the state and share the decision-making right with the organisations and experts operating in the field (e.g. funding decisions, trends).

The article also highlights recommendations for the functioning of an advisory body.

## **INTERNATIONAL RELATIONS**

### **Parliamentary foreign relations**

#### *Parliamentary Foreign Policy: an Example of the Parliamentary Assembly of the Council of Europe*

*Andres Herkel, Vice-President of the Parliamentary Assembly of the Council of Europe 2009–2011*

Members of parliament have more freedom in their positions than governments, therefore the best way for pursuing value-based foreign policy is through the parliamentary assemblies of large international organisations. This also applies to the Parliamentary Assembly of the Council of Europe. At the same time the author remarks that the machinery of the Council of Europe is large and clumsy and is in urgent need of improvement, which the new Secretary General Thorbjörn Jagland has promised. Numerous intergovernmental committees and work

groups come together, but they are of no use because the participants in these meetings are middle-level officials who have neither the authority nor courage to decide anything. Jagland had decided to considerably reduce those committees. Some committees of the Assembly can be merged, and the number of initiatives which result in reports should also be critically reviewed. Bureaucracy and the vanity of deputies stress the quantity, but actually quality and originality are needed. Adapted to the system, the politicians do not themselves make politics any more, but are toys in the hands of somebody else who has decided to shape them in his or her own image. There have been cases where a rapporteur submits a document he has not even bothered to read through. History has proven that the representatives of small nations cannot afford such a position of convenience.

## **LITERATURE AND DATABASES**

### **OECD**

*OECD – Organisation for Economic Co-operation and Development*

*Kairi Saar, Director of International Cooperation Division, Ministry of Foreign Affairs*

*Jane Makke, Head of Working Group on International Organisations, National Library of Estonia*

Estonia made its first official step towards OECD in 1996, when the Ministers of Foreign Affairs of the three Baltic states sent a joint declaration to the OECD, in which they proposed to establish the Baltic Regional Programme. The Baltic Regional Programme was approved by the OECD Council in 1998, and until it ended in 2004, the Programme was the main basis for the relations between Estonia and the OECD. In 2007 Estonia received the accession invitation and in 2010 acceded to the OECD. The possibility to get analyses compiled by recognised and independent OECD experts on different spheres of Estonian economic life was one of the reasons Estonia decided to apply for OECD membership. The first economic survey of Estonia was completed in 2009; a new survey was presented in April 2011. The compilation of the economic survey of Estonia has shown that not only reading the analysis but also taking part in the preparation of the report is very instructive. The National Library of Estonia has been a depository library for the OECD since 2009, but in the collections of the library there are also OECD publications from much earlier times.

<sup>1</sup> This article reflects the personal views of the author.\* Prereviewed research paper.<sup>2</sup> The statistical data of the article is as of 20 May 2011.