

Summaries in English

Editor-in-Chief's Columns

Aare Kasemets

The work of the Parliament is reflected in the media, legislation, proceeding from reforms, and government statistics. The opening columns, reflecting on the Estonian press, reform statistics and articles in Riigikogu Toimetised (RiTo) No. 3, lead from the image of the Estonian Parliament and the voters' expectations towards the future plans of RiTo, where *words count*.

In connection with privatisation, accusations can sometimes be seen in the press against the Parliament as an institution. Treating the work of the Parliament in such manner, without referring to a personal or factional level of decision-making, stenography or voting statistics, is misleading to the public. Although securing executive power is the duty of Parliament majorities, the frequent targeting of the Parliament instead of the ministers by the press, thus putting the former in the position of a political lightning rod, is a double-edged sword. A single media reflection would not be worth mentioning here, if it were not related to the ministries' fast track legislative activity, providing information to the Parliament, and administrative or political justification of actions in a way which undermines the legitimacy of the Parliament as a legislative institution in general.

Sociological studies show the preferences of the silent majority of the Estonian population relating to the distribution of the state budget and EU integration issues, as well as the hierarchy of people's private concerns – social facts indicate the prominence of people's economic and educational worries, which is hindering the development of a citizens' society.¹ These are problems, the solving of which meets the people's *legitimate expectations* in accordance with the Constitution of the Republic of Estonia. When reading studies on demographic, economic and other processes, forwarded to the Riigikogu, a question arises on national priorities and the necessity of a strategic action plan which would outlast election terms. For ten years, Estonia has seen reforms and the building of state, market and civil society institutions. Yet when people's actual well-being – as judged by the statistics on health, income, quality of living, or birth rate – is declining and alienation is increasing, one should ask – to what end are we using the different capitals of the society?

Karl Marx, the "European ghost", was in the opinion of many social scientists a man of great influence in the 20th century, and it is nowadays common to talk about *capitals*, the tangible synonym of which is often *power*. There are cultural, political, economic, social and other capitals² that can combine and transform into one another just as heat or wind energy can be transformed into electricity and lighting. The objective of legislation is to increase people's well-being, and the result can be measured if needed – other capitals can be reduced to the economic one, and a question can be asked: *Which groups are in possession of which capital in the society, and who will gain or lose as a result of laws being passed in the Parliament?*³

The post-modern paradigm of the Internet age does not allow monopolising of truth(s), and modernist value hierarchies that form the basis for state constitutions have been put to the test. RiTo provides an arena for sieving truths related to the duties of the Parliament. In spite of a pessimistic prognoses, it is worth aspiring for the sufficient regeneration of one's own cultural, social, economic and political capital even in a small country, even though many of the keys are situated outside the country. What can be done by the Parliament, the central government, a local government or a capable NGO in order to pursue worthwhile goals?

A round-table discussion on RiTo's future (December, 2000) resulted in a consensus opinion that the issuing of RiTo justified the risks and that such a journal is needed for the development of Estonian political culture, legislation, and the Parliament. As is characteristic of newly emerged phenomena, there was no such consensus as far as RiTo's directions of development were concerned – with one exception. Both the MPs, and the representatives of universities, agreed that RiTo should become a quarterly journal and enter the market. Opinions regarding RiTo's concept, relation between materials with political and academic orientation, etc. showed plurality of views and interests – *the lack of interests is of no interest*, as summarised by Prof. Igor Gräzin.⁴

Advance copies of the current issue of RiTo – which has so far been distributed through government institutions, universities and NGO centres free of charge – will for the first time enter competition on the information market. Since markets operate on the basis of trust and information – words count – the journal needs a collaboration culture (= capital) where one's word given by phone or e-mail counts as much as a signed contract. On the other hand, we know that globalising political and academic life races through stations/events as an express train, and the planning of time becomes problematic, especially in a small society where there are less doers and more work to do. Time is a valuable asset, but trust and knowledge are worth more on the market. RiTo goes on.

PARLIAMENTARY DEMOCRACY

The Role of the Riigikogu in the Accession of Estonia into the European Union Tunne Kelam
MP, Vice-President of the Riigikogu, Pro Patria Union
Chairman of the European Affairs Committee of the Riigikogu

Recent trends indicate an increasingly important and wider role for national parliaments both in the EU legislative process and in domestic decision-making. Eurointegration seems to have resulted in the general strengthening of the sense of responsibility and self-awareness in national parliaments. Public opinion tends to view the EU as a huge bureaucracy far away in Brussels whose decisions benefit only those making them. On the other hand, the European Parliament, elected directly by the citizens since 1979, is believed to be the most democratic institution. The Amsterdam Treaty defines the functions of national parliaments and further strengthens the European Parliament's role.

Since Estonia's accession must be ratified by the parliaments of all the Member States and by the European Parliament, the representation of Estonia by the Riigikogu European Affairs Committee (EAC) in the structures of the European Union is vital. The most important forums

for the EAC are the EU–Estonia Joint Parliamentary Committee and the Conference of the European Affairs Committees of the Member States and Candidate Countries, COSAC. Direct contacts between political parties and MP's from different European nations contribute to mutual confidence building and to the exchange of accurate, unbiased information. Contributing to this is the annual conference series in Tallinn "Estonia and the European Union: Estonia on the Way to a Changing Europe", initiated by the Riigikogu in 1994. Many MP's from Member States and candidate countries of the European Union have participated. The ratification of Estonia's Accession Treaty (1995–98) proved that a variety of contacts with MP's in the Member States is essential to a smooth and timely process.

In order to maintain relations with the institutions of the European Union, European affairs committees have been formed in all candidate countries. The functions of these committees differ somewhat from country to country. The European Affairs Committee of the Riigikogu conducts hearings on the Estonian negotiation positions before their approval by the Government of the Republic and informs the Government of its opinion. The members of the EAC are expected to inform their factions of the negotiation positions as well as to return to the Committee with the positions of the factions. In this way, the European Affairs Committee shares responsibility for the negotiation positions.

Efficient co–operation between the Riigikogu and the Government as well as better co–ordination of the timing of submission of EU related draft legislation to the Riigikogu's legislative schedule and proceedings are essential for successful negotiations and the harmonisation of legislation. Two basic possibilities for speeding up harmonisation are 1) achieving greater political consensus or 2) creating amended procedures for accelerated deliberation of EU related legislation. For the latter, an agreement would have to be reached between the ruling coalition and the opposition. It may be useful to study the solutions found by the parliaments of Cyprus, the Czech Republic, Poland and Hungary. The pace of harmonisation of legislation in Estonia has been constantly accelerating. If Estonia wants to be ready for accession in 2003, it is important to accelerate the pace even more, without allowing, however, any decrease in quality.

The members of the European Affairs Committee form a kind of mini–parliament, as they represent the different parties in the Riigikogu and also simultaneously belong to various standing committees in the parliament. Therefore EAC members should have a good overview of the positions of each faction as well as the status of all draft laws on the agenda. All possibilities to enhance co–operation between the EAC, political parties and the standing committees have not yet been realised. A further goal is to function as a forum for discussion of specific laws and issues among NGO's and interest groups, Government officials and parliamentary committees.

EAC members are also precisely those MP's who should have enough information as well as the obligation to explain to the people what the advantages and disadvantages of EU accession are. With positive results the European Affairs Committee continues to work closely with the Delegation of the European Commission in organising EU information days

all over the country and with the Women's Civics Centre in the framework of the European School Project.

Every Riigikogu elected since the restoration of independence has supported Estonia's two main foreign policy goals: to join the European Union and NATO. Riigikogu members also agree that the people must be able to vote on European Union accession in a referendum. The European Affairs Committee together with the Constitutional Committee would be the logical initiators of a broad-based discussion on the pros and cons of membership as well as the timing of the referendum itself.

POLITICAL FORUM

Communication between Parliament and Society

Do We Know How to Use New Media Facilities for Developing Democracy and Do We Want to Do This?

Marju Lauristin, MP, Mõõdukad, Professor Emeritus of Communication, Tartu University

In a short time, Estonia has become one of the countries, where the Internet is used on a daily basis by a rapidly increasing number of customers, comparable to that of mass media (see Table 1).

In the paper, the question is dealt with, of how to combine the technological facilities created by the extensive spread of the Internet with the development model of participatory democracy, which attributes great importance in exercising the power of state to the continuous dialogue between the elected representatives of the people and civil society.⁵

Realisation of the opportunities provided by the Internet depends on the availability of technical means, on the quality of providing information (exhaustiveness, promptness, level of analysis) and on the ability and desire of receivers to use the information, as well as the conditions, in which they do this. The most important condition, which ensures that the information provided on the Internet is effective, is the presence of the structures of civil society, including the willingness of the political parties and factions of the Riigikogu to act in the capacity of active mediators in the exchange of information.

Table 1. Computer and Internet Use among Estonians and Russo-phones in August–September 2000

Sources: Estonian Radio and Television Diary Survey, conducted by BMF Gallup Media, January to June, 2000; e-monitor, conducted by Emor Ltd., September–November, 2000

At the same time, it is necessary to ensure that NGO's would become more active users of the information available about the work of the Riigikogu. The home page of the Riigikogu www.riigikogu.ee already provides access to the draft Acts, shorthand records of the sittings of the Riigikogu, and minutes of its committees, to social and juridical studies, giving contact data, etc. The bringing of one's proposals and ideas to the knowledge of MP's is

possible only if one is informed of the draft Acts in the legislative proceedings of the Riigikogu, of the procedure of the work of the Riigikogu, and of the terms and deadlines which must be observed. It is also important to be informed about the activities of the members and factions of the Riigikogu, as this allows one to find an appropriate partner in the Riigikogu for defending one's interests and expressing one's ideas.

To ensure that the Internet culture would become part of the democratic political culture in Estonia, well-planned efforts should be made, aimed at making the Internet an open forum of dialogue between the Riigikogu and its constituents. No less important than the development of the ways of giving information, is educating the people in the framework of civil education, in the skills of using the Internet.

Difficulties hampering the development of participation democracy should not be sought in the lack of technical possibilities of the media; instead, the people and organisations must have the will and skills for making the best use of the existing possibilities for promoting democracy.

The Relations of Parliament with the People through Media and through the Prism of Media
Arvo Sirendi, MP, Estonian People's Union

The relations between the Parliament and the people go through the playing field of the media. It is important for democracy that information would be forwarded in both directions ungarbled, or that the receiver of the information would have, at least, the possibility of checking what message was sent out and what was added or cut out by the mediator who forwarded it. It is also important that everybody would be respected and nobody, discriminated against. Only democracy needs truth, and only free press stands in the service of truth, while nobody has a monopoly on truth.

What could need to be hidden in a parliament? If the possibility is given to the people to watch a live broadcast of the legislative process of the parliament, representation or neglect of the people's interests, then all this should eventually discipline the representatives of the people. Then it would not be necessary to present, for a good sum of money, black as white before elections. Even partial substitution of live broadcasts on TV for the Internet does not deserve mentioning as yet: those who can use the Internet do not need, as a rule, any additional political information, because they have also other information channels at their disposal, the channels which work in both directions. Live broadcasts on TV are for the majority of the people, including that part who feels a permanent concern for their daily bread, heating, lack of information and health. To them the first, second, third, fourth and fifth powers are indebted.

Media in itself need be neither good nor bad, and it cannot be regarded as a guarantee of democracy; rather, media is a prerequisite for facilitating democracy, while in the final account everything depends on the people. Democracy is guaranteed by the power, which is at the service of the people, and by the social relations proceeding therefrom. Media as a mediator between the people and the power should not stick too eagerly to any of these poles, first of all, it should stand in the service of truth.

Science Policy

From Jakob Hurt to Knowledge-Based Estonia

Tõnis Lukas, Minister of Education of the Republic of Estonia, Pro Patria Union

In modern society, public research and development activities provide a development basis, which creates prerequisites for promoting spiritual values, improving the quality of life and enhancing economic competitiveness. According to plans in the spring of 2001, the Riigikogu should adopt a Research and Development Strategy entitled "Knowledge-based Estonia". The most important objective of the R&D Strategy is to improve the quality of life of the entire society and to raise the level of social welfare, based on modern knowledge, a rise in educational standards, and in the competitiveness of enterprises. By striving for this objective, it is important to support raising the level of scientific research, stressing international acceptance and competitiveness of the level of scientific results, to facilitate the implementation of research results in enterprises, and to develop the mechanisms which would connect science and business.⁶ In the Strategy, user-friendly technologies of an information society, innovative industrial technologies, biomedicine and materials research, as well as their applications, are mentioned as key areas in research and development activities. In order to achieve these objectives, it is important to raise the total expenses on R&D to 1.7 per cent of the GDP by 2006; in the future, the percentage of the total expenses should become similar to that in Scandinavian countries, with which Estonia has to compete in the economic area of the Baltic Sea. When increasing the volume of financing of R&D, it is important to ensure the multiplicity of sources, that is, more private capital should be involved than has been the case hitherto. It is very important to continue the activities—in which we have managed to be successful till now – for finding additional financing resources in foreign countries. To ensure the efficiency of the R&D activities, it is also necessary to support the basic structures of R&D by developing various research and technology parks, innovation and incubation centres, centres of top science and development centres oriented to conducting development activities and the transfer of know-how.

Science and the Future

Mart Meri, MP, Chairman of the Cultural Affairs Committee of the Riigikogu, Mõõdukad

The paper deals with issues of Estonian science policy against the background of the European Research Area, but it also stresses that more attention should be paid to social sciences and other sciences focussing on Estonia. The system of funding of science in Estonia resembles that of other European countries. The problems are also similar: linking of research results more effectively with the needs of society, raising the overall effectiveness of scientific research, substantial intensification of the involvement of private capital, increasing the relative share of applied research and innovative development activities, motivation of young people to choose a scientific career, increasing the mobility of scientists between various research centres, as well as, between the academic and business spheres. The Research and Development Strategy "Knowledge-based Estonia", which was submitted by the Government to the Riigikogu for deliberation at the end of last year, poses a serious challenge to Estonia: to increase investments in R&D from the present 0.6 % of GDP to 1.7 %.

Achievement of this objective requires a breakthrough in the Government's budgetary policy, as well as in the involvement of the private sector, and also successful participation of Estonian scientists in international science programmes, primarily in the R&D framework programmes of the European Union.⁷ Estonian legislation and the mechanisms of funding of science, facilitate integration into the European research area. One of the objectives of the near future is to render the Research & Development Council, whose reorganisation is currently in progress, an efficient strategic adviser of the Government. Strategic management of research work requires an awareness of global development trends in science and, in our rapidly changing present-day world, also a certain degree of foresight, in order to be able to speedily react to changes. To remain competitive, Estonia has to behave like a rapid reaction force: in a dynamic and well-calculated way. In the present-day world, armchair science becomes an increasingly marginal phenomenon. Research is at the service of society, of the individual. Research work increasingly intersects more often with policies pursued in various areas. The creation and nursing of the scientific potential of a state begins from the first stages of the education system. The outcome of the system is the soil from which the decision-makers in public power and the private sector emerge. Success in politics and in business is based on knowledge.

The Present Science Policy Does Not Justify Itself
Viive Rosenberg, MP, Estonian Centre Party

Several research workers and other people have maintained that in previous years the achievements of our scientists who received a scientific degree were widely known; successful research workers were also praised as a national treasure. In the past decade, scientific research became like pottering about in private. Society does not know what researchers are doing, let alone that scientists would have their say in the preparation of decisions which are of importance to the state, although science is financed mainly by the state budget in Estonia.

What can be the reason for this? The aims of research have become more vague, because there is no clear responsibility in the management and co-ordination of science. The system of financing research work has led to a marathon race for getting funds, excluding the entrance of young people into science and the realisation of new ideas. In spite of the fact that researchers submit numerous reports every year to the Research & Development Council (RDC), the Scientific Competence Council (SCC), the Estonian Science Fund (ESF), the Estonian Academy of Sciences, Ministries and evaluators, the analyses and summaries of these reports have not been made generally available, and there is no single source from which we could get information about what research has been performed with the use of funds provided by tax-payers, or, just how many scientists there are in Estonia, what is their average salary, what topics are they dealing with, etc. It seems that the RDC and the SCC have failed to perform their main duty, because scientists do not know very much about the background of their activities, and there have been cases of arbitrary decisions not supported by any analysis. One problem is also that the present financing system does not stimulate researchers to get results and make their creative contribution to the Estonian economy,

education and culture. True, in other countries researchers are often dissatisfied with financing, too, but the less money there is, the more reasonably it should be used.

Balance Problems in Science Policy

Peeter Kreitzberg, MP, Deputy Chairman of the Riigikogu, Centre Party

Knowledge-based and science-centred society is becoming another slogan enabling us to justify any decisions made in science policy. We should be aware and informed of all major scientific advances in the world, but at the same time Estonia is so small that we need to ask precise questions about what kind of science we should be developing with our limited resources. Unfortunately, posing this simple question and working out a strategy for the development of science was postponed since 1990 (when the Research and Development Council (RDC) was founded) until this year, when the project of the Estonian Research and Development Strategy reached the Riigikogu.

Estonian science circles have been constantly criticising the government for low levels of funding. A number of institutions for administration of science have been created with their participation, the functions of which are overlapping. The main concern has been the mechanism of distribution of science funding – the primary criteria being international competition, world-class performance, and publication in international journals, which is partly responsible for the principal balance problems in our science policy. Those problems involve very poor funding of applied and development-related research. Funding for R&D activities comes mainly from the state budget, while the private sector does not show great interest in investing money into Estonian science. In 1995, the proportion of public science funding in Estonia was one of the biggest in Europe. Money from the state budget accounted for 71% of science funding. In EU countries, the state provides only 30–40% of the total funding for R&D.

Prime Minister Mart Laar was right in his speech⁸ delivered to the Riigikogu at the end of 2000, when asserting that, while in Estonia the emphasis is on fundamental science that is funded primarily from the state budget, the reverse situation is true in developed countries where the emphasis is on development activities that are funded mainly by private enterprises. This ensures that R&D activities correspond better to actual needs. Both the Estonian higher education system and Estonian science are strongly biased towards fundamental research. It seems that even social scientists are more interested in doing science within the international fundamental research paradigm of natural sciences than in Estonian society's local problems.

In the opinion of the author, Estonia suffers from a so-called scale disturbance. Models of big countries are copied if they are in line with corporate interests – such a tendency is also reflected in the multiplicity of institutions dealing with administration, co-ordination and funding of science. Although the RDC is responsible for science strategy and government counselling, the section dealing with development activities is virtually missing within the RDC.

The author is of the opinion that prerequisites for co-ordination are in place, but this positive aspect is threatened by the danger of corporativism, characteristic of small countries. Estonia needs a conceptual scheme for administering science that would ensure the co-ordinated action of different administrative bodies and the transparency and objectivity of administration and funding. Science policy based on world-class performance and citation frequency must be balanced by a policy accounting for the specific needs of Estonia, which would lead to the establishment of applied and development-related research.⁹

In order to gain a better understanding of Estonian science and its funding and to allow for better co-ordination of science policy, the author proposes to substitute the Ministry of Education with the Ministry of Education and Science.

Economic Policy

Estonian Economy in a Globalising World

Mihkel Pärnoja, Minister of Economic Affairs of the Republic of Estonia, Mõõdukad

Globalisation, as a worldwide integration of money, trade and labour markets, influences the open economy of small Estonia more than many other countries. This process is associated with several dangers, but also with interesting challenges and opportunities. Despite the dangers, it is not necessary – and generally not possible either – to fight it, although the state must monitor the processes involved and interfere by means of economic policy when necessary, in order to prevent negative consequences and make use of positive opportunities.

For us, a strong economy is not a goal in itself but an instrument for realising our social and cultural aspirations – a prerequisite for general welfare. An ultra-liberal market approach may guarantee a certain degree of economic growth, but if the country's long-term objective is to join the ranks of more developed countries and ensure a firm position in an ever-changing world economy, we must seek a suitable place for ourselves in the worldwide division of labour during globalisation even today.

Presently, this place is occupied by an economy based on cheap labour, producing low surplus value and being imprudent with regard to natural and human resources. Estonian export is likewise primarily made up of goods at a low level of processing. Low surplus value and low work efficiency are inevitably linked with people's low incomes.

In comparison with other similar countries, though, Estonia is still in a very good position. By virtue of a high capability for learning and persistent work, Estonia has become one of the most successful countries in Central and Eastern Europe. The present stage of economic development is only natural, but the important thing is to make efficient use of our achievements for ensuring continuous and sustained economic growth. We possess resources that can be invested in key areas of the society's development, but unfortunately there is no consensus on what these areas should be.¹⁰

In order to achieve sustained growth, the competitive edge of economy should be shifted from cost advantage towards quality advantage, and unique knowledge and skills. We must reach a state where the efficiency of work allows for the payment of much higher salaries than today, thereby ensuring increased satisfaction and the achievement of our principal goal – increased welfare.

In a globalising world, it is not practical for a small country with an open economy to direct its economy by employing traditional means, such as an expansive budget policy or interference with free movement of goods and services. But it is necessary, and possible, to create favourable conditions for development and to encourage investment in areas which would ensure the fastest achievement of the envisaged goals. Such areas are primarily R&D activities, innovation and general support systems for entrepreneurship. Increasing the relevant expenditure, both by the public and private sectors, will give Estonia an opportunity to have her share of the benefits from globalisation and to avoid the associated dangers. By basing our flexible and open economy on knowledge and co-operation, we can achieve faster economic growth and create new, well-paid jobs, thus increasing the people's welfare.

Estonian Economic Policy: How are We Using Limited Resources?

Olev Raju, MP, Centre Party

The objective of the economic policy is to specify the means by which maximum profitability can be achieved with limited resources. These positions are fixed in a government programme – in the case of Estonia, this means the Coalition Agreement. The latter includes many positions that do not entail any obligations (e.g., ordering of the economic sphere), and points that would probably be adhered to by any government, since acting otherwise would be senseless under current circumstances (e.g., not to devalue the Estonian kroon). Of more than 30 specific points regarding the economic policy, 5 have been implemented already. Their primary orientation is towards lowering taxes and cutting the state budget. As a result, the state's ability to fulfil its functions, especially the covering of social sphere expenses, is substantially impaired. This is supposed to be compensated by fast economic growth. In reality, economic growth is slower than it should be in the current stage of the economic cycle. Unemployment is also at its all-time highest in Estonia, and inflation has increased. It therefore follows that the Government's economic policy should be considered unsuccessful.

The reason for this failure can be seen in the fetishization of some principal notions of economic theory (balanced budget, open economy, and investment booster), as well as an inadequate estimation of the limits and dynamics of resources and, hence, the possibilities for their efficient usage.

Estonian Agricultural Policy and WTO Agreement Do Not Serve the National Interests

Janno Reiljan, MP, People's Union, Professor Emeritus of Foreign Economy, Tartu University

Due to a low population density and centuries-long European-style agricultural and forestry practices, Estonia possesses good agricultural and forestry resources. In contrast to forestry resources, Estonian agricultural potential has not found adequate economic use. Ignoring

the need for an agricultural policy that would consider the realities of the world economy, has led to a situation where this branch of the Estonian economy has been left unprotected, and at the mercy of unfair world trade. Agricultural producers, left without support from the State, cannot simultaneously cope with three serious problems:

- transition from large-scale to small-scale production, requiring the application of appropriate modern equipment and technology;
- deterioration of traditional foreign markets (Russia);
- unfair competition with nationally subsidised goods from the EU, not only on foreign markets but also on the Estonian internal market.

Together, these factors are responsible for the constant decrease in agricultural production since 1991. Due to significant economic policy disadvantages in the competition environment, internal producers lack the capital needed to develop this branch of the economy, whereas foreign capital shows no serious interest in it. The importing of main agricultural produce – meat, milk and grain products – by using an unfair trade advantage – forces Estonian producers out of competition on the internal market. At the same time, principal foreign markets are closed to Estonian agricultural producers, due to import barriers.

The great natural potential of Estonia could be harnessed to fuel economic development only if the competition terms were equalised for Estonian and EU agriculture. Solving this problem will prove to be the most difficult task for Estonian (foreign) economic policy right up to the time of joining the EU. Yet, any further degeneration of agriculture would mean that Estonia would not be able to make use of her natural resources, even after joining the EU, since production quotas for agriculture will be fixed on the basis of pre-accession production levels.

The EU's sanitary and environmental requirements for agricultural production are extremely strict. In order to comply with these, Estonian agricultural producers should make investments reaching in the billions. Accumulating such means in the conditions of unfair competition proves impossible for the producers. Financial assistance provided by the EU for the preparation of Estonian rural life for integration does not cover even 5% of the needs of the agricultural sector. Unfortunately, the Estonian parliament and government are dominated by political forces who are hostile to the rural sphere, and attempt to cut even the modest support that agriculture is receiving today. If the current economic policy is continued, it will not be possible for Estonian agriculture to respond adequately to the needs of Estonia and survive as a sustainable branch of the economy by the time of its joining with the EU.

Economic Aspects Relating to the Development of Housing

Jaana Padrik, MP, Pro Patria Union

Indrek Oja, Tallinn City Government Adviser on City Property, Pro Patria Union

Estonia is currently in a position where a significant proportion of housing comes in the form of apartment buildings that are totally outdated. The period in history when such housing

was built has not changed people's attitudes regarding preferred types of accommodation. More than 50% of the people occupying apartment buildings in urban areas would like to live in a private house if possible. We also find ourselves in the position where the average size of living space per person is 1/3 less than elsewhere in Europe. These circumstances add to people's discontent with their daily life. The solution to the problem is provided by the national housing policy, which is designed to facilitate the acquisition of suitable accommodation and encourage families' housing careers.¹¹

A person's housing needs change as the person changes. The needs of a young family with children are quite different from those of a retired couple whose children have left home. When speaking of the housing policy, we encounter a view which takes into account the actual needs and possibilities of different social groups. Currently the Estonian housing stock can be tentatively described as follows: 1/3 of all housing is up to 30 years old, 1/3 is between 30 and 50 years old, and 1/3 is over 50 years old. New housing (less than 10 years old) makes up less than 0.5% of the total. Approximately 1/3 of Estonian housing comes in the form of private houses, but in larger towns apartments are dominant. What kind of home would Estonians like to live in? Studies indicate that inhabitants of major Estonian towns predominantly wish to live in a privately owned house. Of the inhabitants of Tartu who presently live in apartment buildings of five or more storeys, 74% would prefer to live in single-family houses if given the chance. A similar tendency is seen in Tallinn, where 55% of apartment owners and 48% of tenants would move to a single-family house. A third of the respondents are ready for a housing career, while 65% of the respondents mention lack of money or the possibility to obtain a long-term loan, as significant factors limiting housing mobility.¹²

In the light of the foregoing facts, housing development is seen to become possible through more active house building by the inhabitants. On one hand, this would lead to a decrease in the proportion of apartment buildings; on the other, it would present an opportunity to join vacated apartments together or rebuild them according to new standards. Support from the state in the process of creating better homes for inhabitants should come in the form of various subsidies as well as rent control regulations as a model of financial control.

At the same time, local governments are required by law to guarantee accommodation for people who have, for some reason, been deprived of housing or are unable to find habitation. This principle, established in § 14 of the Social Welfare Act, is humane and easily understandable.

The Government of the Republic has acknowledged the "Housing Development Plan in Estonia until 2010", compiled in 2000. The Government has also assigned the Minister of Economic Affairs the task of compiling a new housing strategy by the end of 2001. At present the Ministry of Economic Affairs is in the preparatory stage of collecting necessary materials and studies.

Estonia and the European Union

Why Estonia Wants to Join the European Union?

Mart Nutt, MP, Pro Patria Union

Estonia is linked with European countries by geographical, historical, trade and cultural ties. In various times, Estonia, a predominantly protestant country, has been part or has had close contacts with Denmark, Sweden, Finland and Germany, all of which are now EU Member States.

Four Estonian towns were active members of the Hanseatic League, a medieval trade partnership. This may explain why the idea of pan-European co-operation, put forward in 1923 by Richard von Coudenhove-Kalergi, received extremely enthusiastic reception in Estonia, which in the 1920s was enjoying its newly-found independence.

Having suffered heavily in World War II, and under the yoke of Nazi Germany, and then the Soviet Union, Estonians understand the benefits of close co-operation for ensuring peace, security and economic prosperity in Europe – a fundamental principle of today's EU – better than other nations.

After the communist grip loosened enough to allow the setting up of political parties, and the establishment of civic movements and public organisations, co-operation with European countries quickly became the main foreign policy objective for most political organisations in Estonia.

Estonia started to make a case for accession to the European Union¹³ already in 1991, in a process that climaxed with the submission of Estonia's accession application in 1995. Progress in European integration enabled Estonia to be included in the group of five most successful applicant countries of Central and Eastern Europe, that started accession negotiations already in 1998.

The Estonian Government has set an ambitious target of being ready for accession into the EU in 2003. Progress made by Estonia so far, and the positive opinion of the European Commission expressed in its reports, has made meeting this deadline very realistic. Provided that the EU itself is ready to welcome new members by that time, Estonia stands a realistic chance to become one of the first new members in the EU in the middle of this decade.

It is obvious that for Estonia, the main benefit of accession into the EU significantly differs from that of several other candidates, as well as current Member States. It is the security policy aspect that the EU can offer as part of geopolitical and trade co-operation structures that makes accession so attractive for Estonia. In this respect, the viewpoint of Estonia is similar not only to Finland, but also to several other candidates such as Latvia, Lithuania and Poland (i.e. countries which will form the external border for the EU). This will bring about a special responsibility to ensure the integrity of EU borders and compliance of the border-crossing regime with Schengen requirements, safeguarding the security of the EU from the east. Since security is a common objective for all Member States, it will also integrate Estonia closer to the European Union family. Membership in the EU means that we will be part of the common security zone. Today, this security is predominantly indirect, achieved mainly

through trade and political co-operation, rather than military security. In the future world order, security based on co-operation and diplomacy is certainly more stable and effective than security based only on military presence.

Estonian political circles understand that globalisation is an inevitable and irreversible process. Small countries have limited possibilities to promote their vital interests. However, in co-operation with other European countries and with the opportunity to participate in the common decision-making process, Estonia would have significantly wider opportunities to promote its interests. This means that Estonia and the EU have a common ground of interest. Estonia needs the EU, but the EU also needs Estonia. Accession to the European Union will fully realise this common interest.

Euro-scepticism Feeds on Failure of Domestic Politics
Tiit Toomsalu, MP, Social Democratic Labour Party

Membership in the European Union should not be an aim in itself, nor a substitute for imaginary security guarantees. The EU is predominantly an economic partnership that is dominated by large industrially developed countries and multinational capital with its cross-border capital flows. This creates the need for small countries to position themselves in this partnership and in the international division of labour, balancing their economic interests with projections on domestic developments.

Unfortunately, the Estonian Government has not only failed to prepare such projections, but has not yet even calculated what Estonia stands to gain and lose from accession. Without such basic research, the campaigns aimed at raising the public awareness of Estonians on the EU are doomed to remain inefficient and irrelevant. Not a surprise, then, that according to the latest polls, more than half of Estonians are already anti-Europe.¹⁴

EU enlargement is not a synonym for European integration. Instead of offering economic co-operation and harmonisation of standards as part of the integration process, enlargement is a condition where candidates are forced to relinquish their political sovereignty to a federal union.

The summit in Nice sent a clear signal that if the principle of consensus as a basis for decision-making is replaced by a majority voting principle in a wider EU, such small countries as Estonia will find defending their national interests very hard, if not impossible.

This sentiment is shared by the ruling coalition whose frontrunner in parliamentary debates on EU issues, Prime Minister Mart Laar, emphasises that Estonia's objective in the EU is not to protect its national interests, but to adapt them to pan-European principles as an equal partner in this union. It seems that it is a principle that the public, with only ten years of experience in independence and sovereignty, will find hard to accept as an argument for a yes-vote.

CONSTITUTIONAL INSTITUTIONS

Court

Judicial Independence and Judicial Administration *Uno Lõhmus, Chief Justice of the Supreme Court*

It was more than 200 years ago that the spiritual fathers of the Constitution of the United States of America Adams, Hamilton, etc. understood that judicial independence is a part of a much wider principle of separation of powers. Judicial administration must guarantee judicial independence. In European countries the right of self-government of courts is gaining wider recognition. The International Association of Judges, too, has expressed the opinion that "where this is not ensured in other ways that are rooted in established and proven tradition, judicial administration and disciplinary action should be carried out by independent bodies, that include substantial judicial representation." This article analyses the aspects of the relationship between judicial administration and judicial independence in Estonia. In the administrative sense the court system is split. The Supreme Court has been granted the right of self-government, whereas by the Government of the Republic Act of 1995 the courts of first and second instance alongside with prisons and the Prosecutor's Office were included in the area of government of the Ministry of Justice. The primary principles of the court reform, prepared by the Ministry of Justice, emphasise that there is no need to reform judicial administration. Under the draft Courts Act, submitted to the parliament, the first and second instance courts will remain within the area of government of the Ministry of Justice and the right of the Minister of Justice to interfere with the activities of courts will increase. The Minister of Justice will have the right, sitting alone, to decide on the deduction of the budget and expenditure chargeable to the budget of courts during the budgetary year. Neither the limits of supervisory control nor the protection mechanisms in situations where judges feel that supervisory control has encroached judicial independence have been established. The author of the article finds that it would be necessary to analyse the conformity of such arrangement of judicial administration with Article 146 of the Constitution, which stipulates the following: "The courts shall be independent in their activities and shall administer justice in accordance with the Constitution and the laws." The explanatory letter to the draft Courts Act sets forth the following two theses concerning the nature of judicial independence: 1) judicial independence must be ensured on the level of an individual judge, this means the ability of a judge to administer justice without being influenced as to the outcome of the cases; 2) the independence of a judge from a higher instance court is essential. The incorrectness of the latter thesis seems clear, yet traditionally the independence of courts has indeed been interpreted as the independence of a judge in the decision-making process. The wording of Article 146 of the Constitution allows to draw a conclusion that judicial independence also embraces the independence of a court as an institution. From this conclusion proceeds the right of judicial self-government, which, unfortunately, finds no recognition in the draft Courts Act.

Web-site of National Court of Estonia: www.nc.ee.

Balance of Powers as a Constitutional Value *Märt Rask, Minister of Justice, Reform Party*

With the adoption of the Government of the Republic Act in 1995, the Ministry of Justice was given the responsibility to administer the activities of courts of the first and second instance and to organise legal assistance. This structure of court administration has been criticised by both the former and current chairmen of the Supreme Court, who advocate a clear-cut separation of powers and a classical model of court administration that evolves from this separation. By doing this, they attempted to show, through legal arguments, that such a model of court administration is not suitable for a democratic form of government and contradicts the Constitution of the Republic of Estonia and internationally recognised principles.

The weightiest, but unproven claims that were used in this argument were the violation of the principle of separation of powers and the threat to the independence of the court system. This seems to say that the implementation of the Constitution in developing national court administration is still underway.

Another characteristic aspect to this dispute was that the chairmen of the Supreme Court defended their position through the theory of law, while the counterclaims of the Ministers of Justice were based on practical experience in court administration.

It seems as if the conflict in the Constitution has been pre-programmed. If an analogous conflict of interest would arise, either between the defence forces or the Central Bank and their supervising ministries, it would be classified as an internal conflict within the executive branch. However, the conflict between the Supreme Court and the Ministry of Justice on a general theoretical level would always be classified as a conflict between the judiciary and executive powers. To overcome these differences of opinion, we need to adopt the principle of balance of powers.

The author believes that Estonia should not blindly copy the principles of court administration in other countries, without considering our historic and cultural background and opportunities, since it would not be a solution to our problems.

Independent legal proceedings are the cornerstone of the rule of law. All our constitutional parliaments and government have fully observed this principle in their activities. Governments have unconditionally observed case-law, irrespective of how unpopular or impractical they have seemed from the government viewpoint. In developing the judicial process, the Riigikogu has regarded the case-law of the Supreme Court as a criterion of truth. In the legislative and executive branch, a respectful attitude to independent judiciary has become an integral part of the Estonian culture of law.

Unfortunately, the Estonian culture of law has not ensured that the approach to the work done by courts is assessed in terms of their integrity and performance, as would be characteristic for an open society. There has been little critical debate on legal proceedings and relevant statements are often regarded as intrusion into the courts' work. At the same time, the executive branch has no intention to assess or license judges. This duty is left to the judges.

The author finds that, through the current law, the judiciary does not have a legal output to the Riigikogu, and, through the MPs, to the highest carrier of state power – the public. The draft of the Courts Act lays down the principle by which the chairman of the Supreme Court reports on the situation in the judiciary to the Riigikogu once a year. It should be noted that the Supreme Court has not discussed the condition of judiciary as an issue of national importance, not even once. Has it been considered irrelevant or there is perhaps fear of interfering in the judicial process?

Funds allocated to the court system have for years been in proportion with other sectors. One must agree with the claim made by Uno Lõhmus, who said that judges need to be more involved than at present with the budgetary process. Every judge needs to understand and feel that he or she is responsible for the justified use of taxpayers' money.

There are plenty of opportunities to develop the administration of courts. However, the current model of court administration that Estonia has chosen already includes the principle of separation of powers and balance of powers. If observed, these principles ensure that judges are genuinely independent in their rulings and that courts are able to function efficiently.

Problems in Court Administration Restrict Development of the Judiciary
Aase Sammelselg, Judge of the Harju Circuit Court

The unresolved legal limbo in the administration of courts is seriously threatening the development of the Estonian court administration system. The existing model of court administration does not have sufficient potential for increasing the efficiency of the overall system. The role of court administration tends to be regarded very narrowly as being limited to the supervision of the professional activities of judges and the financing of courts. This interpretation of the role of court administration is clearly inadequate and devalues its real role.

Instead, court administration should be defined as the activities of institutions that are responsible for administering courts, making sure that the judicial process has integrity, is cost efficient, and takes place within a reasonable amount of time. These institutions are also responsible for providing for the staffing and material resources that courts need for their work.

There are, thus, two aspects – operational and responsibility matters – to be observed in the administration of courts. From one side, the institution that is called upon to administer courts must constantly keep the public and other relevant institutions informed about the activities of courts. On the other hand, it must provide courts with necessary resources and ensure adequate supervision over their activities.

In order to be efficient, court administration must ensure the independence of its object of supervision. In this respect, it differs from public administration, which is organised by the principle of subordination. The nature of court administration is determined by the position of courts in the system of separation of powers, in which they have a balancing role and

ensure the rule of law. This is why the administration of courts should be regarded as a provider of service and not so much in an enforcing and supervisory capacity.

To overcome the problems surrounding Estonia's court administration one needs a systematic approach. The problem could be solved by restructuring the current court administration system and by creating an autonomous court administration outside the area of government of the Ministry of Justice and the Supreme Court. Separation from government institutions would enable the increase of efficiency of court administration and ensure its immunity from political influence. By setting up an administrative body that is non-political and separated from the executive branch, will enable this body to focus on fulfilling its main function and creates the precondition for removing superficiality from court administration.

SURVEYS AND OPINIONS

The State and Science

Science, Creative Work, Necessities

Jüri Engelbrecht, President of the Estonian Academy of Sciences

Recently, the Government has submitted the Estonian Science and Technology Strategy "Knowledge-based Estonia" to the Riigikogu. The speech of Prime Minister Mart Laar, and the accompanying speeches of Mart Meri, and the author of this paper, have illuminated several aspects of science and technology in Estonia and the necessities of the state. This paper gives an additional viewpoint concerning several activities and choices in formulating the aims of science and technology for a small country, stressing the needs for the future and possible hindrances.

For a small country, the needs for a concentrated efforts and quality are obvious. The signs of changes are encouraging, still there are many weaknesses. For example, organising research and development for practical needs, and the low level of general funding, with all its consequences and shortages of manpower. The encouraging signs are the readiness of the Government to fix the targets for science and technology, support for young researchers, and the decision for creating a system of centres of excellence in research. The main problem is still the capacity, which concerns the organisational side, its development, and postgraduate studies.

The mission of scientists is to unite creative work with the needs of the country. A recently published volume of overviews, written by young researchers, is an excellent example of the positive prospects for science and technology in Estonia.

Policy Process and Social Sciences

Mati Heidmets, Rector of Tallinn Pedagogical University

Dagmar Kutsar, Head of the Unit of Family Studies, University of Tartu,

Raivo Vetik, Director of the Institute of International and Social Studies

People in power have always liked to exchange ideas with sociologists. Already in ancient Greece, philosophers debated on the subject of the ideal organisation of society and policy. In today's developed industrial countries, it is hard to imagine the policy-making process without the active involvement of social scientists, research institutes, universities and private companies.

According to conventional wisdom, social science is a system of mirrors that sets development targets for society and particularly in political decisions. In the case of countries in transition, social reflections are necessary to ensure the independence of political decisions, otherwise they would be importing ideas, opinions and values at random and create a dependency on external influence. Since Estonia is a small country with limited resources, it is important to ensure that as the state and the society matures, simple and random decisions are replaced by informed choices.

The recent boom in drawing up development plans, scenarios and visions proves that we are moving towards such a model of society. The organisational and human resources of social sciences in Estonia are relatively scarce. The Estonian Science Foundation, which lists under social sciences: economics, law, sociology, demographics, pedagogical science, psychology, political science, human-, social and economic geography, social anthropology, ethnology and semiotics, claims that social sciences in Estonia employ between 250 and 300 people.

In order for sociologists and decision-makers to assist each other, they must first understand that they need each other. Communication between partners is also the underlying principle of the European Research Area and is favoured by the Estonian national policy on research and development.

The role of social studies in developing political decision-making could be roughly divided into five sub-roles: situation mapping; comparable data; policy or programme development; providing feedback; future scenarios. Unlike natural sciences, the social sciences in Estonia were much more isolated in the Soviet era. Therefore, adequate funding schemes for social studies are only starting to emerge and the co-operation between social scientists and decision-makers is being revived. In a transitional society, researchers are constantly battling with the so-called irrelevance of topics: what is important to local needs may not interest the international scientific community and vice versa. In order to meet the expectations of decision-makers, sociologists need to put in extra hours to translate research into the language of political problems and vice versa.

Assuming that communication between social scientists and decision-makers is sufficiently effective and that the result can be implemented, researchers will still be fulfilling an advisory role, offering situation mapping and showing possible development scenarios including an analysis of involved risks and resources.

In developing government decisions, social sciences fulfil all five roles in today's Estonia. At the same time, it is clear that resources are mainly in situation mapping and comparison, while the development of feedback, policies and scenarios that require more effort is underexploited.

The main problem is that Estonian state has no consistent interest in the subject. The majority of social studies conducted in Estonia are based on the ideas and projects of the researchers themselves. Policy-making institutions should be more active in using the services of researchers, especially in issues of national importance that cannot only be resolved by one group of researchers. Possible research areas are, for instance, Estonian development models for the 21st century, Estonia's development and competitive ability in the context of accession to the European Union, administrative reform implementation, development of the legal framework in Estonia, etc.

The Future of Sociology of Law in Estonia: Is There Hope?

Mait Mürsepp, Lecturer of the Department of Sociology, University of Tartu

There are two questions at the heart of this debate: first, does the sociology of law as a science have a future in Estonia and, secondly, can we fully understand and implement the opportunities provided by the sociology of law? To develop this approach, I have borrowed the ideas put forward by Professor J. M. Balkin at a conference entitled: "Writing Across the Margins" held at Washington & Lee Law School on November 3, 1995 where he spoke about the opportunities of new sciences to take root and flourish. When we adopt Mr. Balkin's theory and use his criteria to analyse the situation and opportunities in Estonia, we would come to the obvious conclusion that the sociology of law has a definite chance of flourishing and will provide Estonian lawyers with much needed social information. Another aspect which further emphasises the possibility of developments in Estonia, is that the Estonian education system, and in particular, legal education, is in transition. The whole education system is liberal, open and willing to take into account the best practices from the rest of the world what makes it easier to incorporate more social sciences into the legal sciences curriculum. If we fail to do this, the symbiosis between law and social sciences will remain forever marginal fashion trends. Wish to embrace and develop the quality of legal sociology in Estonia requires a change in society's understanding about legal science and lawyers and start regarding them as technical specialists also in Estonia. It is also needed that more social science disciplines have to be incorporated into the legal studies curriculum. Such situation will give social sciences a better chance to be colonized by the legal science. It is time for the decision-makers in public and private universities to start asking themselves what their objective is in teaching students. Is the objective to enable the students to practice law in Estonia, or to be successful world-wide? For the author, the answer is clear – only the second option is viable and following that option opens a road to the development of sociology of law in Estonia.

Legislation Needs a Logical and Pragmatic Approach

Uno Mereste, MP, Reform Party, Member of the Academy of Sciences

Some of Estonia's more active members of the legislature are restless in their call to do away with the traditional, the classical, i.e. formal logical approach and, instead, to adopt a more pragmatic view of things. This approach is based on the assumption that a logical approach is outdated, superficial and misleading. The proliferation of such statements is a deliberate

attempt to revive primitive Marxist ideology, which was discarded even by Marxists and Leninist themselves already in the 1960's.

Strict observation of traditional, classical and logical rules of thinking is one of the most important pre-requisites for resolving legislative problems in a competent and relevant manner. The assumption that a formal logical approach fails to address the essence of a problem, remains superficial or is simply impractical because the formal approach is wrong. In fact, logical approach is the best tool for ensuring that the debate, especially a legal debate, is relevant. Mistakes in logical thinking in a legal text are very costly, irrespective of the number of university degrees that the author behind this thinking may have.

Calls to give up logical thinking in legislative matters are very dangerous indeed. It has already caused conflicts in our laws and in the general order of things. If these mistakes are compounded with a misleading interpretation of categories, leading to the adoption of illogical laws, the gap between the legislation, i.e. written law, and the public understanding of the law, may become too wide to overcome. If something like this happens, it would not only render our laws inefficient, but also distance the people from those in power.

Communication between Riigikogu and Society

Cognition, Media and Political Communication

Voldemar Kolga, Professor of Psychology, Tallinn Pedagogical University and Nord Academy

Cognition, media and political communication are being shaped daily. Since there is less time for decisions, especially in the case of political decisions, no one is able to go into details. Cognitive heuristics as a dimension of ambiguity may direct the decision-making process rightly or wrongly. A typical example of this situation was the findings of one social study, which was not analysed in depth by the press. As a result, the findings were misinterpreted and lead to wrong political decisions.

Modern press is gradually losing its function of reflecting reality and the media itself is being transformed into a message ("Media is Message") that does not correspond with public expectations. As described by Baudrillard, media has begun to construct its own reality. Hyper-reality is reality mixed with simulations. Visual and picturesque elements in media are becoming more important as was evident in the recent political scandal on the shooting of an opposition leader's photo. In this way, politicians are becoming players in simulated media, further increasing irrationality.

There are several signs in Estonia, indicating that the public is becoming more apolitical. This is attributable to weak political communication (low turnout in elections, indifference towards political affiliation, etc.). The standstill in Estonian politics could be interpreted as the arrival of the peaceful Scandinavian era. In the light of postmodernist theory, one detects a weakening of social nerve, especially in politics. As a reaction to this condition, political differences may start to vane, leading to coalitions between former political archenemies. Non-verbal indicators of lying are annexed.

Information Strategy for the Digital Parliament

Andrew Hardie, Information Architect, UK

The Internet is changing the way all organisations operate and do business. The conventional Information System and Information Technology Strategies of the past are no longer sufficient or appropriate. Instead, a different approach is needed that takes into account the new convergence of content. It is proposed that a new kind of content-driven, high-level strategy, the Information Strategy or Information Architecture, is required to provide a strategic framework for low risk systems development and implementation in the new digital organisation. Parliaments of the future, as the ultimate information-based organisations, are no exception to these needs but do have special characteristics and requirements that must be taken into account when setting the efficiency and effectiveness goals that the Information Strategy must satisfy.

Some conclusions. The Information Strategy, or Information Architecture, is the new, fundamental, strategic document for the digital organisation.

Taking advantage of the new convergence emerging in content, it allows content and process to take centre stage in the definition of the information systems of the organisation.

It is not a magic wand and must still start from the usual sound foundations. It does bring new benefits of flexibility and modularity that allow new, evolutionary ways to implement systems.

Incremental insertion of many, small projects within the content and interoperability framework provided by the Information Strategy will reduce systems development risk and improve the quality of the systems.

Preparing a good Information Strategy is not a quick or easy task; it requires the new skills of the Information Architect and a fundamental understanding of the business, parliamentary, government or commercial, to which it will apply.

Without a good Information Strategy, IT/IS development will not achieve its true potential. Done right, it provides a knowledge resource of immense value to the digital organisation.¹⁵

The Internet as a Medium for Communication between Parliament and Civil Society: A Comparative Perspective

Günther Schefbeck, Austria

"Multimedia era" or "Internet era" are frequently used terms our time is labelled with. Within only a few years the use of the NICT in general and the Internet in particular has spread throughout all sectors of Western society, including politics. Though the consequences of this current technological revolution are not yet finally analyzable, expectations are great: In a survey carried out in 1999 by the IBM Institute for Electronic Government, 74 % of a sample of more than 400 European legislators stated they believed that information technology can enhance democracy.

How do Parliaments, as key organs of political decision-making in the political system of parliamentary democracy, use the NICT in general and the Internet in particular? The results of a survey carried out among the member Parliaments of the ECPRD show that today all those Parliaments are using the Internet. Whereas the use of Intranet for internal information and communication purposes of the Parliaments is nearly as wide-spread, the use of Extranet, particularly for maintaining and improving communication between Parliament and MPs while being outside their parliamentary premises, but also for communication between Parliament and government agencies, is not yet general standard but increasing.

Focusing on the communication between Parliament and civil society, it is, of course, the Internet which is the appropriate medium. The results of the survey indicate that, though parliamentary use of the Internet as a rule dates back no more than five or four years, until now already some general standards have developed which are fulfilled by nearly all parliamentary websites, whereas other standards seem to be just emerging.

With good reason people throughout Europe today can expect to find on their respective Parliament's website, e.g., the current parliamentary documents and agendas of meetings, biographical information relating to the individual MPs and information about their parliamentary activities, information on the structure and composition of parliamentary bodies, information on the Parliament's function within the constitutional order as well as the political system, information on the historical development of the parliamentary system and on the Parliament building, press releases, information on the structure of the Parliamentary Administration as well as on the information and other services offered by this administration; among those services in many cases e-mail services are offered, whereas other means of using the interactive capacity of the Internet (such as newsgroups, discussion forums, bulletin board systems, interactive systems for individual learning, etc.) still only in single cases are applied, which, at the same time, means that some of the information mentioned above is still offered in a traditional "brochure-like" style. Live audio and/or live video transmission of parliamentary proceedings via Internet, however, though not yet part of the general standard of parliamentary websites, are gaining increasing importance.

What can be the specific advantage of the Internet as a medium for communication between Parliament and civil society? Proceeding on the assumption that one of the primary functions of Parliament within the framework of the political system of parliamentary democracy is the communication function, i.e. openness for and enhancing of the communication flows between political decision-makers and groups as well as individuals interested in and affected by the political decisions, between Parliament and the "publics" (i.e. the general public as well as the various "specific publics" such as interest groups, the scientific community, etc.), we will find that a key issue of the communication function is the transparency of parliamentary proceedings, which allows and enhances public communication about parliamentary business as well as understanding of the results of parliamentary decision-making (and possible alternative options).

Traditional means of ensuring this transparency have been public access to parliamentary (particularly plenary) proceedings, written (and printed) documentation of parliamentary

proceedings, and the mass media's coverage of parliamentary proceedings. The Internet has the capability of giving the use of all these three means a new quality: Live audio and video transmissions of parliamentary proceedings via Internet provide a wider public with direct access to parliamentary proceedings, stenographic records and other parliamentary documents can be made much easier available via Internet, and the same applies to the mass media's coverage of parliamentary proceedings.

But, above that, the Internet seems to offer Parliaments the opportunity to close the "information gap" yawning between the complexity of written documentation of parliamentary proceedings and their results on the one hand and the reductionism of the mass media's coverage on the other hand: The possible ways of closing this "information gap" via Internet include, e.g., means making the retrieval of parliamentary documents easier, selective dissemination of information services (i.e. push services currently providing individual users with specific documents according to their profiles of interests), abstracts of parliamentary documents or at least adopted bills, means making the structure of parliamentary documents better understandable (such as text marking by using XML) or the procedural connections between parliamentary documents clear (such as linking them together by simply using HTML), and generally all means for enhancing understanding of parliamentary procedure, which in the mass media often is simplified to an extent impeding the understanding of parliamentary proceedings.

As a matter of fact, in spite of its interactive capability the Internet by most Parliaments is still used as a – though very sophisticated – medium for one-way communication. Information about parliamentary procedure and proceedings the civil society is provided with via Internet makes it much easier for citizens to keep themselves informed, which is a prerequisite for playing an active role in a participatory democracy. However, participatory democracy itself may finally be enhanced by a modified understanding of the communication function of Parliament, which can be implemented by using the Internet as a medium for two-way communication between Parliament and civil society, as well. But this, today, is still a mid-term perspective, not to say a political vision.

Elections

Elections in the 1990's in Estonia

Alo Heinsalu, Vice-Director of Chancellery of the Riigikogu

The 1990's brought not only six elections, but also increasingly acute problems that were new to Estonian political life. Elections held during that decade were characterised by an increase in turnout (more than 700,000 citizens and 200,000 non-citizens), although voter activity did not increase: 10% less in elections to the Riigikogu and around the same in local government elections. At the same time the number of voters remained regionally volatile, which increased the difference of mandates calculated in the elections to the Riigikogu for electoral counties.

An analysis of election results showed that the percentage of mandates won in electoral counties increased at the expense of compensatory mandates. At the same time there was a

decrease in the number of votes cast for candidates who were unsuccessful in their bid for the Riigikogu. Also the number of candidates elected to the Riigikogu with a small number of votes fell. For more information, see the Internet website of the Estonian National Electoral Committee at: <http://www.vvk.ee/engindex.html>.

Simplification of Electoral Rules

Rein Taagepera, Professor emeritus, Tartu University and University of California

Participation in the Riigikogu elections has tumbled to a worrisome degree because all too many people think popular vote has no impact. One of the reasons is the complex and internally contradictory electoral rules. I repeat here my longstanding recommendation to strive for simple electoral rules. The present ones combine Israel-type nation-wide rigid lists where the voter can only select the party with the Finnish vote for a specific candidate within a district. Estonia should not leap to completely new rules, the way it was inevitably done in 1990, and quite pointlessly in 1992. It's more fruitful to simplify the existing mixed rules, deleting one part of them. This can be done in two directions – Israel or Finland. One could abolish the present districts and open list, preserving the nation-wide closed list. This would result in pure party democracy, where the voter leaves it up to the party whom it will send to the Riigikogu. Or, in the opposite direction, one could abolish the nation-wide part and allocate all seats by open list in districts, using largest remainders in addition to the present full simple quotas. This is what I'd prefer, because the interests of various regions outside Tallinn should find representation in the Riigikogu. The time to simplify electoral rules is now, but they shouldn't become effective until after the next elections so as to avoid discussion bogging down in short-range personal interests.

Reforming Elections

Allan Sikk, Lecturer of the Department of Politology, University of Tartu

The country's electoral system is one of the central elements of its political system. Although one may think that changing an electoral system is relatively easy, electoral reforms are a very rare phenomenon in developed democracies. This is attributable mainly to two reasons: first, those in power have no incentive to change the system which put them in power and, secondly, the stability of an electoral system is an important value. Within the last ten years, three important electoral reforms have taken place world-wide, in New Zealand, Italy and Japan. Also Great Britain is toying with the idea of changing its electoral system. All those reforms had one common denominator: they were implemented at times of political instability and were introduced even when the main political parties opposed them at first. Other characteristic features are the use of referendum and transfer to a mixed electoral system.

In Estonia, the idea of electoral reform is supported by the ruling coalition, experts and the public. The main weaknesses of the present system is its complexity, preference of party affiliation ahead of candidates, and problems with geographical representation (Tallinn and Tartu have been strongly over-represented provided that you can speak about candidate representations in electoral counties).

The possibility of drawing up record-long party lists has been another cause for criticism. Although amendments have been made in electoral law, these have failed to address the most acute problems of the current system.

A conservative approach could be regarded as the most important criteria of a good electoral reform. It requires that there is a common understanding between the main political parties and the people, and that the reform will not discriminate against some political groups over others. In addition to other issues, such reforms tend to bring about a need to further change the electoral system. Although such a reform could be implemented only by way of public consensus, it is advisable that the final design would be the product of expert work, not political bargaining and compromises. Otherwise, the new system could be even more complex than the old one. Another important factor is to give voters and parties themselves enough time to adapt to the new system.

The Voter of Tomorrow: A Sociological Approach to the Civic Competence of Teenagers

Anu Toots, Lecturer, Tallinn Pedagogical University

Tõnu Idnurm, Researcher of the Centre for Democracy Studies, Tallinn Pedagogical University

The International Association for the Evaluation of Educational Achievement (IEA) recently gauged the civic knowledge and attitudes of 14-year-olds in 26 countries. Current paper deals with electoral attitudes and expected behaviour of Estonian teenagers based on data of above IEA Civic Education Study. Authors attempt to analyse which factors predict cognitive competence and which normative competence. One of the findings of the article was that the cognitive competence of Estonian students was significantly lower than the international average. This is attributable to the fact that elections are a relatively new item in the Estonian curriculum and that teachers have little skills in teaching the subject. Overall, the level of civic skills was very close to the level of knowledge, although in Russian schools the skills were notably lower than knowledge. This may be due to the fact that in many Russian-speaking schools, teachers of civic education do not have Estonian citizenship and therefore lack a personal voting experience.

When all 3,938 respondents were divided in four achievement groups, it became clear that the students with a higher level of cognitive competence have also developed better normative competence. They have clearer attitudes for both the main values of democracy and personal behaviour, and are more willing to fulfil their civic duties. On the other hand, there were a number of issues such as attitudes to political parties and immigrants, or readiness to stand as a candidate at elections, where the level of cognitive competence did not influence the opinion of respondents.

There were marginal differences in the attitudes of Estonian-speaking and Russian-speaking schools, although Russian students were less enthusiastic when it came to elections. Proof of similar attitudes was a comparison of young people's "planned" behaviour with ideal behaviour. Namely, the respondents said that as grown-ups, they were going to adopt the same principles and values that they were assigning to good citizens. And, vice versa, they did not plan to adopt what they did not consider to be attributes of a good citizen. In this respect, there were no major differences between Russian and Estonian schools or urban and

rural schools. It means that developing normative competence depends not only on what is learned at school, but also on the social experience of friends and relatives and on basic social values.

Such consensus between young people of different walks of life shows that there is strong potential for integrating young people in democratic society and politics. Efficient use of this potential will depend on the quality of civic studies at schools and the Estonian citizenship policy.

Constitutional Shock from America: Elections in the Postmodern Revolution

Igor Gräzin, Dean of Legal Faculty of Nord Academy, Adjunct Fellow of Hudson Institute (Herman Kahn Center, Indianapolis)

The electoral crisis in the USA got the unusually lively coverage in Estonia for the following reasons: being the most important strategic partner and ally of Estonia the future of American developments and the nature of its democratic institutions are of vital interest for Estonia. The role of the USA and the preservation of America's democratic values is even more important for Estonia today as we face the strong gravitational forces from basically socialist and bureaucratic institutions of the EU. Until Estonia has to cope with the threats like the ones exercised by the EU against Austria the ally able to balance out these challenges remains in the USA.

Although the last presidential elections in the USA proved that the system of democracy in the US remains less developed than that in Estonia the American society still moves in the direction of approval of the new political structures corresponding to the society that is entering the era of IT technologies. American democracy did not survive the recent crisis because of its Constitution (as stated by Clinton) but in spite of it and due to the democratic traditions and grass-root organisation of US communities.

Last elections in the US shattered some principal concepts that had prevailed both in American and the global political mindset as well. The ability of US people and of the political establishment to grasp these new realities is going to determine the path of future developments of American constitutionalism and its influence upon the global society.

The most unexpected legal result of the last elections came in the form of the conclusion that the current text of the US Constitution is not workable anymore and can't be preserved or that it can be preserved at very high societal costs. As the electoral mechanism covers about a quarter of the whole text, it can't be changed in the form of added amendments. On the other side: the extreme flexibility of US Constitution (opposing solutions for Roe v. Wade came within the framework of only two decades!) has drastically diminished its regulatory role (or: predicting value as supposed once by O. W. Holmes). The outcome of the last presidential elections was unpredictable till the very last court decision and could be determined rather by flipping the coin than by expensive legal procedures.

The outcome of these elections was determined rather by the rule of big numbers and accidental probabilities than by any social factors: in the one-bit-choice cases (or: as I have

named it elsewhere: Hamletian cases – to vote or not to vote, to vote for GOP or the Dems) the results were 50:50 and the differences remained within the percentage points from the margin of error (sic!). From what we may conclude that the two-party system as such (in America and elsewhere) has outlived its life and has to be replaced by other, now – by postmodern socio-political structures. Both voting for Democrats and republicans as well in America keep it in the shadows whom you are voting for anyway – as Democrats include such mutually parties as New-English socialists (Kennedy & Co) and Reagan and Southern Democrats and GOP extends from the Christian Coalition to fiscal libertarians like Jack Kemp (was). Thus the two-party system has been replaced in the US by a one-party-system (of political insiders) or a multi-party system that has not been recognised by the existing official system of voter-registration and the mechanisms of electoral machinery. (The last word if taken literally points at the voting mechanisms themselves that do not correspond to the technical levels of the Microsoft and Silicon Valley country!)

The outcome of the last elections had to be predetermined by economic boom of the country and the incumbent-president's party had to win hands down. Not to the last extent the fundamental failure of the Democratic Party was predetermined by the scandals created by the Clintons and made public by the new media: the Internet. Thus a "citizen-journalist" Matt Drudge with his fundamentally influential and truly independent site (www.drudgereport.com) became one of the most crucial factors of the current electoral outcome. (Drudge published the materials that had been censored out by the pro-Clinton mainstream liberal media.)

From these facts we can conclude that America is moving away from its modern past into the new political era of post-modernism. Until we traced these tendencies in Estonia we could interpret them as our uniqueness and kind of a (risky) exceptionality; now after having experienced the same tendencies in the American mega-society we can say that we are on the right track although a little bit ahead of the others.

The State and Economy

European Union Accession through Integration and Convergence

Urmas Varblane, Professor of International Economics, University of Tartu

Estonia's integration into the EU has three levels of convergence: nominal, real and institutional convergence. The first of these concerns is the harmonisation of prices between Estonia and the European Union, while the second focuses on increasing domestic income levels to that of the EU. Under institutional convergence, we mainly understand the transposition of *acquis communautaire*.¹⁶ A key aspect of negotiations with the EU is that Estonia should avoid transposing provisions that would lead to a rapid increase in prices and erode the country's competitive ability. If the harmonisation of Estonian legislation with EU provisions is pushed forward very rapidly, it will place an additional and substantial burden on domestic business, and thus reduce their ability to compete on an international level. So far, institutional convergence has pushed up the convergence of prices, while the convergence in income has been less visible.

Fig. 1. Institutional, price and income convergence in the process of accession to the European Union

EU integration is likely to focus more than anything on three sectors – environmental protection, social affairs and agriculture. In all of these sectors, the harmonisation of Estonian legislation with EU requirements places a heavy burden on Estonia. Investments are required not only from authorities, but also from individual companies, which wish to compete with other EU undertakings. In this aspect, agriculture seems to be the greatest concern for the public. The Estonian government has declared that Estonia's agricultural policy will be harmonised with the Common Agricultural Policy, and with CAP-related policies. It is a decision that is likely to bring about a significant increase in domestic prices.

There are two risks involved with institutional convergence. First, it has progressed so rapidly that it could become an obstacle for real convergence if a large section of the population one day finds that they are unable to pay for food. In addition, stricter requirements on production hygiene and other aspects could bankrupt domestic businesses. If the Estonian government wishes to avoid shocking its people and economy, the best way would be to start wringing out concessions from the EU in the form of transition periods.¹⁷

Legal Protection in Public Procurement Proceedings

Ivo Pilving, Adviser to the Supreme Court

The new Public Procurements Act, which was implemented on April 1, 2001, introduced a new procedure for resolving disputes concerning public tenders. The Constitution of Estonia states that it must be possible to protect free competition and contest in the court of law the awarding of public tenders and orders. This protection must be efficient. National interests require that disputes in procurement matters are resolved as quickly as possible.

Legal protection provided in the earlier version of the Public Procurements Act that was adopted in 1995, was ineffective and regulated only out-of-court proceedings. The new act provides for a procedure to resolve the dispute at the Procurement Board or, if no agreement is achieved, in administrative court. Unfortunately, all bidders who participated in the tender are not involved in the agreement process and their interests are not protected in preliminary hearings. Since bidders who were not involved in the appeal process can dispute the new decision, there is the risk that the procurement process may actually be delayed. Therefore, the conceptual basis of the dispute process should be further revised.

In Estonia, resolution of public procurement tenders that are contested in court is in the competence of administrative courts. However, the new law does not contain any provisions enabling the speeding up of current proceedings. Ideas worth considering are how to simplify and speed up court proceedings.

Is Endowment Pension Impoverishing the Nation?

Monika Salu, MBA, Estonian Business School

An important element in the endowment pension scheme is that it requires adequate savings to function. Therefore, a decision to launch an endowment pension scheme cannot merely be political. Instead, it should be an integrated economic resolution, which reinforces the need to re-invest endowment pension funds in the country's economy, and thus lower the cost of finance capital for domestic businessmen. However, more important than that is to ensure that the obligation to lay aside money for pension reform does not increase the poverty of Estonian society.

It is important to find the optimum balance between economic development and the level of social security. Pension funds can build their assets only through the economy. Therefore, the pension system will develop to the same extent as the Estonian economy. At the same time, economic development is not the only important element in this equation. It is important to ensure adequate quality of life, by means of social security, which guarantees entitlement to state assistance in the case of old age, incapacity, loss of breadwinner and poverty.

This is becoming an obstacle to continued economic growth. In other words, economic development cannot exist without a reasonable system of social security. At the same time, social security needs economic development to exist. One of the most important duties is to transform from Soviet-era state paternalism to civic responsibility. The country needs to create a legal framework and help people to cover their primary needs. Individuals have responsibility and obligation when they participate in the solidarity of society and in ensuring personal wellbeing.

Finally, everything related to pensions boils down to the demographic situation and economic growth. It means that if the situation, with regard to employees and pensioners, is favourable, it does not make any difference whether the national pension is an endowment pension or a pension based on the solidarity principle.

The reasons why the country was forced to leave the PAYG method have been well publicised and analysed. Overwhelming evidence supports the decision to introduce three pension scheme pillars. An EMOR survey on financial behaviour indicates that Estonians are able to invest around 300 million kroons. Although it is a small amount as a financial market instrument, analysts still need to assess its impact on impoverishment when this money is removed from primary consumption. In the current economic climate of Estonia, we simply cannot force more and more people into poverty, forcing them to save funds that are scarce and that do not even ensure daily subsistence.

Comments: Painful Areas in the Continuation of Pension Reform

***Endel Eero, Union of Estonian Pensioners; Member of the VIII Riigikogu
1995–1999.***

A pension concept based on three pillars was approved by the last government and today the law provisions for two of them: a state pension (I pillar) and voluntary accumulative insurance (III pillar). The II pillar – the implementation of the principles of an obligatory accumulative insurance – has so far been held back by two painful sets of problems. At

whose expense, or what, should the compulsory resources for a future pension be saved, constitutes the first set. The second, is how to guarantee the beneficial investment of these resources. The size of the voluntary accumulative insurance (III pillar) is determined by the decision of the one who takes out the insurance. This is incentivised by income tax relief. The lawmaker has attempted to minimise the investment risk; yet risks still remain.

The author's estimates indicate that the size of the average wage will be 5,300 kroons, of which net salary will form 4.120 kroons. Hence, the forecast for the average old age pension amounts to 36.7% of the average net salary. These comparative figures are significantly lower than the requirement laid down by the European social insurance code (40%). If we raised pensions by, say, 70 kroons from April 1st (at the expense of the 255-million kroon reserve) we would reach a comparative figure of 38.4% for old age pensions. The information contained in an article by M. Salu, regarding our demographic situation, leads us to the conclusion that without an increase in the current 20% social tax level, the average old age pension will form only ca 28% of the average net salary in the year 2045 (at the existing income tax level). The only thing left is to start saving and invest the savings.

Given that the collection of savings into pension funds is likely to be an inevitable process, the author is of the opinion that we should turn to the parties involved – the wage receivers and employers – in order to agree on the principles of organising compulsory savings and the level of saving ability.

The decisive word on assuring safe and secure retirement will invariably be said by voluntary pension insurance funds. The answer to the question of how to insure that those savings are invested at minimum risk, yet profitably, can be found from external markets. The Estonian economy is too small to allow the hedging of an investment risk of, say, a 2-billion kroon investment annually.

The Budget: A Guarantee for the Transparency of the Public Sector
Paul Tammert, Lecturer of Economics at Tallinn Technical University

The budget of the public sector determines the trustworthiness and effectiveness of a state and has a significant effect on other sectors within it. As a result, the organisation of budgeting continues to remain a subject for topical discussion. Different budgeting methods have their respective strengths and weaknesses: if the mathematical time sets method is suitable for financial managers then the result-based verbal method is much more suitable for politicians. The price of realising these methods is also very different.

A budget's level of accuracy is a relatively complicated issue. From the perspective of financial management a budget's thoroughness is a virtue. The precise forwarding of such a budget to a legislative body, however, would stun the operational ability of both organs. In addition, it would not be comprehensible to the public. As a result, a legislative body has to be presented with a budget in its summary form (e.g. institutions or organisations in a combined reporting form) for approval and supplement it with a detailed comparative report in the form of an explanatory letter. In the case of the public, a contribution should be made towards the development of general budgeting skills, at least in higher education. This is

because this particular skill could affect most the everyday living environment and the general well being of citizens.

In order to transform budgetary information (reports) into a comprehensible form, its huge mathematical tables have to be changed into a visually understandable appearance. This can be combined with the opportunities offered by the digital card, hence taking a further step in creating a virtual Estonia.

In order to increase the operativeness of managing the resources of the public sector, a transfer into real time, the accounting and budgeting systems have to be integrated into a single computer program. By equipping such an integrated program with various report generators, which would present necessary intersections and analysis for required periods, it is in turn possible to use this information for the modelling of future processes, and through this, the reduction of risks.

Several solutions to the above mentioned problems are beginning to become rooted into the budget organisation of Estonia's public sector.

Financial Autonomy

The Financial Autonomy of Parliaments

Kai Priks, Adviser of the Chancellery of the Riigikogu

The autonomy of parliaments means organisational, functional, administrative and financial autonomy. Legally, the principle of the parliaments' autonomy is contained within the constitution of a state.

The budgetary autonomy of parliaments is necessary to guarantee the independent fulfilment of constitutional functions. The aspects of budgetary autonomy are normally reflected in the preparation of the budget and its verification. They are guaranteed de jure by the constitution or an appropriate legal act. In Estonia, the basis for the compilation, implementation, the accounting of implementation, and reporting of the parliament's budget is the "Law of the State Budget". It provides the procedure for the compilation, approval and implementation of the state budget. Several exceptions apply to Parliament (due to its status as a constitutional institution). One exception is the freedom not to take into account the norms and levels set by the government when projecting operational costs. Also, the minister of finance does not have the right to alter or delete sums, which have been fixed in the draft budget of the Parliament, the President, the State Audit Office, the Chancellor of Justice and the State Court, when assessing the preliminary state budget.

Despite the fact that in most countries the parliament's budget forms a part of the national budget, budgetary independence of parliaments is still dominant. According to a study presented at the conference of the General Secretaries of Parliaments in 1998, 2/3 of participating parliaments are independent when compiling their budget, whilst for the budget compilation of 1/3 of the parliaments, intervention by the ministry of finance is taken into account.¹⁸

European Union Law and Estonia

European Union Charter of Basic Rights: a Natural Development in a Uniting Europe?

Julia Laffranque, Head of Department, Ministry of Justice

The decision taken by the European Supreme Assembly in Cologne, in 1999 – to create the Charter of Basic Rights of the European Union (hereafter the Charter) – has been implemented today. The Charter was prepared in less than a year. Such a pace reminds one of Estonia, where in the course of the legal system reform, acts had to be written several times faster than in countries with a long tradition of democracy. The European Union (EU) neither can nor wishes to be left behind in general developments or to prevent expansion. In addition to the speed, the preparation of the Charter has been characterised by democracy and transparency. In the process of creating the Charter, interest was also shown towards the opinions of candidate states.¹⁹

The Charter consists of seven chapters: human dignity; freedoms; equality; solidarity; the rights of the Unions' citizens; judicial adjudication; general provisions.²⁰ The Charter was not given judicial authority at the Nice summit. This can be viewed as a compromise between those who doubt the necessity of the Charter and those who support the Charter as a legal act. From the birth of the idea of the Charter, it has been debated – whether the Charter is a natural development in Europe, which is in the process of uniting, or whether it is unnecessary competition to existing instruments, which protect human rights, particularly the European Convention of Human Rights (ECHR)? But the Charter is significantly wider than the ECHR. As an aspect of debate, it could be enquired – whether the Charter contains such rights, which are not jointly acceptable to all member states in their current form? The key question is whether social rights should be viewed as directly applicable norms or as aims.

There is also a third principled questions regarding the Charter – whether the Charter could be construed as the first stage of a European constitution? One thing, however, is certain: the Charter signifies the entry of the European Union into a new era. The EU is something more than an economic union and cannot ignore the respect for basic rights in its activities. This is increasingly important when taking into account the growing jurisdiction of the EU and the decreased overall clarity, which results from a growth in bureaucracy and expansion.

The Charter offers protection to all individuals who are in the territory of the EU, regardless of their citizenship. The exceptions are the rights concerning European Union citizenship, which are included in chapter five of the Charter. As the Charter is not a legal act, no individual can rely on the Charter alone in court, and in addition, a legal basis from the EUs founding agreement or another justice is needed. The option of restricting basic rights has been written as a horizontal clause in article 52, and applies to all rights protected by the Charter. Although the Charter does not possess legal authority, it is no less than a binding moral and political agreement between the institutions of the European Commission, the European Parliament, and the Council of the EU (*soft law*). The European Court has repeatedly indicated that it intends to base its interpretations on the Charter.²¹

The Charter places democratic principles and the legal protection of the individual at its centre. The states of Central and Eastern Europe have had to learn these constantly in the period following the restoration of democracy. Estonia has followed the development of the Charter with interest because it is of the opinion that the protection of basic rights in the European Union is important. Estonia did not, however, support the adoption of the Charter as a legal act because it was fearful that this would slow down the accession of new members to the EU. The candidate states were afraid that a binding Charter would form the basis for their evaluation. The fact that Charter codifies the principles of the European Union, which Estonia would in any case have to adopt, was ignored.

At the time when politicians and civil servants were analysing the draft of the Charter, there has been practically no wider discussion on the subject in Estonia yet. The rights contained within the Charter are generally guaranteed in Estonia through internal or international legal acts. There are, however, articles in the Charter for which no precise equivalent exists in Estonia's constitution. Is it enough to interpret the constitution in the spirit of the Charter? On the one hand, there are legal reforms underway in Estonia, in the course of which Estonian law will be aligned to the Charter. On the other hand, Estonian legislation contains rights, which are perhaps better protected than on the Charter.

At the next intergovernmental conference of the EU in 2004, the nature of the Charter will be reassessed and it is possible that the Charter will be given juridical authority. Some opinions suggest that the Charter should be legitimised through a pan-European referendum. The question of organising a referendum is as open as the question of adding to the Charter, should it prove necessary in the future.

European Union Charter of Basic Rights and the European Convention of Human Rights
Rait Maruste, Judge, the European Court of Human Rights

At the initiative of Germany, an assembly was formed at the summit meeting of the European Union (EU) in 1999, in Cologne. Its aim was to develop a draft of the Charter of Basic Rights of the EU, and to present it at the summit meeting of the EU in Nice, in December 2000. The membership of the assembly was representative: it contained representatives of governments and parliaments of the member states of the EU, as well as the representatives of the European Parliament and the European Commission. The representatives of the Court of the European Union (based in Luxembourg), of the European Council and of the European Court for Human Rights (based in Strasbourg) were included in the process as observers. The project was led by the former Head of Germany's Federal Constitutional Court and the President of Germany, Roman Herzog. The draft was reviewed and approved at the meeting in Biarritz at the beginning of October and adopted at the Nice summit.

The problems related to the Charter have been on the agenda (although with varying intensity) ever since Winston Churchill's famous speech at Zurich, where he brought the idea of the United States of Europe to the attention of the post-war European political public for the first time. Depending on the conflict between the federalists and the unionists, this topic has constantly been on the agenda ever since.

Why adopt another act concerning human rights? The reasons for the new act are twofold. The first are those of socio-political nature. The politicians of Europe felt the need to demonstrate to increasingly sceptical voters, that they are not concerned only with the economic development of the EU, but also consider important the rights and freedoms of each individual and wish to render them more visible in the EU. The aim was to bring a deeper socio-humanistic measurement into the outline and practice of the EU. This would lead to increased differentiation from the original orientation towards technical and economic co-operation (which stemmed from the period of coal and steel mergers) and take into deeper consideration modern social developments and expectations.

Secondly, there is the EU's search for a definition concerning public law. The EU's future public law status still remains open. It is unclear whether the EU will be something resembling a unitary state, will it be a federation or a confederation or something else, or is it in fact something of a UPO (an unidentified political object). It is clear, however, that regardless of the form which the future EU will take, it will not be able to get around its first act, or constitution. The essential, perhaps even the most important, part of every constitution is the Bill of Rights, or that which has currently been summarised in the Charter. The level of political readiness has not enabled it to progress further at the moment.

Neither is it unimportant that as a result of the significant and objective socio-economic differences between both the member states of the EU and states outside it, it will be inevitable that higher standards are set for the more developed countries (for those countries which belong to the European Convention for Human Rights [ECHR] and are also members of the EU. This is permitted by article 53 of the ECHR.²²

The Charter seems to be, at least initially, aimed at internal control. Article 51/1 of the Charter states that "*The provisions of the Charter are aimed at the institutions and organs of the Union taking into account the principle of subsidiarity and at the member states only when they apply the law of the Union.*" The compatibility of the Charter and the ECHR is hoped to be achieved by the preamble provision of the Charter, whereby the latter is among others, based on the rights stated in the European Convention of Human Rights, the Social Charter of the European Council and the practices of the European Court for Human Rights.

Many norms of the Charter are rather principles and aims, as opposed to applicable legal norms. Therefore, their subjection to court control is very questionable. The Charter brings in the terms of solidarity and equality and determines the rights of EU's citizens. The construction and phrasing of the norms implies their constitutional nature. Whether the Charter will remain a political declaration, a definition of aims, or whether it will become a legally binding agreement, is still open and will depend on how, and with what speed, an agreement can be reached on the architecture of the EU's public law.

What does the Charter signify for Estonia and other candidate countries? It signifies nothing from a juridical point. It does, however, have political implications. The Charter is the aim and standard setter for the whole EU and will play a constitutional role in the politics, the judiciary and the implementation of the EU's activities. Therefore, it would be wise to make the Charter available to the public soon and take its contents into account in both current

and future laws, as well as in training. The author believes that it would be appropriate to take the contents of the Charter into account in politics and construct the whole legal structure so that it takes into account the norms and principles of the Charter. As a whole, the Charter is undoubtedly an extremely important step towards the improvement of rights and freedoms and their alignment with the views and values of contemporary life.

Estonia's Visions

What Is the Basis for Estonia Being Fit to Continue as a Small State?

Ahto Oja, Institute of Estonia's Sparing Development

The article will analyse the ethical, institutional, social, economic and ecological basis for Estonia's ability to continue its existence on the basis of existing literature. The results permit us to claim that Estonia has an average, or relatively good ethical, institutional and social basis for the building of a society that is able to continue its existence. The economic base was analysed using the continuity preservation (CP) indicator developed by the World Bank. In a study conducted by the World Bank in 1997, which compared 20 selected European Union member and candidate states, Estonia was 17th beating only Bulgaria, Rumania and Latvia. Estonia's level of continuity preservation is 8.2% of the gross domestic product (GDP). In the selection mentioned above, Hungary was second place, with 23%, and Slovakia was fifth with 16.6 % of their respective GDP's. These indicators were better than those of Austria, Finland, Spain, Sweden, Italy and Germany. The main reason for this situation is likely to be Estonia's oil shale based energy system, because one of the reasons for a low CP is the high level of spending on carbon dioxide. Among the 121 states analysed by the World Bank, only seven countries had higher expenditure on carbon dioxide than Estonia: Uzbekistan and China (2.4), Bulgaria (2.7), and the Ukraine (3). Azerbaidzhan's respective indicator is 5.1, Kazakhstan's is 5.5 and Mongolia's is 6.2. Estonia's situation is no better in the observation of environmental balances. In the World Wide Fund for Nature's (WWF) table of ecological footprints, we are 14th from the bottom (the table contains 152 countries with more than 1 million inhabitants). Estonia's ecological footprint is 7.2 square measures, while it should be 2.18. If we deduct the pollution consumption ability currently present in Estonia from Estonia's ecological footprint, we remain in deficit by 3 square measures. The reason is once again the same as in the case of economic ability to continue – an exceptionally high level of carbon dioxide per inhabitant. At the same time, Estonia has the natural basis to be able to continue. Estonia has 3 hectares of land per 1 inhabitant, we also have nearly 600,000 hectares of wetlands, which are neither used in agriculture, nor in forestry. Today, the use of ecological technologies would enable these territories to produce up to 20% of the required primary energy. As a consequence of such usage, the level of carbon dioxide expelled into the atmosphere as a result of energy production would roughly halve. There is more: wetlands are effective consumers of carbon dioxide, in addition to biomass, it is possible to collect local ecological construction materials from these territories, which would also relieve regional employment problems. The implementation of such an "environmental reform" in Estonia would immediately render positive the carbon dioxide balance of Estonia: the current 16 million ton CO₂ negative would be replaced by 23 million tons positive. By selling its carbon dioxide quota to states, which do not enjoy such

natural advantages, Estonia would earn 2.5 billion kroons per annum on the assumption that a ton of CO₂ costs 10 US dollars. The assumed investment requirement for such an environmental reform would be 15 billion kroons and the return on investment would be in the range of between 6% and 16% depending on the specific conditions. In conclusion, we can construe that Estonia has the unique ethical, institutional, social, economic and ecological basis to build up and preserve itself. This remains true, even despite the sad current situation in the energy sector. The realisation of this basis requires only statesman-like responsibility and the courage to invest into technologies today, which would guarantee a high quality of life for our children tomorrow.

CIVIL SOCIETY AND STATE AUTHORITY

Civil Society, the Third Sector and Social Capital

Rein Ruutsoo, Professor of Political Sciences, University of Tartu

In choosing a strategy for the development of civil society and the third sector, Estonia will in fact take a decisive step in the embedding of its whole social model. Equating of the third sector with civil society ignores several important problems, which are connected to the general democratic tasks of a civil society's development. These become visible through a set of problems, which are linked to social capital (trust, co-operation, networks etc.). Civil associations "produce" different social capital. The mode of economic activity, which develops in the form of the third sector, is primarily linked to civil society as a mode, which functions through the intermediation of primary groupings and associations. As a political aim, which serves a society's openness, it is worthwhile supporting civil society as an "assembly" of association which is as varied as possible (from trade unions to choirs).

The third sector is an irreplaceable resource in the structure of civilian initiatives. It is irreplaceable in improving the mental / social climate, increasing trust, acquiring experience for co-operation and for social dialogue (in other words, increasing "civility" and "the total social capital"). The paradox of the third sector lies in that it is one of the most perspective sources of increasing social capital, whilst utilising large amounts of it during the "production" process.

Self-government reform, the aim of which is to delegate the obligations of the state to self-government units through increasing the third sector, is a serious challenge to the whole of society. If the development of the third sector is not accompanied by the development of a civil society in its wider meaning, the growth of the third sector could prove to be localised and short-lived. With the deficit of social capital, loose networks can easily become networks of corruption and unfair competition. Self-government reform, which is based on weak social premises (low civilian moral, inadequate legislation, etc.) and feeds client-based relationships could even reduce the total sum of a society's social capital.

The alleviation of this threat depends on social capital (trust, networks, etc.), which increase the transparency of society, improve access to information, protects common values, develops dialogue within the sector, etc. At the same time, the development of roof

organisations into corporations and their hegemonic politicisation, is in conflict with the openness of civil society and its independence from state power.

The development of Estonia's civil society has thus far mainly concentrated on securing its legal and institutional basis. A specialist study conducted last year (2000) at the initiation of the Riigikogu Cultural Committee, confirmed that the "social securing" of civil initiatives through the creation of a common language, instilling trust, increasing information, etc., forms a vital link in the development of the third sector into a network of civil co-operation. The path chosen for the preparation of the Estonian Civil Society Development Concept – the widespread inclusion of public and civilian unions (discussions, round tables, seminars, etc.) – played an important role in deepening social dialogue and increasing the awareness of the problems of the third sector.

Compacts between the Government and Third Sector in Great Britain and What Can We Learn from Them

Daimar Liiv, Lecturer of the Department of Public Administration, Tartu University, Chairman of Legal Committee of VIII Riigikogu 1995–1999

The preparation of the Estonian Civil Society Development Concept (see <http://www.ngo.ee>) began in the early summer of 1999 with the aim of contributing to the development of a contemporary society of citizens and regulating the relations between the public and the non-profit sector.²³ The process of regulating the relations between the public sector and the non-profit sector is closely tied to completion of a new paradigm in society and to its acceptance thereof by both sides. The co-operation agreements – or compacts – concluded in the end of 1998, in Great Britain between the governments and voluntary sectors of England, Scotland, Wales and Northern Ireland are superb and well organised auxiliary materials in the preparation of the public and non-profit sector co-operation agreements and concepts. The experience acquired during the preparation and enforcement of these compacts is priceless not only for the British, but also for all other nations.²⁴

Implementation of this experience, and our own commitment to the development of relations between these two sectors, depends only on our own will and knowledge. Due to the tender age of our new democracy several issues that our politicians and non-profit figures face must be handled differently in comparison to countries with developed democracies. The article compares the experience acquired during preparation of the Estonian Civil Society Development Concept to the experience acquired in the preparation of the British compacts.

The author describes the procedural and substantial issues that emerged during the preparation of the ECSDC by comparing the British experience to the Estonian. Concerning the first, the author looks at the structure of the non-profit sector process, inclusion of non-governmental organisations, and representation of the non-profit sector as well as the problems that emerged during the preparation of the ECSDC draft. According to the author, the British experience has been of big help in solving nearly all the described problems. In the part on substantial issues, the author emphasises that a clear determination of basic co-operation principles and good practices (formation of a common "language" to solve

problems) as well as a clear institutionalisation of co-operation mechanisms is of utmost importance in today's Estonia. The author also argues that a more thorough consideration of these issues in the ECSDC, in comparison to the British compacts, is necessary due to the underdevelopment and inadequate rooting of democratic practices in a transitional society. The author argues that, in spite of the fact that we have much to learn from the British compacts, the experience that we acquired during the preparation of ECSDC enriches our knowledge in this field. They are unique, despite the fact that we are living in a country that is still in the making, and has recently been released from a supremely centralised rule.

The Statistical and Graphic Picture of Estonian Third Sector
Andres Siplane, Aare Kasemets

On the fifth of December year 2000 three committees of Estonian Riigikogu and NGO-leaders held a seminar about possible developments and resources for Estonian third sector.

In the end of year 2000 there was 14 247 non-governmental organizations in Estonia. Most of them were housing and real estate unions (n=7300), there were about 1500 sport organizations, 790 organizations in the field of culture, 750 trade unions, 730 leisure time organizations, 650 religious organizations, 570 organizations to promote agriculture and village life and 390 social welfare organizations. Less than 300 organizations were numbered in the field of charity (290), education (280), health (230), business (220), science (160), seniors and veterans (130), environment (100), students and alumni (100), politics (30) and law (30).

It is the interest of both parliament and NGO-s to discuss together the changes in legislation. Therefore the principles for selecting social partners must be clear. The most organized NGO-s in Estonia are those of sports – almost 1500 organizations are in clear hierarchical system.

The research conducted in 1999 with a purpose to find out the involvement of Estonian people in NGO-s showed that 28% of respondents were involved in housing unions, 11% were involved in leisure time organizations, 11% in trade unions and 10% in sporting organizations to mention the most attended fields.

There are two organizations that represent and speak for the NGO-s at large – The Network of Estonian Non-profit Organizations founded in 1992 and the Representative Organ of Estonian Civil Unions founded in 2000.

Economic Co-operation in Estonia: A Civil Society Cannot Be Built without Citizens Who Have the Right of Ownership
Jaan Leetsar, Chairman of the Board of the Estonian Co-operative Union

The article deals with problems related to the development of economic co-operation. The approximate calculations by the Estonian Co-operative Union indicate that 10-15 billion

kroons worth of net profit is taken out of Estonia every year by transnational companies based on foreign capital, and as a rule this money is not reinvested. A part of that money would remain in Estonia if more co-operatives and associations were formed. On the basis of the above-mentioned, the author finds that the development of co-operation must be endorsed at a state level (classes at school, applied research, regular publications etc.). It is especially important to promote the concept that co-operation is beneficial not only to members, but is of utmost socio-political significance in uniting the people and giving more substance to the independence of Estonia.

The author also refers to the Ancient Roman Law, where citizens were owners, and to the later classics of political economy, which developed the bourgeoisie market economy model that viewed citizens as subjects who participated in the market process of sales and exchange.

Agreement for Sustainable Estonia – why and whereto

On 22 February 2001 the first Sustainable Estonia Forum in the National Library in Tallinn adopted and opened for signature the Agreement for Sustainable Estonia (ASE), which lays down the principles of Sustainable Estonia. The Agreement for Sustainable Estonia is one link in the long chain of Estonia's advancement towards sustainability. May shared (voluntarily agreed) principles underlie professional solutions, existential choices and decisions with long-term impact on the state, which principles are an undeniable prerequisite for an effectively operating sustainable society.

Strategic planning comprises the following stages: description of situation, creation of vision, reaching agreement on development principles, preparation of strategy and action plans, carrying out activities, evaluation of performance, adjusting existing objectives and setting new courses.

The Agreement for Sustainable Estonia has the international "older brother" – "Earth Charter" (<http://www.earthcharter.org>), which is something like a global code of environmental ethics and, incidentally, also opened for signature on the above Internet site.

In the process of drafting the preliminary text of the Agreement kept on changing. It was fine-tuned by Forum's editorial committee in the following composition: Ruuben Post, Jaan-Mati Punning, Garri Raagmaa and Raivo Vetik. Many thanks for doing a great job!

Now the Agreement has a life of its own. You can read it on the Internet (www.agenda21.ee) and you can join the Agreement by submitting your request to the undersigned (ahto@seit.ee, SEI-Tallinn, Lai 34, 10133 Tallinn).

If you join the Agreement, what's the benefit, what's the difference?

If you disagree with the principles laid down in the Agreement, there is no benefit nor difference. If you endorse the principles, there is a hope that we as a considerable clientele can bring doom to unsustainable products and producers. If you endorse the principles, you

give lead to those who have not yet become conscious of the global problems of the Earth, or Basis and keep ridiculing sustainable development. If you endorse the principles, you show that you care for the future of the Earth and Estonia, of your children, of your own well-being! The future of Estonia (Earth) is in our mind and in the hand that signs this Agreement here and now!

Agreement for Sustainable Estonia

We, the undersigned, hereby support the principles, which we believe are decisive for the upbuilding of Sustainable Estonia. These are the principles we are committed to.

1. In the nineties the Estonian people regained their independence and faith in the future. Now, at the beginning of the 21st century, it is imperative to find and accept such values and attitudes, which bind together the Estonian society. We need to create a vision of the future that would unite various generations. We believe that we can do this best under the guidance of the spirit of the Rio Process and principles of sustainable development.

2. We admit that there is severity in the Estonian transitional society that cannot be avoided. This has reduced the coherence of the society and has tipped the balance of competition and co-operation. We prioritise the creation and broadening of a "public co-operation space", which would help people and institutions to identify common interests and objectives. Closer co-operation is the principal requirement for Estonia's success and upbuilding of Sustainable Estonia. Time has come to embark decisively on building up participatory democracy.

3. Public sector competence is on the upturn, however, the short-sightedness and sectoral fragmentation of political decision-making, planning and administration arouses concerns. Therefore we find it necessary to prepare and implement long-term policies, strategies and action plans, which would bind together the population, economy and environment. This we see as a duty of both the state and academia in upbuilding Sustainable Estonia.

4. We want to build up an educational system, which allows everyone to realise his or her mental potential and employ this potential creatively in the economic, social or cultural life of Estonia. Only by means of forward-looking and life-long learning can Estonia become successful and sustainable.

5. We believe that all members of the society must be ensured social protection and quality health care. Thus we secure the continuation of the population and ease internal social tensions. Sustainable Estonia must be able to withstand external economic, social and political pressures.

6. Estonia can be economically successful by making long-term projections of social and ecological changes, by forecasting the introduction of sustainable technologies. We cannot remain passive hangers-on with the short-term market signals of the global economy.

7. We, the citizens of Sustainable Estonia and the World, have a duty to perceive the ecological "moral limits" and respect them. Therefore:

- we honour Nature as an integral whole; we honour the diversity of life and culture;
- we recognise that it is our responsibility to set limits to our freedom of action; we recognise our duty to protect natural, social and cultural environments;
- we aspire to such ways of production and consumption, which are in accordance with Earth's reproductive capacity; we do what is in our power not to damage this reproductive capacity;
- we take the path of the highest precaution, if decision has to be taken in the situation of scientific uncertainty;
- we believe that in the utilisation of natural resources social costs should be taken account of and internalised as externalities in the production cost of products.

PARLIAMENTARY WORLD

What Is GLOBE and What Is Its Background?

Andres Tarand, MP, Chairman of the Foreign Affairs Committee of the Riigikogu, Mõõdukad, Vice President of the GLOBE International and Member of the Board of GLOBE Europe

The inter-parliamentary organisation GLOBE (Global Legislators Organisation for a Balanced Environment) was founded in 1989, in Washington, at the initiative of a then Member of the European Parliament, Hemmo Munthing. The small group of members of parliaments named their creation *"The Inter-Parliamentary Consultative Group on the Environment and Animal Welfare"*. Francois Roelants du Vivier, a former Member of the European Parliament from Belgium, was appointed as the Director of the GLOBE International Secretariat in March 1990; he is still active in the management of the GLOBE. This non-governmental organisation is registered in accordance with the law of Belgium. The protocol of intentions from March 1989, invited all members of parliaments, who wish to join the organisation, to *"do everything in their powers within the limits of their mandate in legislation to improve the environment of the earth"*. Further, underlining natural and artificial environments as the central concepts in the work of the organisation, selected legislators were invited to *"lead mankind to a new time of sustainable use of the resources of the earth"*. The work style was to be *"flexible, but professional"*, including exchange of information, preparation, amending and comparison of environmental laws, implementation of international arrangements, increasing environmental awareness among the people and their colleagues in the parliament, and finally, co-ordinated international activities. In the author's opinion, at least two goals related to GLOBE objectives have been attained in Estonia. It was decided at the GLOBE alternative energy and climate change conference at Linz, Austria, in September 1996, to bring simultaneous pressure in Europe upon the parliaments to treat the relations between climate and energetics and develop corresponding policies. The planned series of seminars, and the media campaign, managed to breach the indifference in the Parliament of Estonia regarding a long-term energetics development plan. The timing was supposed to be synchronous with the readings of the Energy Act. The other accomplishment was the Sustainable Development Act, adopted in 1995. Estonia was the second country in the world, after Costa Rica, to adopt such an Act. The Act was criticised due to its low level of regulation, which is always true regarding outline Acts. But this Act helped to stop the stand still or the reluctance of the political circles to discuss any long-term development plans and

strategies, which in the beginning of the 1990s were automatically considered to be "attempts to restore a planned economy". An objective interfering factor was also the need to mass-develop an enormous amount of Acts in the Riigikogu to regulate very different fields. Hopefully, the Riigikogu will continue to co-operate within the framework of GLOBE Europe. Finally, the author genuinely hopes that this article redeems him, at least a little bit, in the eyes of the members of the Riigikogu, as GLOBE obligates its members to inform others about global environmental issues.

THE HISTORY OF THE RIIGIKOGU

Who Should Have Power, the Parliament or the President?

Olaf Kuuli, Historian

The first Constitution of the Republic of Estonia was adopted by the Constituent Assembly on 15 June 1920. According to the Constitution, the supreme body was the parliament (the Riigikogu); no position of Head of State (the President) was provided.

Since the second half of the 1920s, several political forces in Estonia started to pursue the reduction of the powers of the Parliament and the establishment of a powerful institution of Head of State. The Assemblies of Farmers (lead by Konstantin Päts) and the organisations of the political movement "Vabadusõjalased" [participants in the Estonian War of Independence] fought for that keenly. The draft proposed by the followers of the political movement "Vabadusõjalased" won the Referendum (in October 1933) and became the second Constitution of Estonia. The fight for power between the then head of government, K. Päts, and the political movement "Vabadusõjalased", grew more intense. On 12 March, 1934, K. Päts declared a state of national emergency, closed the organisations of the political movement "Vabadusõjalased" and arrested their leaders. Pursuant to the second Constitution, no elections of the parliament or Head of State were organised. For three and a half years K. Päts governed the state without the parliament.

The shift of the political regime of the Republic of Estonia toward authoritarianism was not an exceptional case. This course was characteristic of many European countries between the two world wars.

MISCELLANEOUS

Estonian Political Caricature 2000

Aare Kasemets, Editor-in-Chief

Every event has a time in which it is remembered. The idea for an exhibition (total of 1,823 pictures!) and the recognition of political caricatures of major Estonian newspapers in 2000, was in the first issue of *Riigikogu Toimetised* [Journal of Estonian Parliament] together with 44 caricatures from the period of 1907–1999.²⁵ The public evaluation commission of caricatures, lead by the Estonian caricaturist, Heinz Valk, and a Member of the Riigikogu, Peeter Olesk, defined a political caricature as a comical drawing where one can see:

- a) a politician, a political organisation (party, parliament etc.) or a politically-minded NGO;
- b) a political problem at international, state or local level;
- c) an allegory that can be politically interpreted.

A total of 1,823 caricatures were statistically coded and evaluated by the public evaluation commission with the help of the volunteers of the Estonian Volunteer Centre.²⁶ A 9-graded evaluation scale was also considered: *humour, joke, burlesque, mockery, irony, grotesque, black humour, sarcasm and satire*? But we hardly needed this scale, as humour is very democratic – you cannot make one laugh. All the 1,823 caricatures were exhibited on the walls of the National Library corridors for two weeks, and in three rounds the commission chose the 101 best for the itinerant exhibition. Of those 101, twenty-one special prizes, and three grand prizes were given, which can also be seen in this RiTo. The prize for the best caricature, as well as text, was given to caricaturist, Hillar Mets, of *Eesti Päevaleht*, who depicted picketing pensioners in front of the Riigikogu and a fattish politician gesturing toward the nearby Finnish, Swedish and American pensioners, saying: "what are you fussing about, better go and travel!"²⁷ The second prize went to the caricature by Urmas Nemvalts, published in *Postimees*, where Prime Minister, Mart Laar, looks into a microscope in some laboratory and calls out to the retinue: "I can see it, NATO! It's even waving at me!" And the third prize went to the caricature "Final sale", published in *Pikker* magazine, where the Prime Minister personally stands behind the counter of a kiosk and offers Estonian factories, rail road etc. for sale at discount prices. There were 21 special prizes, such as "the Hard work of the Riigikogu", "Opposition and coalition", "European Union", "Campaigns", "Administrative reform", "Integration" etc.

Well, the choices were not easy for the evaluation commission and may very well be challenged in court. It was found, after examining the 1,823 caricatures with the help of the Estonian Volunteer Centre, that the favourite politicians of Estonian caricaturists in 2000, were Prime Minister Mart Laar, President Lennart Meri and one of the opposition leaders, Edgar Savisaar. The other politicians were not nearly as popular, including Vladimir Putin, George Bush, Romano Prodi, Tarja Halonen and others. Many lobbyists, whose political affiliation could not be established, were depicted on caricatures as well.

Also the favourite symbols of caricaturists – animals – were examined, as animal symbols create contemporary tradition. After counting the major mythological types of characters and animals, it was discovered that the most frequent were symbols of the European Union – the stars and other EU symbols, the second was the Building of the Riigikogu – Toompea Castle and the Tall Hermann tower, with the blue-black-and-white national flag. The third was the state budget piggy bank. Thus, looking at the major symbols in the national newspapers, it can be seen that EU symbolism begins to even oust national symbols – which was not true two years ago. Some teachers who went to the exhibition found that it is possible to teach contemporary Estonian history from caricatures. Some small picture may tell more than a long and serious chapter in a history textbook.

LITERATURE AND DATABASES

Parliaments on Their Way to an Information Society

Siiri Sillajõe, Chancellery of the Riigikogu

The utilisation of electronic databases, and the awareness of different choices, not only improves the work of the parliament, and thereby its efficiency, but also enables it to offer better services and higher quality to citizens. The article describes the peculiarities of the parliament, an information-based organisation, in determining the criteria for its databases. Most attention is paid to external electronic databases, and the decision-making principles based on the content of these databases in a parliamentary information-based environment.

The specifics of the parliament are reflected in the decision-making process – the selection criteria for a database should be in concert with general development principles and the information strategy of the parliament and its support mechanism.²⁸ Making a choice has become more complicated due to the abundance of information and mediators. Previously, many databases that were only for the use of specialists have now become easily accessible and understandable. One of the main reasons is the development of information and communication technology and convenient user interfaces. In addition to the reliability of a database, significant criteria are also topicality, accuracy, and easy use, as well as the importance of observing security regulations and such. The last criterion indicated is usually the price of the database, this should be compared to the possible rate of return.

Although a legislative institution does not specialise in any one field, it is possible to point out four principle topics: law, economics, social security and politics. Such specific databases are accessible mostly at information and research centres. The practice of everyday use of databases in parliamentary work is rooting slowly but consistently. In most countries it is the parliamentary libraries that are in charge of the external databases, and the expenses of these electronic databases are constantly increasing. It does not matter how high-end the accessible databases are, if the relevant persons are not correspondingly informed or do not know how to use them. The goal is not only to choose databases that correspond to the interests of the users, but they should be appropriate also to the politicians' and their advisers' work methods. The author hopes that in the future routine intellectual work will be performed more and more by means of information technology. The understanding of different alternatives, and the knowledge to use those choices, in order to increase work efficiency will be crucial.²⁹

Publications of International Organisations in the Library

Jane Makke, Estonian National Library

Three libraries mediate publications of international organisations in Estonia: 1) The Library of the Estonian Agricultural University as the depository library of the Food and Agriculture Organisation of the United Nations (FAO), 2) Tartu University Library as the European Documentation Centre <http://www.euroinfo.ee> and as the NATO Information Centre <http://www.natoinfo.ee/>, as well as 3) The National Library of Estonia as the depository library and information centre for ten international organisations (EU, ICAO, ILO, IMO, the World Bank, OSCE, UNESCO, UN, WHO, WTO) <http://www.nlib.ee/struk/pik/rvokirj.html>.

The National Library of Estonia has publications of all the ten international organisations since the beginning of the 1990s. In some cases the collection is upgraded with the necessary documents and databases also retrospectively (UN, OSCE, EU etc.). The European Union materials are concentrated in the European Union Information Centre (EUIC – <http://elik.nlib.ee/>). The Information and Documentation Centre of the Council on Europe is also located in the National Library (IDC – <http://www.nlib.ee/ENIDK>).

Parliamentary News

Margit Muul, Centre of Information Services for MPs of the National Library of Estonia The aim of this subsection is to offer information and international news from the parliament's point of view . The selection is focused mainly on the

European countries and is also focused on the second half of year 2000. Mostly the Internet sources of the last year were used: homepages of European countries parliaments, as well as news agencies ETA and Reuters and EBSCO databases and articles from Estonian daily papers Postimees and Eesti Päevaleht. The selection represents news on legislative bodies of Bulgaria, Croatia, Italy, Lithuania, Poland, Portugal, Sweden, Slovenia, Scotland, Switzerland and Belarus.

Margit Muul, born 1977 in Tallinn, BA University of Tartu scandinavistics (Swedish) 2000. Work: Centre of information services for MPs of the National Library of Estonia 2000–.

Märkused

1. Public opinion polls relating to the duties of the Riigikogu (legislation, state budget, representing and informing etc.) have been ordered since 1996 – www.riigikogu.ee/osakonnad/msi/research_home.html.
2. The topic of social capital is dealt with by R. Ruutsoo in an article in RiTo No. 3.
3. How can this be measured? The question is also dealt with in the materials of the ECPRD seminar "Legal and regulatory impact assessment of legislation" (May 21–22, Tallinn) – see <http://www.riigikogu.ee/conferences>.
4. In addition to his duties as lecturer in Estonia and the US, Igor Gräzin acts as Board Member and author of RiTo – see also his commentary on US elections as a lesson of new political culture emerging as a result of the IT revolution. The influence of novel media on political communication and parliaments' information strategies is also dealt with in articles written for RiTo No. 3 by Prof. Marju Lauristin (MP), Arvo Sirendi (MP), Prof. Voldemar Kolga, Andrew Hardie (UK) and Dr. Guenther Schefbeck (Austria) – the latter two are the first foreign authors of RiTo. A.K.
5. The theses of this paper were presented at the Seminar "Communication between Parliament and Civil Society", held on Nov. 1, 2000, in Tallinn: see www.riigikogu.ee/conferences, see also: A. Hardie.
6. See also The Innovation Centre – <http://www.irc.ee/Eng/Eeli.htm> – The Centre is a unit within the Estonian Foundation for European Union Educational and Research Programmes Archimedes.

7. See (main text 1–2), incl., e.g., "Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions Towards a European Research Area, 2000.
8. According to the Research Organisation Act of the Republic of Estonia, the Prime Minister acts as Chairman of the RDC.
<http://www.riigikogu.ee/ems/stenograms/2000/12/t00120710-02.html> (in Estonian).
9. In the author's view, a very interesting and thorough analysis of Estonian science has been presented by Hannu Hernesniemi (2000): Evaluation of Estonian Innovation System. H. Hernesniemi argues that Estonian science is not willing to consider its possibilities, and that constant emphasis on competition results in excursions into expensive areas where practical returns are associated with risks and where big and strong countries have evident advantages. Competition on the basis of scientific results themselves, as opposed to their technological and economic profitability, will certainly prioritise fundamental sciences. (The report is available from the Ministry of Education – e-mail: hm@hm.ee.)
10. In addition to Parliament factions, active participants in debates on economic policy also include organisations representing entrepreneurs, trade unions, and consumer and environment protection groups. An example of this is the "Estonian Economy 2000–2006", sent to the Government by the Estonian Chamber of Commerce and Industry (www.koda.ee), the Estonian Business Association (www.esea.ee) and the Estonian Association of Small- and Medium-Sized Enterprises. The document generally supports the Government's liberal economic policy.
11. Information: Ministry of Economic Affairs of the Republic of Estonia (2000) – Housing Development Plan in Estonia – www.mineco.ee.
12. Paadam K., Pavelson M., Tomson L. (2000) Housing strategy in Tallinn. Institute of Urban Studies.
13. The author's vision on the European Union as the historical foreign policy objective of Estonia was published for the first time in the Estonian press in 1991, before Estonia finally regained independence.
14. See, for instance, EMOR polls available on the Internet at www.emor.ee.
15. See also – House of Commons Public Accounts Committee, First Report, Session 1999/2000:
<http://www.publications.parliament.uk/pa/cm199900/cmselect/cmpubacc/65/6502.htm>; Getting IT Right For Government – A Review of Public Sector IT Projects by the Computing Services and Software Association:
http://www.cssa.co.uk/home/it%20review/report_1.asp.
16. Artis M. J., Lee N. (1994) The Economics of the European Union. Policy and Analysis. Oxford Uni. Press, 432 p.; + see
<http://europa.eu.int/comm/enlargement/agenda2000/strong/33an.htm>
15/01/2001. Hunya, G. FDI penetration and performance in CEECs 1994–1998. Vienna, WIIW, 2000. Impact Study. Agenda 2000. 15/07/1997.
<http://europa.eu.int/comm/enlargement/impact24.htm>
17. See Randveer, M. (2000) Convergence of Income Levels between the European Union and the States Preparing for the Accession –

http://www.ee/epbe/papers/6_2000/index.pdf.et – 01.02.01; Regular Report from the Commission on Estonia's Progress towards Accession '99.

http://europa.eu.int/comm/enlargement/dwn/report_10_99/en/word/estonia.doc – 15.01.01.

18. See Comfort A. (2000) Comparison of organisation and administrative arrangements in EU national parliaments. European Parliament, Budgetary Affairs Series; Couderc M. (1998) The administrative and financial autonomy of parliamentary assemblies. Association of Secretaries General of Parliaments (ASGP). Moskow's session.
19. During Portugal's chairmanship the national parliaments of both member and candidate states were sent the COSAC's (Conférence des organes spécialisés dans les affaires communautaire des parlements de la Communauté Européenne = The conference of commissions dealing with the affairs of the union of European Union's parliaments) questionnaire about the Charter of the EU's Basic Rights. Among other things it was enquired whether national parliaments support giving the Charter legal authority.
20. The text of the European Union Charter of Basic Rights can be found at: http://europa.eu.int/comm/justice_home/unit/charte/index_en.html.
21. According to Barbara Brandtner from the juridical service of the European Union at a seminar in Brussels (14th–15th December 2000) organised by the TAIEX Office of the European Commission for Candidate States on the topic of the Charter.
22. The author does not think that the shadow cast on the Charter's initiative by the division of states into I and II class ones can be neglected. Topical discussions can be found from the working materials of developing the Charter. The dogmas and ideology of human rights thus far have been based on the idea of universality concerning human rights. The application of human rights does not allow the usage of double standards. The Charter applies certain corrections in this respect. The suggestion that one of the factors behind the Charter initiative is the unwillingness of EU states to have their rights, freedoms and democracy decided upon by Eastern European judges is not the authors invention. See example: [www.echr.coe.int/gen/speeches/wildhaber/2000/EU Charter 7](http://www.echr.coe.int/gen/speeches/wildhaber/2000/EU_Charter_7), March 2000.
23. See also – Memorandum of Co-operation Between Estonian Political Parties and Third Sector Umbrella Organisations: <http://www.riigikogu.ee/rva/rito1/artiklid/summary.htm#10-1>.
24. The Scottish Compact (1998): <http://www.scotland.gov.uk/library/documents-w3/comp-00.htm>; Minutes of the Annual Meeting between Government and Representatives of the Voluntary and Community Sector to Review the Operation and Development of the Compact: <http://www.homeoffice.gov.uk/acu/compmeet.htm>
25. See Estonian political caricature: from favourable humour to sarcastic satire – Riigikogu Toimetised 1/2000 pp 286–297. RiTo web-site: <http://www.riigikogu.ee/rva/toimetised> > Miscellaneous
26. Estonian Volunteer Centre (see www.ngo.ee) volunteers Kaimo Käärman, Viola Murd, Ene Orumaa, Eva Tiitus, Tanel Mitt, Andres Siplane and Merle Helbe examined the caricatures.
27. See in this RiTo also articles by Monika Salu, Endel Eero and Hilma Naaber. Caricature reflects life.

28. See also A.Hardie (2000) Information Strategy in a Digital Parliament – report from the seminar Communication Between Parliament and Civil Society – http://www.riigikogu.ee/1101_hardie.html.
29. See also Elkordy, A. (2000) Evaluating Web-based Resources: A Practical Perspective (<http://www.thelearningsite.net/cyberlibrarian/elibraries/eval.html>); Information Automation Limited and CIQM (1999) Database Quality Criteria. (<http://www.i-a-l.co.uk/ciqm/QualCrit.htm>).