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Summaries

ESSAY

One united European Union and 25 different Russias

Kaido Jaanson, University of Tartu faculty member

Due to historical reasons, the experiences of the EU's 25 member states in relations with Russia differ according to whether they are or were metropolitan or non-metropolitan, large or small, and old or new. Among large states, Germany's relations have been the most longstanding and diverse. One factor separating big and small countries is that big states have had more or less a clear Russian policy and relations of their own. That is not necessarily the case with smaller countries. As a whole, older smaller countries as a whole do not have anything specifically distinct connecting them with Russia. There are those whose experience with Russia has been remote or superficial, but also long-standing and close. The experiences of new states are different in terms of whether they are former communist countries or not, including whether they are Slavic peoples or not – some Slavic countries were part of the Russian empire and others never were. Another distinction is whether EU states are Orthodox or Catholic. The dividing line in relations with Russia runs through the Baltics and Scandinavia (Lithuania and Latvia, Estonia, Denmark and Sweden).

POLITICAL FORUM

Knowledge-based Estonia

Towards a knowledge-based Estonia – why and how?

Olav Aarna, Riigikogu cultural affairs committee chairman, Res Publica

There is a significant paradigm shift taking place in the global economy. The new socio-economic system is characterized by the terms knowledge-based, innovation-based, networking-based and lifelong-learning-based. The foundation of a knowledge-based economy is a knowledge-based society, often called a learning society. At the same time there has been no progress either in Estonia or the rest of Europe in finding the necessary mechanisms to launch the changes, probably due to old and rigid ways of thinking prevailing, old paradigms. There are likely numerous circumstances that prevent Estonia's educational strategy from making progress, but the most important is the lack of the big picture. It could be said that the script for a learning Estonia is still a mere outline. In order for us to have an educational strategy that can be used as a concrete activity plan, we need to stop talking about future planning, learn from our mistakes in the last decade and develop the principle of equal educational opportunity in the Estonian context. Monitoring the educational policy process should also become a regular duty of the parliament, just as keeping track of foreign policy is.

*The role of education in a knowledge-based Estonia**Mailis Reps, MP, Centre Party*

Many writings aspiring to the status of a strategic document have been drafted in Estonia, but unfortunately they do not have internal coherence or the possibility of being implemented. The Riigikogu cultural committee recommended on 4 May 2004 that in the discussion of an important state question, “The development of the Estonian educational system – problems and solutions,” the 1999 proposals of an expert group that audited Estonian educational policy be analyzed from the standpoint of educational reform and in all likelihood be implemented.

No doubt there are plenty of useful recommendations, but considering when and why these recommendations were handed down, foremost to support Learning Estonia as an educational strategy document. Now we have moved ahead five years and as a member of the European Union we must look at the obligations and opportunities of a knowledge-based society more broadly. And a brief, constructive document that is fit for application and lays down the main directions of educational reform can certainly be drafted in today’s conditions as well.

There is much preliminary material and it is again possible to make informed choices in returning to the system of the examinations. The slated educational reform could no doubt be regarded as a cultural reform as such a process was once practiced in Norway. No doubt it would be necessary and possible to call on new people as well as institutions in educational decision-making: this alone would show the political will and capability of using existing resources more wisely.

*More on science, creative work**Jüri Engelbrecht, President, Estonian Academy of Sciences*

The essay is a new look at problems described in a previous essay (RiTo 3/2001, 105–109). The EU science policy documents (Lisbon, Barcelona) have envisaged the route to a competitive knowledge-based society in Europe. Further analysis and case studies (Finland, Sweden) have revealed many obstacles on this route including the shortage of manpower. Despite a rather well-structured strategy, “Knowledge-Based Estonia,” Estonia has fallen behind schedule in its planned activities. The new government initiative, “Estonian Progress 2014”, is the next step toward envisaging future activities. The Estonian Academy of Sciences has proposed to define the role of research more broadly including all of its aspects – general knowledge, education, technology, society and culture. The most important idea is to create such conditions that young people will wish to realize their ambitions in Estonia. For that purpose, universities and other research institutions should be strong. The quality requirements concerning research, education and applications are essential.

*“Sustainable Estonia 21” – essential ideas for Estonia to become a knowledge-based society**Ülo Kaevats, Professor of Philosophy, Tallinn University of Technology*

Implementing “Sustainable Estonia 21,” a strategy for sustainable development commissioned by the Government and formulated as the joint effort of a number of academicians, and business, technology and environmental analysts in 2002–2003, has been delayed by weak political will. The strategy – comprising the essential ideas for Estonia to become a knowledge-based society – is sharply critical of the current situation in society, i.e. of low salaries, of the

development model of the low-technology and non-interventionist state. The transformation into a knowledge society entails a paradigm shift and requires diverse and abundant resources. The coalition's plan to reduce taxes does not render possible sufficient financing of the transformation from the national budget.

The article addresses the principal problems of eight fields, the solution of which would take us closer to integrating into the Lisbon process in earnest.

Estonian social scientists have an excellent research objective – transforming a post-Soviet transitional society into a knowledge-based society via an extremely liberal development stage against the background of the accession to the European Union.

Ten steps for furthering Estonian R&D

Juhan Parts, Prime Minister, Res Publica

This article introduces ten steps that the Estonian government has planned to raise the competitiveness of the country's economy by furthering research and development activities. The basis of our success to date has been the implementation of a liberal economic policy and the country's efforts in the IT field. At the same time, the expenditures of Estonian enterprises on R&D make up only 0.25% of GDP, which is almost six times less than the EU average. A total of 6% of industrial manufacturing sales is tied to innovative new products. Estonia's government is now working on raising the share of R&D in the GDP to 1.5% by 2006 and 3% by 2014. The government is also working on making the private sector's research and development expenses larger than the state's. To incite the private sector to increase R&D spending, it is considered an important financial priority to support studies of an applied nature and technological development programs. In addition, the government this year will introduce a renewed R&D strategy, which will draw on all interested parties from universities to entrepreneurs.

CONSTITUTIONAL INSTITUTIONS

State Audit

The competence of the state audit and strategic choices

Mihkel Oviir, Auditor General

The Auditor General cannot be given compulsory audit duties. In putting together the annual working plan, the Auditor General is guided by its strategy and its constitutional responsibility to submit an overview every year to parliament on how state assets were used and managed the previous year. If possible, the proposals of members of parliament, ministers and the public are taken into account. The selection and extent of financial audit is largely determined by the compulsory part of the usage and management of state assets. In choosing to audit risks associated with results and operations, the guiding principle is that audits must be made in areas where there are more general problems. The annual plan does not contain ad hoc audits which are made in order to study very different problems shortly after they arise. The goal of these audits is to give events an expert appraisal immediately after they occur and to publicize the occurrence to avoid repeat situations in the future.

STUDIES AND OPINIONS

Public opinion and the Riigikogu*Public opinion and the 10th Riigikogu in media studies*

Juhan Kiviräbik, chairman of the board, Faktum research center

The parliament embodies the state's highest authority – the representation of the Estonian people. Thus one of the most important criteria for the Riigikogu's activity is its trustworthiness in the public eye.

The 10th Riigikogu has enjoyed great support from the electorate since it took office. The original trustworthiness level of all previous assemblies was lower; after several years in office they were not able to keep more than half of the trust of the populace.

No doubt it is not a case of an extraordinarily powerful Riigikogu, but more of a change in the social climate, greater maturity of public opinion – in other words, the opportunities afforded by parliament are more keenly perceived. It is worth noting that despite fairly numerous critical articles, there have not been fundamental changes in the parliament's trustworthiness during the first year.

The role of government in the European Union*The role of the executive branch in the European Union's decision-making process*

Keit Kasemets, director of the State Chancellery's European Union secretariat

As a new member of the EU, it is natural that Estonian civil servants are only still learning to discern the nuances of the European Union's decision-making process and are amassing experience and contacts. As a small state, successful participation in making of decisions is a big challenge for the Estonian executive branch. The chance to contribute to the dialogue in the forming of European decisions has placed greater responsibility and new obligations in front of the government. During the last year, a time when Estonia was participating in decision-making as an observer member, we have received invaluable experience, on the strength of which our visibility and the quality of our positions has improved markedly. The government's European policy has been discussed thoroughly and the necessary administrative changes have been made: a system for coordinating EU issues has been developed and the legal framework for forming positions has been worked out.

Pensions in the European Union and Estonia*The Estonian pension system in the light of the European Union common pension objectives*

Lauri Leppik, PRAXIS Center for Policy Studies, analyst

Ene-Margit Tiit, University of Tartu, professor emeritus

Andres Võrk, PRAXIS Center for Policy Studies, analyst, University of Tartu, doctoral student

The article is based on the findings of the study on compliance of the Estonian pension system with the 11 common pension objectives of the European Union. The study was commissioned by the State Chancellery and the Ministry of Social Affairs of Estonia and carried out by the expert team of the PRAXIS Center for Policy Studies.

The main aim of the study was to analyze the Estonian pension system in the light of the 11 EU common pension objectives, using the common indicators agreed by the EU Social Protection Committee.

The relative risk of poverty (measured using the relative poverty line of 60% of median income per household member) of persons aged 65 and over in Estonia is below the EU average. This is explained by the universal coverage of the state pension system, while the old age pension provides for the overwhelming majority of pensioners an income above the poverty line. However, the average income of persons aged 65 and over is below the average income of younger persons.

Moreover, the theoretical individual replacement rate calculated for a worker with 40 years working career and average earnings is below the respective rates in all current EU member states.

At the same time, the financial sustainability and the general fiscal context of the pension system is better than in most of the current member states. The pension reform implemented over the last years – parametric changes in the state pension insurance (e.g. increase of the pension age) and introduction of the supplementary pension schemes (so called second and third pillars) – have increased financial sustainability.

As a result, the patterns in the Estonian pension system are somewhat different than in the current member states. The main consideration is the relatively low replacement rate, which means that for the majority of beneficiaries the pension system is not able to maintain the former living standard.

Projections based on the pension simulation model indicated that the formula for indexing of pensions can be made more generous without jeopardizing long-term financial sustainability. Further improvements in the replacement rate of the state pension would however require a considerable improvement in the general employment rate. Alongside the increase of the legal retirement age, it is important that the employment rate of older (55–64) workers and the effective retirement age also increase.

Municipalities and state investments

Local municipalities and state investments

Viola Soiver, Tallinn Pedagogical University state sciences department public leadership teaching assistant

The current article examines the attitude of municipalities to the changes made to the state investment program that took place after the “Procedure of Composing the State Investment Program” of 2000 entered into force. In the course of the study, top local officials were to give their opinions of the amendments. As it turned out, their positions on the new regulation were predominantly negative, since the situation of many municipalities has worsened. Subsidies to mid-sized municipalities have decreased the most, where the assistance of the state can be an important criterion for securing advantages in development. The analysis showed that there is a group of municipalities that view the system of assigning subsidies negatively in all of the claims used in the survey. This holds true for municipalities investing on the basis of a definite development plan.

Cybercrime

Stopping cybercrime in an information society

Ants Kukrus, *Professor of Law, Head of the Chair of Business Law, Tallinn University of Technology*

Cybercrime as a subset of crime is frequently tied to other types of crime such as copyright violations, crimes against property (computer swindles), crimes against persons (child pornography) and the like. On 8 November 2001, the Council of Europe's cybercrime (computer crime) convention was adopted. It is the first international agreement devoted to crimes committed against or through the use of the Internet and other computer networks. Estonia ratified the convention on 12 February 2003. An information technology service has been created at the Estonian central police, which is processing nine cases as of January 2004. Section 13 of the Penal Code adopted in 2001 and effected in 2002 prescribes the following categories of crimes having to do with computers and computer systems: computer sabotage (§ 206), damaging of connection to computer network (§ 207), spreading of computer viruses (§ 208), computer-related fraud (§ 213) and unlawful use of computer, computer system or computer network (§ 217). Of the violations in the cybercrime convention, Estonia has not criminalized the provision in Article 6 of the Convention on making available devices, including computer programs and passwords, intended or adapted for criminal purposes. The criminal code should be updated accordingly.

Public service

Challenges for accession to the European Union for Estonian public administration

Tiina Randma-Liiv, *University of Tartu public administration chair*

The aim of the study is to examine the consequences of the size of a state with regard to the Europeanization of the Estonian public administration. The article does not treat the EU decision-making process but instead focuses on the administrative problems within the Estonian civil service. Differences between larger and smaller countries are shown to be not merely quantitative but also qualitative. The size of the state appears to have a number of implications for the development of public administration. Public organizations in small states face some problems which are significantly different from those of larger countries, such as the importance of individuals and personal relationships, multi-functionalism of jobs, and the employment of specialists in very specific fields. It is argued that one of the main challenges of Europeanization is the improvement of policy analysis and professionalism within a small country as there is less space for specialization. "Managed intimacy" of small states offers both positive and negative consequences for coordination. Opening up the Estonian civil service to citizens of the other EU member states may have a positive effect on specialization by creating competition for specialist and managerial posts. Finally, the study suggests that elements of traditional bureaucracies may not be well suited to the small state context, because a higher degree of 'personalism' in small states causes more 'flexible' adoption of administrative rules as opposed to the values of rationality and universality in bureaucratic systems which prevail in Continental Europe and EU institutions.

Politicization of officials

Politicization of top officials – sign of danger or natural course of events?

Katri Tammekand, Tallinn Pedagogical University master's of administration candidate

The politicization of top officials and the lack of clarity in the division of labor between administrative and political – seen as obstacles to the policy formation process – are fairly common topics for discussion. In the theoretical plan, various role models of minister and chief of staff have been proposed ranging from a Weberian dichotomy, where both have their own definite functions and there is no overlap, to completely interwoven administrative-political relations. The present article is guided by the administrative-political typology of Aberbach et al (1981). The article is based on a pilot study conducted in spring 2003, which treated how the role of chief of staff as a top official was perceived on different levels of leadership.

In conclusion, it can be said that on the basis of the findings that there is a constant battles of wills for distribution of roles. The main sources of conflict besides politicization was short-sighted governance, conflicting expectations of the chief of staff's role and low level of trustworthiness.

Opponents of the European Union in Estonia

EU accession opposition in Estonia

Katri Vallaste, Estonian Institute of Humanities, doctoral student

During the period preceding the EU accession referendum in September 2003, those who opposed Estonia's EU membership referred to themselves as "accession opponents" or "independents" instead of "Eurosceptics." Estonian accession opponents can be viewed as a social movement because, having been active for several years (formally since 1996), they have developed a strong identity and their goal was/is to contribute to greater democracy in Estonia. Movement activists preferred a decentralized structure, but formed social movement organizations to channel resources. They were operating in a "social injustice" master frame, focusing on three primary issues: independence, material welfare and religion. However, those three acted as "floating signifiers" and were not understood uniformly throughout the movement. Anti-accessionists experienced their limited opportunities to publish their ideas in the media as their strongest obstacle to success. Although accession opponents were often seen as belonging among the "losers in the transition process" and a "second Estonia," the current research calls this notion into question.

E-elections

Wherefore e-voting in Estonia?

Ülle Madise, Riigikogu constitutional committee adviser

The primary goal of electronic voting is considered to be raising voting participation. It is still considered questionable in Estonia whether adoption of e-voting will significantly increase voter turnout. Certainly it will make voting easier for voters abroad. As a whole, activity increases only when the electronic voting option brings out people who otherwise would not

vote. Introducing e-voting is the most necessary in the case of people who are less likely to make the trip to the polls due to their comfort with online transactions of all kinds. The number of voters on election day will get smaller and it is feared that they will start emerging as a distinct social group. In all likelihood people will start to adapt to the disappearance of the customary election day ritual of going to the polls. The problem of the digital gap, which affects older and poorer people, needs to be highlighted and resolved.

Regulatory impact analysis

The development of regulatory impact analysis in Europe

Eveli Illing, PRAXIS Center for Policy Studies

The article analyzes recent developments in regulatory impact analysis (RIA) by the Organization for Economic Cooperation and Development (OECD) and European Union (EU) and relates them to the discussions on development of RIA in Estonia. RIA is an integrated decision tool, a method of i) systematically and consistently examining selected potential impacts arising from government action and of ii) communicating the information to decision-makers (OECD 1997a, 214). In the past, OECD has mostly used checklists and best practices to promote RIA. Recent trends, however, indicate that due to its shortcomings, the best practice approach has been replaced by more detailed mapping of country practices, development of regulatory indicators and using more ex post facto RIA. The author suggests that Estonia as a newcomer in RIA does not automatically have to neglect the idea of using checklists and best practices but its challenge lies in combining the two with the experiences of other countries and with the Estonian administrative system and culture.

EU has implemented impact analyses since the 1980s. After the Maastricht Treaty and Lisbon Council in 2000, the work on better regulation intensified. The Mandelkern report with its recommendations marks an important milestone in the development of RIA in the EU institutions as well as member states. Based on these changes, EU member states are continuing cooperation on better regulation within the meetings of ministers responsible for public administration during every presidency. The main focus is on strengthening the institutional structures of RIA, comparison of the methodologies used and development of the indicators of regulatory quality. The article analyzes these developments as well as the recommendations of the Mandelkern report by focusing on the challenges and possibilities of Estonia.

Administration of the judiciary

The judiciary and separation of powers

Poigo Nuuma, PhD, Tallinn University of Technology economic law chair docent extraordinary

According to the spirit and the letter (Article 4 and 146 provisions) of the constitution, the legislative, executive and judicial activity of the state is organized on the basis of separation of powers and the principle of checks and balances. In reality there is no separation of powers if the judicial branch lacks self-rule and decision-making powers independent of the executive branch, which has been significantly cut back by amendment laws to the constitution. The independence of the Estonian judicial branch from the executive branch is abandoned completely by the Courts Act and the competence of the administrative director appointed to the courts of the first and second instance by the minister of justice, and likewise the removal

of judges from the actual process of self-rule. This has significantly changed the principle of separation of powers in the constitution.

Building Act

Legal regulation of buildings and construction requirements

Enno Oidermaa, Akadeemia Nord lecturer

Construction is an activity that results in long-term changes to the environment, due to which the Building Act is one of the most important legal acts regulating construction in the community. Estonia's Building Act (EhS, RT I 2002, 27, 297) entered into force on 1 January 2003. The task of the Building Act is to establish rule of law in construction activity and establishing rules for participants, proceeding primarily from the objective of ensuring safety. Since the law is relatively new and untested in practice, we should examine the law closely both from the standpoint of understanding its current nature and future amendments. This article treats the terms building and construction, which are simple definitions only upon first glance, and can be interpreted and understood differently, especially given that our view of the Building Act is too general according to many definitions. The article also provides some of the more important European Union requirements for buildings. There are a total of six of these. The most important of them are fire safety, environmental and health safety and energy conservation. A large part of the existing buildings in Estonia do not conform to European standards. A completely unknown definition in Estonia up to the present time has been energy audit for buildings. This will be a requirement for new buildings or renovations starting in 2006.

CIVIC SOCIETY AND STATE AUTHORITY

Civic society and the European Union

The influence of civic associations on the European Union

Aivar Roop, director of the non-profit association MTÜ Eesti Euroopa Liikumine (*European Movement in Estonia*)

This article analyzes pan-European networks between civic associations, which cover the member states of the European Union and the global foreign policy field almost as densely as do government institutions. Compared to government institutions, however, these networks have better ties with interest groups located between the political elite and the grass-roots level, and due to this they are able to better influence parliaments and government cabinets. So far, the EU and various funds have had an influence on Estonia's free associations through assistance programs, which supported achieving preferences set by Estonia for the growth of the state. The unofficial effect has been more important than the official effects, which is restricted mainly to personal contacts between active members of associations at seminars and other events. Now, as a full member of the EU, Estonian civic associations have to unite in Brussels with interest groups with pan-European interests, since keeping an eye on European affairs is considered one of the most important activities in ensuring lobby work is fruitful.

HISTORY OF THE PARLIAMENT AND INTERNATIONAL RELATIONS

The European Union, NATO and Estonia

*Dream of the century fulfilled**Markus Meckel, MP, Bundestag*

Even though Estonia's priority since independence was joining Euro-Atlantic structures, the West was fairly reticent about the idea in the very beginning. Estonia made great efforts in building a democratic society and rapidly earned the respect of others. Estonians' unwavering desire and readiness to take risks could be a positive example for the inhabitants of Germany and other Western European states who do not want to go along with necessary reforms. Now Estonia is in the European Union, together with seven other former communist countries, thus fulfilling the dream of the century. It is very important for the European Union to continue vertical integration, based around the constitutional agreement, along with expansion. The EU must become more and more unanimous, especially where a unified foreign policy and security policy are concerned and in the framework of a united European security and defense policy. New member states need not fear damaging good relations with the US, since the US also wants a partnership that is not founded on mere obeisance but seeing eye to eye. In connection with the shifting of the EU's border eastward, a new Eastern policy must be verbalized, a process in which Estonia with its experience dealing with Russia could participate. The goal is active and good-neighborly relations with Russia and the Ukraine. It is important for the external border not to be a wall but a fence to be mended together. Germany has similar experience from its border with Poland on how cross-border cooperation is possible alongside security and inspection procedures. Even though Germany and especially the former East Germany have reservations regarding expansion, the positive aspects are definitely weightier. The export-oriented German economy is winning new markets, environmental indicators are improving, the battle against cross-border crime is becoming more effective and thanks to the geographical proximity of new member states, Germans have better travel opportunities. With expansion, Germany moved from the periphery of the EU to the center and has a special interest in seeing expansion succeed. The big job of growing closer together still lies ahead, though.

LITERATURE AND DATABASES

*101 Estonian political cartoons**Aare Kasemets, doctoral student, University of Tartu**Eiki Berg, MP, Res Publica*

The idea of selecting the year's best political cartoons and assembling a traveling exhibition was born in 1999, when Riigikogu chancellery began planning the setting up of the Journal of Estonian Parliament, *Riigikogu Toimetised*. We found that the articles by politicians, officials, sociologists and leaders of NGO needed a pictorial feature that would cover political events in society like a bulletin board, that would not need further commentary. Along with newspaper opinion editors, political cartoonists keep a watchful eye on political power and pretenders to political power, and assessors of political cartoons keep tabs on cartoonists. Estonian politicians and their families can take solace in the fact that compared to the tabloid cartoons

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of Western Europe and the US, Estonian papers tend to have a softer, more human touch. This year, the process of selecting the 101 best political cartoons out of more than 1500 from seven Estonian papers went smoothly, thanks to efforts of volunteers. Ultimately, political cartoon aficionados could rejoice over the works of 11 cartoonists that made it to the traveling exhibition. Grand prize in 2003 went to *Eesti Päevaleht* political cartoonist Hillar Mets for “The Prime Minister’s first day at work,” which depicted Juhan Parts being confused by callers with then-outgoing PM and current European commissioner Siim Kallas.