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Building Democracy in Estonia

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"How to Recognize Democracy" and "How to Recognize Political Parties"—such were some of the newspaper articles I published after arriving in Estonia in November 1990. People expected the new freely elected Supreme Council (parliament) to pass laws quickly and with large majorities, and parties to have card-carrying mass memberships. Besides the ever-present threat of suppression by the Kremlin, democracy in Estonia was challenged internally by such superdemocratic expectations, rooted both in the earlier Soviet fake democracy and a reaction against its actual concentration of power.

Parliamentary democracy had been introduced, but parliament members were prohibited from becoming cabinet ministers. Unrealistically high quorum and majority requirements risked paralyzing legislative action, now that disagreement and absence had become possible. Perfectly sound democratic practices were denounced as dictatorial. The parliament produced major legislation at a break-neck pace, compared to its Western counterparts, yet was widely seen as too slow. Newly formed centrist parties were thought to be deficient because they lacked mass membership in the Marxist image.

While relentlessly knocking down Soviet-style authoritarian patterns, especially in attitudes toward women, I increasingly found myself reassur-

ing Estonians that they were further along in building democracy than they dared to believe. What looked a failure by their standards of ideal democracy was well within the range of actual practices in stable democracies. During my five-week stay in Estonia (November-December 1990), the Indian cabinet fell because of a temple and a new minority coalition took charge in Denmark, with only 35% active support in the parliament. And here were the Estonians worrying about their cabinet of eight months' duration lacking rock-solid majority and issues being made out of some non-issues. Welcome to the club! I kept repeating that democracy is needed precisely because people are not all good, and stable democracy all too often means effective minority rule. Rereading *The Breakdown of Democratic Regimes* by Linz (1978) confirmed that Estonia was avoiding the worst pitfalls of fledgling democracies, although it obviously was not yet out of the woods.

After a brief overview of Estonia's political situation, this report will focus on my direct observations as a participant in the deliberations of the Legislative Committee of the Estonian Supreme Council. I also gave college lectures, lived with two families, talked with people at meetings and workplaces as well as in the street, and had meetings with leaders

of nearly all political groupings. From the street to the parliament, Estonian politics is overshadowed by the anomalous ethnic situation produced by Soviet-induced immigration over the last 45 years, and this report reflects it.

Background

The independent Baltic states of Estonia, Latvia, and Lithuania were occupied and annexed by Stalin's Soviet Union in 1940, as part of a deal with Hitler. After a brief German occupation (1941-44), the Soviet occupation resumed and is felt as such by the overwhelming majority of the Balts. Soviet political liberalization since 1987 led first to cautious pleas for meaningful autonomy and then, lacking adequate Soviet response, to demands for an end to Soviet occupation and reestablishment of full political independence. At the same time, the Balts obviously wish to continue trade relations with Russia and are aware of Soviet security concerns. On both accounts, the Soviet Union is better served by "four Finlands rather than one Finland and three restive provinces." (See Misiunas and Taagepera 1983 for history 1940-80, and Clemens 1991 for recent developments.)

Deportations and emigration in the

1940s and low birth rates (partly induced by housing discrimination against Estonians) left a demographic void filled by Russian-speaking colonists who did not learn Estonian. Like the French in Algeria, the Russians expected the subject people to communicate with them in the language of the colonizers. The influx was encouraged by the development of labor-intensive industries and discriminatory hiring practices against Estonians. Jobs in Estonia often were advertised only in Russia, complete with promises of housing, while local residents remained on the waiting lists for years and even decades. Estonians were gradually squeezed out of the merchant navy, railroads, and civil aviation, not to mention the extensive military industry. Language discrimination hit the Estonians even in public services where Russian gradually was made mandatory while Estonian became optional. At times, it took racist overtones, when an immigrant salesperson would snap at an Estonian customer: "Speak a human language!"

This *Herrenrasse* attitude on the part of some of the colonists and the resentment against it by the Estonians is the worst heritage of Soviet occupation that Estonia has to cope with. During my stay in Tallinn, my host required urgent medical care. The telephone operator was unable to take down even the street address in Estonian, and the paramedics never came. Thus discriminatory linguistic colonialism is still the reality in the capital city of Estonia. In the parliament committee I attended, all Estonians knew Russian, but the two Russian members depended on a translator.

In a corrective affirmative action against anti-Estonian discrimination, the Estonian language was symbolically declared the official language in 1989, and all public servants and service personnel were to become reasonably bilingual within one to four years. Taking their earlier language privileges for normal, some of the Russian immigrants call such parity "discrimination."

The Soviet central control of administration and media was totalitarian and fanatically centralist until 1985; even restaurant menus had to be approved in Moscow. Any com-

plaint about discrimination against Estonians was labelled "nationalist" and severely punished. In 1987, an ecology protest ushered in a chain of events which led first to demands for genuine autonomy and then for an end of Soviet occupation and re-establishment of an independent Republic of Estonia. By promising economic autonomy and then sabotaging its start, Mikhail Gorbachev discredited himself in the eyes of Estonians, who no longer could see autonomy as a realistic option.

Competitive parliamentary elections in March 1990 brought Estonia to a stage comparable to that of Denmark in 1943, where free elec-

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tions took place in the presence of foreign (German) occupation forces. The new parliament (Supreme Council) declared Estonia to be in a transition phase toward restoration of independence. A centrist cabinet headed by Popular Front leader Edgar Savisaar was formed. It still survived in July 1991, despite (or perhaps because of) attacks from both extremes. Accused of excessive nationalism by some immigrants, the government is suspected of collaborationism by radical nationalists. The Russian members of the parliament (25% of the total) are divided: some support independence, some do not, and many hesitate.

Economic conditions continued to worsen in 1990, as the Soviet structures crumbled and introduction of a market economy was hobbled by continuing Soviet control of key industries which produced more than a third of Estonia's industrial output. Nonetheless Estonia was better off than Russia. The Finnish mark was approaching the status of a parallel

currency for part of the population while the majority still depended on the Soviet ruble. Most of the 25 ruble bills I received were brand new—a sure sign of inflation fuelled by the Soviet government printing excess money. In October 1990 the Estonian government doubled most food prices, increasing the hardships for pensioners but barely reducing the long waiting lines. I was taken to the special food store for the Supreme Council members and employees whose existence causes popular dissatisfaction. Trying to place it in the U.S. context, I blurted out: This is like a store I saw on the Navajo reservation! But it had coffee and one type of sausage and cheese, which was more than many other stores did.

The Legislative Committee of the Parliament

The Estonian Supreme Council (*ülemnõukogu*) consists of 101 members elected by residents (including recent immigrants), plus four members elected by the Soviet occupation forces. The election rule used was Single Transferable Vote in one- to five-seat districts, very much in line with recommendation in Taagepera and Shugart (1989: 236-37). Estonia is the only part of the Soviet empire which has completely given up on the Soviet-style majority rule in single-seat districts.

The Legislative Committee (*õiguskomisjon*) of the Supreme Council has 15 members. Distinct from the Judiciary Committee, it inspects and comments on all draft laws proposed by other committees, regarding both content and format; for instance, a new traffic law was discussed in my presence. More important, the Legislative Committee initiates laws of general constitutional importance.

During my stay, the Committee released a draft law on the establishment of a ceremonial head of state, to be debated in full parliament. It continued discussion of a revised electoral law that would introduce party lists and a nationwide 4% votes threshold below which parties could not win representation in the parliament. It tackled a draft law establishing a clear parliamentary

regime, instead of the present ambiguous distribution of functions between the head of state and the prime minister inherited from the Soviet occupation.

The Committee members locked horns on whether the prime minister should be able to call for new parliamentary elections in case of a vote of no-confidence. The committee vice-chair, physicist Peet Kask, referred to Arend Lijphart's *Democracies* (1984) to document the fact that almost all stable parliamentary regimes (with the exception of Norway) do give the government such power. However, most of the Committee members still felt such power was "undemocratic" and the experience of stable democracies was irrelevant to Estonia's special conditions. I warned that by asking for an ideal democracy they could end up with unstable short-lived cabinets that endanger the survival of democracy. As for special local conditions, Estonia is not unique in thinking it's unique, and the mistakes countries make by ignoring comparative studies often are not unique at all!

The Committee also began to discuss the draft legislation on a "register of voters." This is an extremely touchy issue in a country where a third of the population are technically illegal immigrants, from the viewpoint of legal continuity of the Republic of Estonia, but claim automatic citizenship. The proposed "register of voters" represents a stopgap compromise that is likely to meet some resistance on the part of both Estonian legalists and the Russian imperialist wing.

Taken together, the draft laws on the head of state, the parliament, the electoral laws, and voters' register amounted to a temporary constitution, and some legally trained minds argued for a single all-inclusive document instead of such patchwork. I warned against grand constructs (the grandest of all being Marxism) and supported the pragmatic piece-by-piece approach as the only one that could garner the super-majorities required in the parliament. I also pointed out that the United Kingdom does not have a unified constitutional document and that Israel has operated on "temporary" constitutional legislation for 40 years, for reasons

that may well apply in Estonia.

For a month's time, the progress the Committee made on such basic legislation was quite reasonable, the more so in view of its composition. Of the 15 members, two were Russians and another two were Estonian legalists. (One of the latter participated in the Committee voting but refused to vote in full Supreme Council, because he considered it an illegal Soviet-created body although he had himself been elected to that body.) There were former middle-level Communist Party officials, including the Committee chair, Tõnu Anton, who behaved like a seasoned

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parliamentarian, guiding the debate toward a conclusion while giving the minority views ample time to make themselves heard. Almost all emerging groupings were represented in the Committee: Social Democrats, Liberals, Rurals, Greens, Communists, Christians, undifferentiated Popular Front centrists, and the self-styled Conservatives (in the British sense). Juan Linz (1978: 34) observes that many a young democracy fails because the dominant group refuses to give the others a sense of participation. His solution, to give minority views a place in legislative committees, was well implemented in Estonia.

Ironically, the Russians and the Estonian legalists often voted the same way, opposing the centrist consensus. The Russians suspected nationalist traps even in the most technical provisions, while the legalists saw any updating of Soviet-imposed institutions as a threat to the claim of legal continuity of the pre-war

Republic of Estonia. The Russians were satisfied with the Soviet structure, while the legalists wanted a sharp break with it rather than gradual change.

The positive aspect of this unholy alliance against the center was that the Russians did not look like a totally isolated minority. However, the voting rules gave the fringes considerable blocking power. All decisions had to be approved by more than one-half of the total committee membership, i.e., by 8 out of 15, with all absentees and abstainers counted as negative votes. In the days of Soviet fake democracy such large majorities were easy to manufacture on command, but under the new conditions this rule risked permanent deadlock.

A case in point was the routine measure of electing the Committee vice-chair. With 5 members absent, the vote was 7 for the candidate and 3 opposed or abstaining. This clear majority of those present would have been more than sufficient in Western parliamentary bodies, but was inconclusive under the Soviet rules. During my stay the Supreme Council adopted the rule of simple majority (i.e., more votes in favor than explicitly opposed) for committee decisionmaking, but not yet for the full parliament itself.

The committee work was a tremendous school of democracy for all its members, especially for the Russians and the legalists. Representatives addressed each other by their first names. Acrimony was avoided. By succeeding in changing bits and pieces of the drafts, even the fringe representatives visibly developed a stake in the draft laws. When in one particular vote one Russian and one legalist abstained rather than vote against, I sensed that democracy was reasonably safe in Estonia. At the very first meeting I attended, one of the Russian members, Vitali Menshikov, invited me to come and talk to his constituents in the predominantly immigrant mining town of Sillamäe, and I met favorable reception at a public question-and-answer meeting. It was a far cry from ethnic clashes in Estonia, as claimed by the reactionary press in Moscow.

Some members of the Committee reported on their visits to the parlia-

ments of Austria and Norway. Their Norwegian hosts were amazed by the speed with which the Estonian parliament passed legislation that would have taken years in Norway. This was a welcome counterpoint to popular complaints that the Supreme Council did nothing but debate. In Austria the visitors found that Estonia's roll call and voting procedures and equipment were much more modern and efficient.

Prospects

Observing the debates of the full parliament and interacting with some of its other committees and many individual members led to the same conclusions as the more intense interactions with the Legislative Committee. I was told that in spring 1990 the Supreme Council spent most of its meetings wrangling over agenda setting, but in December this was no longer the case. Procedural questions still required considerable time, but this is normal in any assembly where the leaders cannot run roughshod over the rules (as still is the case in the Moscow Supreme Soviet). Of the 105 members, typically 70 were present, which is quite in line with Western patterns. However, since all non-procedural decisions required 53 positive votes, it is a wonder that any decisions could be reached at all. In many national assemblies, the approach of holidays boosts productivity. Faced with the Christmas recess, the Estonian parliament, too, worked overtime and, on the last day, passed the budget and a crucial measure on reprivatization that they otherwise might have debated for another month.

In my address to the full parliament I discussed three issues: electoral law, citizenship, and the nature of political parties. I voiced satisfaction with the electoral law draft. Regarding citizenship for immigrants,

I pointed out a category that both sides neglect—that of a legal permanent immigrant without citizenship. As a Canadian citizen who has resided in the United States for 30 years, I was in a good position to describe this status. Showing my U.S. "green card" (permanent immigrant document), I described my rights and duties as compared to those of U.S. citizens. I urged that the oldtimers among the immigrants be given an early opportunity to choose between Estonian citizenship and some other citizenship combined with an Estonian "green card." Regarding parties, I pointed out that political parties in the West have become less ideological than they

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used to be. Often lacking any mass membership, they have become teams who can work together to win elections and solve social problems. In this light, the proliferation of Estonian parties, based on ideological nuances, is anachronistic. Moreover, the three- to five-seat districts envisaged leave room for about four parties only—possibly center-right, center-left, rural, and Russian parties.

Indeed, apart from interference by the Soviet occupation forces, the absence of a rational party system is my only major concern about the future of Estonian democracy. There are a dozen registered factions in the

Supreme Council (three of them Russian). There are a dozen parties at large—but the parties and the parliamentary factions do not always coincide! Under these conditions, the next elections could bring very hazardous results if the small (three- to five-seat) districts are maintained—or there might be pressure to increase the district magnitude so as to enable more parties to win seats. Either way, the political picture may become confused, unless Estonian political activists discipline themselves and fuse into fewer and larger parties. In general, however, Estonia seemed to take to democracy as naturally as Spain did a decade earlier.

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