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**"ENHANCING THE CAPACITIES TO GOVERN:  
Challenges facing the CEE countries"**

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**Enhancing the Capacity of Local Governments to Provide Equitable**

**Access of Minorities to Public Services**

**Case of Tallinn**

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## **Introduction**

Functions and competence of local governments<sup>1</sup> in Estonia are settled by Local Government Organisation act. They are:

(1) The functions of a local government include the organisation, in the rural municipality or city, of social assistance and services, welfare services for the elderly, youth work, housing and utilities, the supply of water and sewerage, the provision of public services and amenities, physical planning, public transportation within the rural municipality or city, and the maintenance of rural municipality roads and city streets unless such functions are assigned by law to other persons.

(2) The functions of a local government include the organisation, in the rural municipality or city, of the maintenance of pre-school child care institutions, basic schools, secondary schools, hobby schools, libraries, community centres, museums, sports facilities, shelters, care homes, health care institutions and other local agencies if such agencies are in the ownership of the local government. Payment of specified expenses of such agencies from the state budget or other sources may be prescribed by law.

(3) In addition to the functions provided for in subsections (1) and (2) of this section, local governments resolve and organise local issues:

- 1) Which are assigned to them by other Acts;
- 2) Which are not assigned by law to other persons for resolution and organisation.

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<sup>1</sup> § 6 of Local Government Organisation Act, RT I 1993, 37, 558; consolidated text RT I 1999, 82, 755

According to the **Statute of the city of Tallinn**<sup>2</sup> the task of Tallinn as a local government is:

- To organise the city's social care and social services,
- Care for the elderly,
- Work with young people,
- Manage residential and utilities services, water supply, sewerage upkeep, and territorial planning,
- Communal transport and the upkeep of public roads
- Maintenance of municipal infant schools, basic schools, gymnasiums, interests societies, libraries, **national associations**, museums, sports centres, custodial centres, healthcare institutions, and other municipal institutions (law prescribes a coverage of some costs of above-named institutions whether from state budget or other sources)

By analysing legal acts it is hard to discover any discriminatory provisions. From the formal point of view necessary degree of transparency and accountability is secured. One of the central roles of citizens in democracies and other political systems is to make decisions about political matters; this involves decisions about which parties or candidates to support in an election, as well as decisions about which issue positions to hold, how to participate in politics, and so forth. Elections reveal political actors and political power holders who later on determine the way the policy is made. That is why the studying of formal participation of minorities in policy-making process appears to be of first priority.

The stable functioning of democratic state depends upon the inclusiveness of different minority groups into integrated multiethnic society. The inclusiveness can be considered as the possibility of minorities to influence directly the policy formulation and legitimating process through institutionalised forms of participation. Operating by adhering to certain constitutional rules and rights local governments still can be very arbitrary in their decisions. The provision of formal right for minorities to participate

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<sup>2</sup> RTL 1996, 123, 638

in decision-making process does not guarantee the representativeness of minorities in the structures of local governments. For that matter, we find important to examine the results of last municipal elections in October 2002 and trends in support of non-Estonian electorate.

As the result of the 2002 local elections 18 of 63 members of the Council belonged to Russian-speakers. Hypothetically they could organize a kind of inter-party “Russian faction”, moreover their obligation to meet non-Estonians’ interests especially in the sphere of persevering minorities’ culture. One of those challenges is an issue on teaching minorities language and culture in Sunday schools<sup>3</sup>. So the second part of the paper is devoted to that problem.

### **Institutional context**

Tallinn<sup>4</sup>, the capital of Estonia, is located in Northern Europe in the North-eastern part of the Baltic Sea region. The city of Tallinn with its 399850 inhabitants is the largest town in Estonia (area 158 km<sup>2</sup>, Estonia 45 227 km<sup>2</sup>). The largest denominations are Lutheran and Orthodox.

The legislative organ is the City Council, which consists of 63 members. The City Council sets up permanent committees to identify the problem of city life, which needs to be solved and in order to formulate action and development plan to deal with these problems.

City Government consists of Major, Deputy Majors, other members of the City Government and the City Secretary.

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<sup>3</sup> The question of Sundays schools lays in the competence and jurisdiction of local government and solving of that problem will contribute to the enhancing of access to education of national minorities.

<sup>4</sup> The information is provided at the official web-site of the city of Tallinn at [www.tallinn.ee](http://www.tallinn.ee)

City administration is formed by municipal institutions, which include the office of the City Council, the City Office, the departments of the City Government and the administration of the City districts.

## **Local elections**

### Active and passive right to vote

According to Local Government Council Election Act<sup>5</sup> the right to vote have:

- Estonian citizen, residing permanently on the territory of the local government;
- Alien, with a permanent or temporary residence permit. Non-citizens must have been legally residing in the corresponding rural municipality or city for at least the last five years by election day. The legal voting age is 18 years.

Candidates are nominated by parties, party coalitions and Estonian citizens with the right to vote. Unlike in the *Riigikogu* elections, independent candidates were allowed till the last municipal elections in October 2002 to unite and enter the elections with a common candidate list.

### The Count

Proportional system: general, uniform and direct right to vote, by secret ballot. In the first round of counting, candidates receiving the same or more votes than the simple quota in each electoral district are considered elected.

In the second round of counting, mandates are awarded to candidate lists receiving at least 5% of the votes in the local government unit. Candidates on the lists are ranked

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<sup>5</sup> All the information concerning local elections in Tallinn is available at the official site of the National Electoral Board at [www.vvk.ee](http://www.vvk.ee)

according to the number of their personal votes. A modified d'Hondt method is used in the distribution of remaining seats, by the divisors in the sequence 1, 2<sup>0,9</sup>, 3<sup>0,9</sup>, 4<sup>0,9</sup>.

Length of term in office is 3 years and threshold level for entry by a party is 5%.

#### The latest elections in Tallinn

The latest municipal elections<sup>6</sup> were held in October 2002. Voter turnout in Tallinn - 52,81 %. The Centre Party received 32 mandates out of 63, the *Res Publica* - 17, and the Reform Party - 11.

Among participating parties of the non-Estonian communities (the Estonian United People's Party and Estonian Russian Baltic Party) only the Estonian United People's Party could receive 3 mandates at the end (9 mandates in previous elections). Comparing to previous local elections in October 1999, when Russian parties all together had 13 mandates out of 64, the results of elections in October 2003 have to be alarming for Russian parties in Estonia but a lesser degree for non-Estonian community. Russian parties have lost more than 29 000 votes of mostly Russia-speaking electorate, when at the same time the beneficiary party was The Centre Party (*Keskerakond*) – plus 23 000 votes<sup>7</sup>.

This is not a surprising reality of a change of political landscape in Estonia connected with disappointing functions of Russian parties, number of scandals, and with strategic and retrospective voting behaviour.

A competent and clever political behaviour of the Centre Party (*Keskerakond*), which in its policy proposals offers a confusing mix of left and right wing ideas, and electoral campaign for a more inclusive approach to *Estonia's* Russians, has let to entice non-Estonian electorate.

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<sup>6</sup>Local Elections 2002 - Participating Political Parties at [http://www.vm.ee/estonia/kat\\_172/2891.html](http://www.vm.ee/estonia/kat_172/2891.html)

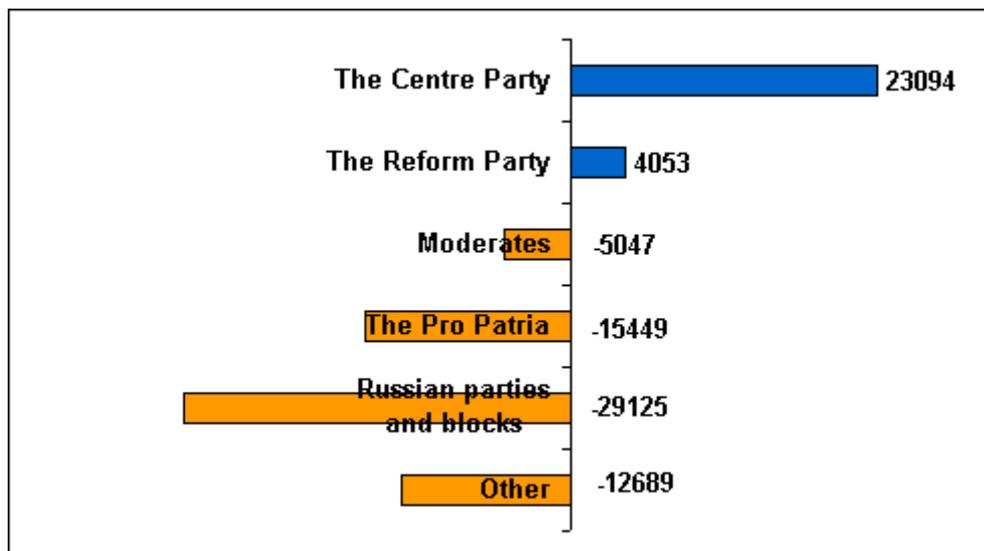
**Table 1. Respondents' attitudes towards participation (%)**

	Estonians	Non-Estonians
Non-Estonians and Estonians are together in one party	57,4	61,3
Non-Estonians make their own party	22,6	15,8
Other	1,8	
Does not matter	18,2	23
Total	100	100

Source: Public opinion polls held in February 2000.

As it could be seen from the data a significant percent of respondents would like to see non-Estonians and Estonians politicians participating in one political party<sup>8</sup>. These estimates clearly represent non-Estonian voters' behaviour and explain the success of Savisaar's the Centre Party (*Keskerakond*) among Russian-speaking voters, when **13** non-Estonian candidates from The Centre Party received the mandates and got into the City Council. Non-Estonian candidates of the Centre Party guaranteed mostly the inflow of new supporters for party.

**Figure 1. Lost and received votes in 2002 elections**



Source: Postimees at <http://194.204.30.64/postimees/failid/108/tombasx.jpg>

<sup>7</sup> Postimees at <http://www.postimees.ee/index.html?op=lugu&id=76405>

<sup>8</sup> Golovko, M. (2001). Cultural-historical background and prejudice as determinants of electoral behaviour of Russian-speaking voters

The analysis of voter turnout with a connection of institutional limitations reveals another source in declining of Russian parties' successes.

The average voter turnout in previous elections<sup>9</sup>:

1993	1996	1999	2002
52,6%	52,1%	49,8%	52,4%

The difference in voter turnout through the time is not significant. Although it shows that pessimistic expectations concerning declining in voters' turnout are not confirmed, the voters' activity, from the other side, is comparing to Europe and Northern Countries (more than 80% at the local elections in Denmark) rather low.

Among all multi-mandate electoral districts in Tallinn the lowest voters' turnout (48,44%) was in *Lasnamäe* district, which is usually considered as the most "Russian" district in Tallinn.

**Table 2. Non-Estonians in Tallinn and its districts**

District	Population	Percentage of minorities, 2000	Percentage in all minority population, 2000	Number of mandates
Haabersti	34 753	48	9.8	7
Kesklinn	40 720	32	7.7	8
Kristiine	26 399	33	5.4	6
<b>Lasnamäe</b>	<b>107 566</b>	<b>65</b>	<b>40.6</b>	<b>13</b>
Mustamäe	61 315	40	14.8	9
Nõmme	34 673	18	3.7	7
<b>Pirita</b>	<b>7 941</b>	<b>11</b>	<b>0.6</b>	<b>5</b>
Põhja-Tallinn	51 938	57	17.3	8
Unknown		43	0.1	
Total	<b>365 305</b>	46	100	63

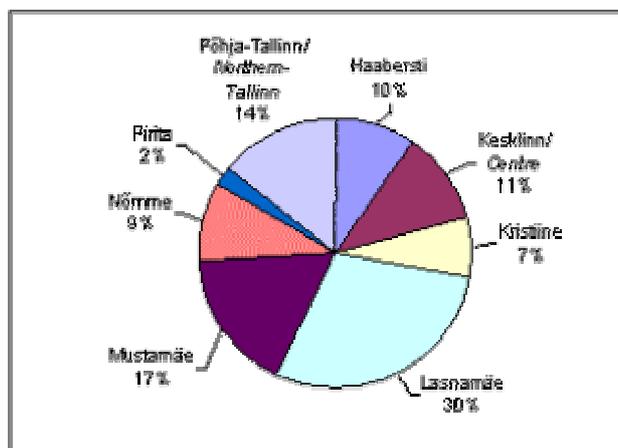
Source: On the basis of Poleshchuk and Krimpe (2002). *Equitable Access to Public Services: Monitoring Municipal Policies in Tallinn.*

Although the population of *Lasnamäe* district composes 30% of all Tallinn's population, the *Lasnamäe* as multi-mandate electoral districts has 13 mandates (only

<sup>9</sup> www.vvk.ee

20,6% of all number of mandates). At the same time *Pirita* district (2% of Tallinn's population) has 5 mandates or 8% of all mandates.

**Figure 2. Population by districts**



Source: [www.tallinn.ee](http://www.tallinn.ee)

Another institutional aspect is connected with the adoption of a new law on local council elections for the municipal elections scheduled for October 20. The biggest change is that election unions will be discontinued, placing a larger responsibility on parties. By some researchers' estimates there is no reason to think that the number of candidates will be much fewer, but rather that there will be a shift towards more clarity, while parties will be forced to be more well-developed and open to voters, who will in turn have a better image of the party they are affiliated with<sup>10</sup>.

These above-mentioned mechanisms providing *de jure* clarity for and about political parties *de facto* appear to be problematic issue for small political parties and small local political forces by destroying basis for political manoeuvres before the elections. If for the municipal elections in October 2002 Russian candidates united list could

<sup>10</sup> Pöör, J. Kohalike omavalitsuse valimised taasiseseisvumisjärgsel perioodi. Riigikogu toimetised 2002

have been created (only 3 seats received), then only the unification within one strong Russian party with elaboration of clear programmatic statements could prevent the abolition of Russian party (parties) as independent political force from political landscape in Tallinn.

From the other point of view the discontinuance of elections union increases responsiveness and vulnerability, forcing political parties to be more responsible and sensitive towards the preferences of non-Estonian electorate.

The shift towards representation of interests of non-Estonian community through big Estonians parties (mostly through the Centre Party) directly participating and indeed influencing decision-making process, enhances the obligations and necessity to consider minority problems in order to receive and not to lose additional votes of Russian electorate.

At the 1999 local elections Russian parties received 13 seats in the City Council, and 17 of 64 members of the Council belonged to Russian-speakers from Estonian and Russian parties. As the result of the 2002 local elections 18 of 63 members of the Council belonged to Russian-speakers where only 3 seats received so called “Russian” parties. 14 Russian-speaking members of the Council belong after the municipal 2002 election to the parties that compose a coalition in Tallinn. The process of “political integration” between political parties that mostly corresponds to the expectation of non-Estonian electorate could assist “policy integration”, that includes core issues concerning the access to the public services for Estonians and non-Estonians equally.

The higher level of trust to local authorities than to the *Riigikogu*, Government and Prime Minister shows assurance of non-Estonians that local authorities provide better

and more vulnerable politics for different social groups, and which could be also influenced by non-citizens<sup>11</sup>.

**Table 3. Political trust of Estonians and non-Estonian to different political institutions**

	Estonians	Non-Estonians	Total in Tallinn	Total in Estonia
<i>Riigikogu</i> / Parliament	35.7	30.5	33.1	35.7
Government	36.2	29.3	32.6	35.8
President	66	64.7	65.2	64.4
Prime-minister	28.9	20.5	24.3	27.4
<b>Local Government</b>	<b>42.5</b>	<b>46.1</b>	<b>44.5</b>	<b>53.2</b>

*Source: Vetik, R. (2001). Eesti riiklike institutsioonide usaldusväärsus ja seadusloome legitiimsus.*

Although it is necessary to mention that further suggestions could be just on the level of speculation, because only time can provide us now with analytical material confirming or not above-mentioned trends.

### **The problems of minority Sunday schools and Cultural associations**

European countries have granted special attention to the preservation of minority's mother tongue and culture, as well as through the formal educational system.

Minority's mother tongue and culture is taught according to the principle of Sunday schools, which are organised and co-ordinated by national minority cultural associations.

The need in teaching of minority's mother tongue and culture originates from the Constitution of Estonia:

**§ 12.** Everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.

The incitement of national, racial, religious or political hatred, violence or

<sup>11</sup> Percentage of non-citizens is 29 %. Source: Census 2000, Table 4

discrimination shall, by law, be prohibited and punishable. The incitement of hatred, violence or discrimination between social strata shall, by law, also be prohibited and punishable.

**§ 37.** Everyone has the right to education. Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in state and local government general education schools.

In order to make education accessible, the state and local governments shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law.

Parents shall have the final decision in the choice of education for their children.

Everyone has the right to receive instruction in Estonian. The language of instruction in national minority educational institutions shall be chosen by the educational institution.

The provision of education shall be supervised by the state.

**§ 49.** Everyone has the right to preserve his or her national identity.

It is necessary to mention that in spite of the law on Education and Estonian Constitution there is no state unified system of teaching minorities' language and culture, which caused a lot of critics and dissatisfaction among minorities' cultural associations. The problem appeared because until now the law on minorities' Sunday schools is not adopted and the activity of schools is not regulated by any other legal act.

One of the biggest problems in organising of Sunday schools is the lack of rooms. As a rule necessarily equipped rooms for the functioning of Sunday schools have school buildings and organisations that organise training courses. Since schools are in local

government's competence, Sunday schools planning long-term functioning in rented or their own rooms should take into consideration the help of local governments.

Law prescribes guarantees in allocation of teaching rooms in available basic schools' or gymnasiums' buildings or in other suitable for teaching rooms. State institutions in co-operation with local governments should solve that problem. Also such obstacles as very high rent costs should be overcome and avoided.

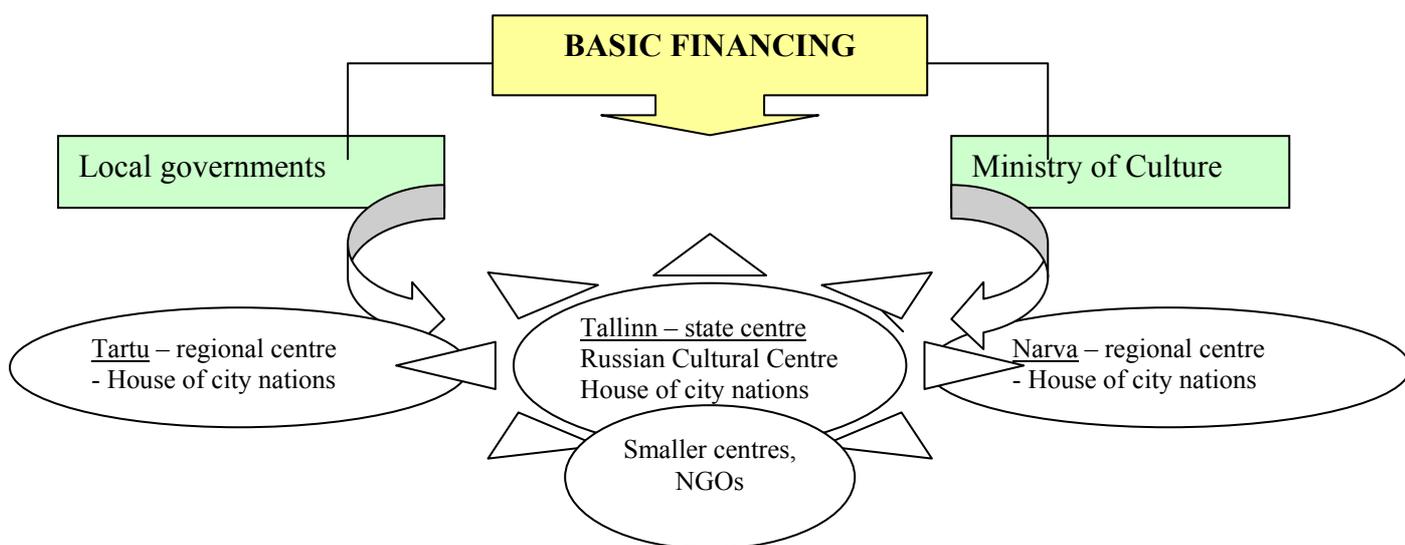
Lately the problems and possible solutions for the organising of national minority's Sunday schools have been discussed in Tallinn.

Strong civil society is inevitable component of state economical development that guarantees the development of democratic state. According to the Estonian State Integration Programme adopted by the Government, Estonia is defined as multicultural state, whose task is to guarantee all the possibilities for the preservation and development of cultures that exist in Estonia. In order to augment the institutional capacity of civil initiative organisations that deal with national minority cultures, their activity should be financed. Therefore not only state institutions but also local governments play an important role here. Up to recent days none of local governments have fulfilled the conditions set by Estonian State Integration Programme – to create local integration programmes that in turn would guarantee the implementation of financing system of cultural associations on the local level. Tallinn has developed such a programme, but due to the change in political power the implementation process has not been started.

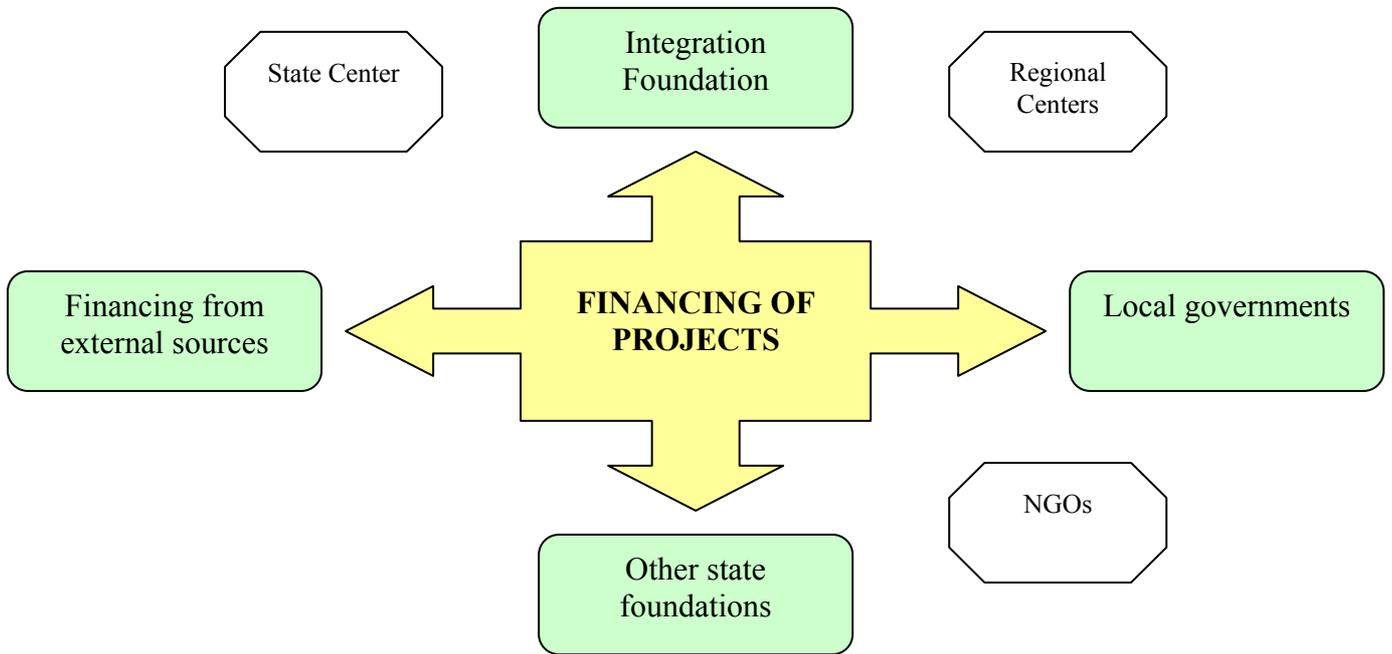
Today we need to admit that the distribution of finances has been very eclectic and didn't have any general principles as bases in Tallinn and in Estonia at large. The most important factor of that is absence of control over the distribution of resources.

It is important in case of lack of the finance to consider all Tallinn cultural associations as a whole and guarantee their development through the co-ordination of financing. That is why the financing of cultural associations is two-level: basic and project based financing (Schemes 1 and 2).

**Scheme 1. Basic finance of cultural associations**



**Scheme 2. Project basic financing of cultural associations**



In implementation of new system of basic financing the following **principles** should be regarded:

- 1) Size of basic financing. Basic financing should allow the Estonian state to fulfil constitutional responsibilities: to create the opportunities for the preservation and development of national minority's culture, language and traditions.
- 2) Duration of basic financing. Above-mentioned conditions can be fulfilled in case of existence of long-term strategic plans. Therefore the basic financing should allow cultural associations to plan their activities for a long-term.
- 3) Transparency of basic financing. City has to provide control over distributed finances, which means that basic financing should be allocated to regional centres that are obliged to present finance reports.

All the principles could be implemented only through the centralised system. **The centralised system** presupposes at-first political decision and desire to fulfil responsibilities. Not only the ministry, but also local governments should take the responsibilities. According to the statistics most of the registered cultural associations is concentrated in big cities (historical regional location of nationalities). That fact fosters the implementation of centralised system, which is the most effective way taking into consideration the distribution of finances (Scheme 1).

Centralised financing system can function in those regions where the state would reach certain agreements with local governments. Today the state has started the negotiations with the city of Tallinn.

The following figures 3 and 4 show that in Tallinn at least two regional and state centres should be organised. They are

- a) Russian Cultural Centre, the biggest number of Russians who belong to cultural associations is in Tallinn (Figure 3).

**Figure 3.**

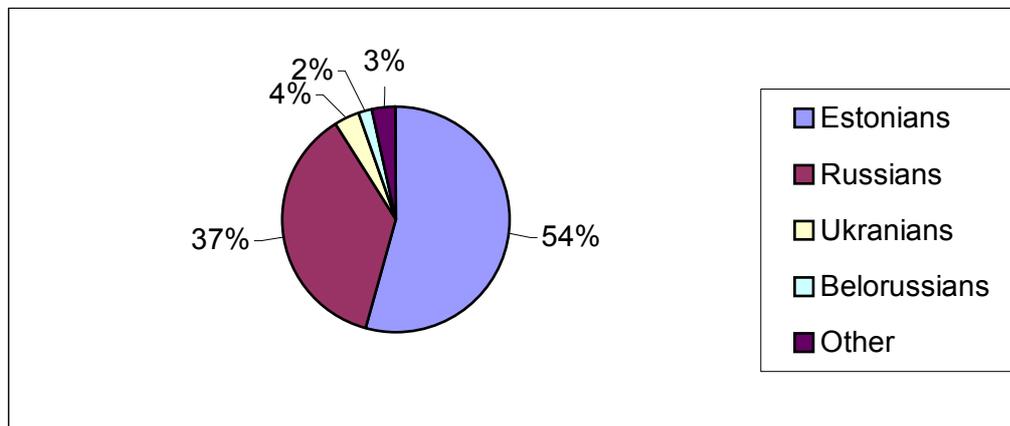


The function of Russian Cultural Centre is concentration of information and promoting the activity of Russian cultural associations in Estonia.

- b) In the process of creation – House of Nations, which should consolidate all the rest national minorities’ cultural associations. The necessity of the creation of the House of Nations is caused in the first place by circumstance that most of the

cultural associations are found in Tallinn area. Tallinn is a multicultural city, where *ca* half of the population belong to national minorities (Figure 4).

**Figure 4. Ethnic composition of Tallinn population<sup>12</sup>**



For the same reason the centres of Tallinn should fulfil state function together with the regional one.

The effectiveness of centres displays in our days: where we do not have the information in details about functioning cultural associations in Estonia. The information about events and meetings spreads accidentally and among intimates. That is why it is important if appears a state centre that would concentrate all the information about active cultural associations and cultural events in Estonia. The functions of such a centre would be:

- 1) Creation of data about existing cultural associations.
- 2) Picking up the information from regional centres.
- 3) Establishing contacts with national minorities' homelands.

<sup>12</sup> Census 2000, Tallinn. Source: <http://www.stat.ee>

- 4) Centralised organisation of training for cultural associations (project- and strategic plan making, organisation of joint events, etc)
- 5) Making of joint projects for the cultural associations with the help of professionals.
- 6) Consulting of cultural associations.

Need to mention that proposed system does not violate the autonomy of cultural associations, but is formed in order to guarantee the availability of resources, technical means and professional help. The everyday life of cultural associations is kept untouched.

### **The technical side of functioning of centres**

The financing of centres comes at least from two sources:

- 1) Ministry of Culture (% of budget according to the degree of cultural associations' concentration). Covers partly administrative-technical costs of associations (stationery, furniture, equipment etc).
- 2) Local government that should:
  - a) Have on balance a building and cover public utilities;
  - b) Appoint administration of the centre (director, accountant), grant and pay their salary.

The head of the centre is a director who is appointed by local government in co-ordination with the Ministry of Culture. The head is responsible for the functioning of the centre on the regional and state levels. The questions concerning the cultural associations should be discussed in co-operation with the

council of the House of Nations where belong the representatives of all registered cultural associations, local government and the Ministry of Culture and Education.

The principles of functioning of the House of Nations would develop a special working group.

The capacity of the system was partly proved by the activity of Russian Cultural Centre in Tallinn. With the state financing the decision-making process of the centre would be more democratic, it means that representatives of cultural associations would participate.

### **Scheme 3. Basic finance of cultural associations in Tallinn**

#### **STATE FUNCTION**



#### **REGIONAL FUNCTION**

Therefore, the local government, where national minorities are concentrated and a lot of associations exist, solves centralised associations' problems with the rooms, consolidates interested associations into centres (e.g. Russian Cultural Centre and House of Nations in Tallinn) and covers administrative and exploitation costs of the rooms as well.

From the other hand, the Ministry of Culture allocates some necessary finances for covering of everyday activity costs (connection and communication, technical

assistance (computers, coping costs)), office-work costs (paper, stationery etc). That solution guarantees national minorities' everyday functioning and activity, registration of the members, necessary analysis and accounting on the activity of national minorities' associations.