

## Internet portal of lawmaking “the People’s Assembly” in Estonia

**Abstract:** It is necessary to improve the legislation in our society. However, should these changes go through the medieval “People's Assembly”? It is very doubtful. All changes and supplements of the laws should be strictly in accordance with the applicable laws.

**Keywords:** “People’s Assembly”; democracy; people; legislation; President; Parliament; parties.

### 1. What a “People’s Assembly” is?

In November last year at a meeting held on the initiative of the President of Estonia Toomas Hendrik Ilves in so called the Ice cellar, the representatives of civil society and Parliament agreed to create of lawmaking Internet portal. Following the example of Iceland (Iceland’s population is 309 thousands people and population density 3 people per sq. km, the Estonian population is 1.29 million people and population density 29 people per sq. km) this Internet portal will be an instrument of modernization and bringing in conformity to requirements of the modernity the laws, which are responsible for a healthy democracy, said the head of an initiative group Olari Koppel.

The initiative group of the “People’s Assembly” consists of the representatives of Estonian Cooperation Assembly, the “Praxis” Centre for Policy Research, the Network of Estonian Nonprofit societies EMSL, the movement of “Charter of 12”, the Academy of e-government - e-Riigi Akadeemia, presidential advisors and representatives of the parliamentary parties.

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In his New Year's address the President Ilves said that democracy is a constant work in the name of future, which cannot be delegated to a parliament on 4 years. "In a week, January 7, 2013 you will be able to send over the Internet your proposals to a law on political parties and to the laws on the elections. Please use this opportunity to actively and with full civil responsibility", - said a head of state.

To midnight of 31 January the Internet portal "People's Assembly" collected 1974 proposals and amendments to the laws on the parties and on elections. According to O. Koppel, the Internet portal is created to collect and put into order the proposals in order to change:

1) financing: the laws on election, strengthen democracy within the parties – 282 proposals;

2) the parties: stop a process of forcible politicization (compulsion to join to the party leaders in public sector) – 131 proposals;

3) elections: settle relations between voters and elected parliamentarians the period between elections 631 proposals;

4) allocation: put in order a financing system of the parties – 222 proposals;

5) forced politicisation: political activity in general – 81 proposals;

6) other issues – 627<sup>1</sup>

Recall that President Ilves promised that the best of these proposals will be directed to the Parliament, where they can become laws or amendments to laws.

However, in our opinion, the head of the Estonian State can not give such promises, because he is not a Member of Parliament and unable to influence on its work, because the Republic of Estonia is a parliamentary republic. At best way, he only can transmit these proposals to Parliament and nothing more.

## **2. Who has organized "National Assembly" and on what money?**

a) "People's Assembly" is created on an initiative of the President of Estonia Toomas Hendrik Ilves, along with members of the Social Democratic Party (Sic!),

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<sup>1</sup> See: Rahvakogu alustas kokkuvõtete tegemist – DELFI. [www.delfi.ee](http://www.delfi.ee) 27.02.2013; Internet portal of the People's Assembly collected more than 1800 suggestions 01.02.2013.

where were involved representatives of civil initiatives and public authorities for joint lawmaking, and also changes the election laws and the law on political parties.<sup>2</sup>

According to the head of the Estonian Cooperation Assembly O. Koppel, the initiative group keeps the President of Estonia informed as to the matters, under whose auspices the “People’s Assembly” works.

At the same time, it would not unimportant to know that O. Koppel was the head of agitation group of T.H. Ilves, when he became the President of Estonia, he is also a presidential adviser.

b) Our well-known journalist Andres Ride with great difficulty, finally has obtained from the presidential office the information about money expenditure, i.e. the initial cost of the “People’s Assembly”, which is 290,000 Euros (about 11.6 million rubles)<sup>3</sup>. This amount of public money (read taxpayers who nothing knew about this) was transferred “to the row” of the president’s budget. Thus, when President Ilves ordered a music for the “People’s Assembly”, then he has to pay to the music, but only of his own pocket, otherwise this “deal” can “smell” by corruption. By the way, Article 78 of “President of republic” of the Constitution does not provide of his powers any “People’s Assembly” and its funding<sup>4</sup>.

### **3. Constitution of 1992 and 1920**

The current Constitution was approved in a referendum on 28 June 1992. In the referendum were allowed only citizens of the Republic of Estonia (669,080 people were included in the list of the voters while on January 1, 1992, the population of the republic was more than 1,550,000 people). 446.708 people or 66.8% voters took participation in ballot, and approximately 91.3% of which supported the adoption of the Constitution<sup>5</sup>.

Unfortunately, our Constitution was drafted not by lawyers, because they were considered by “leaders for the fatherland” in corpora as “red”! As a result, the

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<sup>2</sup> See: What the People’s Assembly is? <http://www.google.rahvakogu.ee>

<sup>3</sup> See: Andres Raid: Kogu tõe Rahvakogust! Riigi rahaga ju hauakeavajat endale ei ehita...<http://delfi.ee>; Jüri Pino. „Rahvakogu ja –rinne“. Võrumaa Teataja 09.02.2013.

<sup>4</sup> Constitution of the Estonian Republic. Kirjastus Ilo. Tallinn, 2003. p. 39-31.

<sup>5</sup> Eesti Vabariigi Põhiseadus. Paragrahv 1. <http://www.google.ee>

Constitution was obtained such, on which people like sovereign, behind of which there is no one, are pushing in the ditch, in the truest sense of the word.

The Constitution of 1992 is missing a very important principle implementation of state power - the people's initiative, i.e. the right to initiate legislation. And the referendum is still lacked its procedural law. Can be asked, why is this so? Answer. Political elite of the country, which has the power, is afraid of the people!

Article 56 of Chapter III “People” reads as follows. “People exercise the supreme state power through citizens with the right to vote: 1) through elections to the Riigikogu (Parliament – A.L.), and 2) through a referendum (national voting)”<sup>6</sup>.

The Constitution of 1920 of the Republic of Estonia was adopted by the Constituent Assembly of Estonia on June 15, 1920. As expressed by many public figures from different countries it was the most democratic constitution of the world at that time. Article 29 of this Constitution stated that the people exercise state power: 1) through a referendum, 2) through popular initiative, and 3) by electing the Riigikogu (Parliament)<sup>7</sup>.

#### **4. What do the political leaders of Estonia think?**

a) Actually, today it is a lot of “current drafts of laws” should be done by the Parliament. But at the same time, it is very interesting that the Social-Democrat Party with President T. H. Ilves (who was also social-democrat before presidency) are initiators creating of “People’s Assembly” today are being in the opposition in the Parliament, doubt themselves in its implementation by the present parliament, where the ruling majority have the right-wing parties (the Reform Party and the Union of Fatherland and Res Publica)<sup>8</sup>.

b) Chairman of Estonian Parliament academician Ene Ergma adheres fairly cautious waiting position on the further development of the “People’s Assembly”<sup>9</sup>.

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<sup>6</sup> Eesti Vabariigi Põhiseadus. Paragrahv 1. [http:// www.google.ee](http://www.google.ee)

<sup>7</sup> Eesti Vabariigi põhiseadus (1920). [http:// www.google.ee](http://www.google.ee)

<sup>8</sup> See: Kayar Lember. <http://google.ee> 24 January 2013

<sup>9</sup> Ene Ergma. Ootame ja vaatame, kuhu rahvakogu mõte areneb. <http://www.google.ee> 28 01 2013.

b) On opinion of the Prime Minister of Estonia, Andrus Ansip, expectations of Estonians in respect of the “People’s Assembly” are not very big. He explained his opinion that the Parliament has done not a bad job, and Estonia is at a sufficiently good position in various rankings. Commenting on the proposals received, the Prime Minister said that according to his estimation, our political system does not need cardinal changes, and as well as our election system. “Really, good ideas are supported by the Riigikogu”, - he expressed his opinion and added that in the first place it will be considered those proposals that do not require changes in the constitution<sup>10</sup>.

But here it must be said that our electoral system does not hold any critics, since it can not be trusted to the electronic voting system, and the current XI composition of the Parliament Republic of Estonia, its government and even the President (the President is elected by parliament) are illegitimate<sup>11</sup>.

## **5. What will be further?**

In order to Estonia today could be called democratic state, in it, in addition to the classic features, should be present dialogue of the rulers with the people. However, the ruling coalition in our country often makes choice in benefit of monologue. Due to the lack of dialogue in the country and serious errors in the current constitution and the movement emerged, which led eventually to the “People’s Assembly”.

The initiative group of the "People's Assembly" reported that in its decisions proceeded from the principle of consensus, which means that all of the steps that have so far been made, have been approved by the parliamentary parties, the representatives of civil society, employees of Praxis, the initiators of the Charter 12. On 14 January, at the meeting of the Constitutional Committee it had discussed the

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<sup>10</sup> Andrus Ansip <http://rus.DELFI.ee> 14 January 2013.

<sup>11</sup> Ando Leps. The results of electronic voting legally paltry. 2005-2011. Reports, articles, opinions. Tallinn, 2011. p. 109-116, 148, 155-156; Douglas W. Jones and Barbara Simons. Rikutud sedelid. Kas Sinu hääl loeb?. Tallinn, 2012. p.276-278.

possibilities in respect of what to do with the proposals and amendments to the laws on political parties and elections.

The working language of the “People’s Assembly” is the Estonian, but the basic information is available in the Russian, suggestions and comments can also be written in Russian. For the experts and analysts they will be later translated into the Estonian language.

In February, the proposals will be analyzed at the Center for Political Studies Praxis, where the proposals will be grouped and it will be added the first comments: to what consequences can result that or this amendment to the law. After that scientific experts will analyze the scenarios and possible impact on legislation. However, on February 25, A. Koppel said that they could not fulfill this obligation.

In March will be held “round tables”, which will be discussed the initiative of the citizens who have received significant support of the portal users. Then the president of Estonia will present selected proposals to the Parliament for discussion.

Established by the civil initiative of the Internet portal of lawmaking of “People’s Assembly” an initiative group has decided to convene in the second half of March the national meeting with participation of 500 representatives of public in order to discuss obtained ideas<sup>12</sup>. Now, however, they stated that the national meeting will be held on April 6<sup>13</sup>.

Here we are obliged to say that article 31 of the Constitution of 1920, in order to institute people initiative it was requested in written form to collect 25,000 signatures. Whereas, now, it “blindly” selected 500 people, that is, in our opinion, too modest (even ridiculous) number, in comparison with 1920, when the number of people was almost equal today’s one<sup>14</sup>.

## **6. Criticism.**

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<sup>12</sup> [www.http://rus.delfi.ee](http://rus.delfi.ee) 23.01. 2013.

<sup>13</sup> Postimees 04.03.2013.

<sup>14</sup> Ando Leps. Estonia anno 2013: Icy extinguishes the hope of survival of the people. Kesknädal 09.01.2013; Ando leps. Icy cellar captures of duties of the Parliament. Kesknädal 30.01.2013.

1) Many of our clever brains are predicting that the “People’s Assembly” is just another government program, where people can just “let off steam”. “People’s Assembly” is not a project of the people and this is a political project of President Ilves and the Social Democrats, where they act on behalf of the people and therefore the “People’s Assembly” is not a democratic institution. Long time ago everyone knows all these proposals (e.g., restoration of the death penalty, to streamline the financing parties, election of a president by the people, etc.) and had even discussed in the Parliament. Also it is widespread opinion, that T.H. Ilves, (who is the President of Estonia from 2006) still could nothing do for Estonia and its people (for twenty years, the population of Estonia decreased by 1/6 times and 1/3 of the population still wants to leave out of the country because there are no jobs and salaries are very small, writes Doctor of Medical Science Jaak Uibu<sup>15</sup>) and therefore, “with help” of the “People’s Assembly” wants to create a “positive trace” of his presidential activities!

2) On February 24, 2013 in the theatre of "Estonia" at the ceremony dedicated to the Independence Day the President Ilves said in a speech expressed some doubted as to the "People's Assembly"<sup>16</sup> when he said: “... We should not delude ourselves with the illusion of some wonder drug which at once will heal all ills, the illusion, that in order to improve everything, it is enough to replace a minister or the entire government. It does not worth to think that, if decisions would make not in the Parliament but in a referendum or a vote on the Internet, then these decisions will be always optimal... Protest moods of the last year have generated a question: Has the familiar parliamentary way to make a decision exhausted itself? However, international experience shows that, contrary to the expectations of the supporters of the referendums, the popular vote does not always lead to the adoption of the most just and humane solutions. It happens that the majority of voters express their views

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<sup>15</sup> Jaak Uibu. Avalik märgukiri Riigikogu põhiseaduskomisjonile. jaak.uibu@mail.ee 04.03.2013.

<sup>16</sup> Infopartisan: President tõmbas Rahvakogule sisuliselt vee peale. Infopartisan blogi 26.02.2013.

in favor of the restoration of the death penalty, or powerless position of minorities, or cuts in spending on education<sup>17</sup>.

What does this mean? Although, President Ilves praised created on his initiative the “People’s Assembly”, but he warned the legalization of popular initiative, which is the most important of all the proposals!

3) The Chairman of the Bar Association of Estonia Toomas Vaher, speaking at a general meeting of the Estonian Bar Association said that the creation of alternative structures of parliament is the wrong way of the state in the future and even it is dangerous way<sup>18</sup>.

4) According to a many-times Member of Parliament and minister, academician Endel Lippmaa to take Iceland as a sample (which is not a successful state) this is direct error. He continues, “People’s Assembly” can lead to dictatorship<sup>19</sup>.

5) Famous Estonian politicians such Rhine Toomla, Tõnis Saarts and Rainer Kattel are against moving constituencies<sup>20</sup>.

6) Now our most famous writer Andrus Kivirähk called his article this way – “The People’s Assembly as people’s daily story”<sup>21</sup>.

## **7. A brief summary.**

It is necessary to improve the legislation in our society. However, if these changes must go through the medieval “People’s Assembly”, this is very doubtful. All amendments and additions of the laws should be strictly in accordance with applicable law, otherwise “People’s Assembly” Estonian society can lead to anarchy, and that certainly is not the goal of our society.

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<sup>17</sup> Eesti Vabariigi presidendi Toomas Hendrik Ilvese kõne iseseisvuspäeva kontsert aktusel Estonias 24. veebruaril 2013. Postimees 25.02.2013.

<sup>18</sup> Toomas Vaher. Eesti õigusmaastiku häda on ülereguleeritus ja dokumantide sõnastuslik keerukus. www.postimees.ee 01.03.2013.

<sup>19</sup> Endel Lippmaa. Rahvakogu võib viia diktatuurini. Eesti Ekspress 02.03.2013.

<sup>20</sup> Politoloogid: valimisringkondade übergmängimine soovitud tulemust ei too. arvamus.postimees.ee 02.03.2013; Politoloogid: piirangud kandidaatidele ei sobi läänelikku demokraatiasse. Arvamus.postimees.ee 02.03.2013.

<sup>21</sup> Andrus Kivirähk. “Rahvakogu rahvalik naljamäng“. Eesti Päevaleht 26.01.2013.



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