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**POLITICAL AND ECONOMIC REFORMS OF POST-COMMUNIST
BROADCAST SYSTEMS: A CASE STUDY OF ESTONIA**

**A Dissertation Presented to
The Faculty of the College of Communication of
Ohio University**

**In Partial Fulfillment
of the Requirements for the Degree
Doctor of Philosophy**

**By
Max Vernon Grubb**

June, 1999

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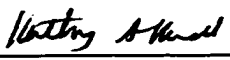
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**This dissertation has been approved
for the School of Telecommunications
and the College of Communication by**


Professor of Telecommunications


Dean of the College of Communication

To my wife, Jane W. Steinhouse, with endless gratitude.

ACKNOWLEDGEMENTS

This dissertation represents the achievement of a dream and the beginning of a new journey in my life. It was a wonderful and an exhilarating learning experience that went beyond my wildest imagination. This accomplishment was made possible by the encouragement, guidance and unconditional support of many individuals.

First, I would like to thank the members of my committee. I am especially indebted to my advisor Dr. Charles 'Buzz' Clift, associate professor at the School of Telecommunication, for his guidance, constant support and encouragement. I have been blessed to have Buzz as an undergraduate advisor at Ohio University during the late 1970s and for my doctoral studies in the 1990s. I look upon him as my mentor, friend and now colleague. I thank Dr. Don Flournoy, professor of telecommunications, for his unwavering support, encouragement, and suggestions. I thank Dr. Guido Stemple III, distinguished professor of journalism, for his constructive critiques and encouragement. I thank Dr. Delysa Burnier, associate professor of political science, for guiding my studies in political science, and for her encouragement and support. She introduced me to a discipline that I find fascinating and am grateful for her insight.

I would like to express my appreciation to the Ohio University Baltic Project for including and encouraging me to be a part of their program. Their financial support helped to cover this study's research expenses and made this

dissertation possible. I consider myself very lucky to have worked with Baltic Project coordinators Dr. Don Flournoy and Professor Joseph Richie. I am eternally grateful for their support and encouragement.

I also am indebted to Hando Sinisalu, former Ohio University graduate student and General Manager of *Eesti Päevaleht*, and his wife, Piia. Hando and Piia comforted and took care of me during my time in Estonia. They made my visit to their country a refreshing and rewarding experience. Hando set me up in his office with access to email and the support of his administrative assistant. He went way beyond the call of duty in seeing that I got access to documents and the people I needed to interview. I am blessed to have Hando and Riia as friends and grateful for their help.

I also want to thank Charles 'Chuck' Congrove. During the four years I spent in Athens, Ohio, Chuck was a constant source of support and encouragement. He was always there as a sounding board and as a friend. He particularly helped me in getting this dissertation delivered on time to the College of Communication. I will miss our weekly breakfast and coffee meetings.

Another thanks go to Carl and Diana Steinhouse for their love, encouragement and unconditional support. One could not ask for a better father-in-law and mother-in-law. I am particularly grateful for the hours that Carl spent proof reading and editing the various drafts of my dissertation. I am eternally grateful for his patience and the time he spent helping me.

I would like to express appreciation to my parents, Carl and Lou Grubb, for the love and encouragement they gave me as I worked on my bachelors, masters, and doctorate. The guidance and support they gave me can never be repaid. I am forever grateful for all they gave me. My only regret is that my father was not alive to see this accomplishment.

I do not want to forget my constant companions during this endeavor, Dakini and Abby. Both my dogs kept me company as I wrote and revised the various drafts of this dissertation late into the night. They watched over me as I sat pounding away at the computer.

Finally, I am eternally grateful for the love and support of my wife, Jane W. Steinhouse. Her patience, encouragement and unconditional support kept me going during the four years of doctoral studies and dissertation work. I am blessed to have such a companion in this life and look forward to many more adventures with her.

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CHAPTER ONE

INTRODUCTION

The world in the late twentieth century experienced a third wave of democratization. Since the 1974 coup in Portugal, over forty countries experienced a transition from non-democratic to democratic political systems (Huntington, 1996, p 4). Most notable was the collapse of the Soviet Union and the demise of communism in Eastern Europe. These post-Soviet societies found themselves in an awkward position caught between the old state-centered totalitarian system and democracy and its rules, between the old command economy and a competitive market economy.

Burdened with the baggage and relics of a state-managed political, economic, and social system, these societies followed a route to democracy influenced by both the legacy of their recent past and by their future goals (Frentzel-Zagorska, 1993, p 177). As these countries, made this transformation, they democratized their institutions and liberalized their economies. Russell J. Dalton (1996) noted that “for the first time we are witnessing a transition from communism to democracy, and the nature and destination of this transition is unclear (p 1).”

In the last decade, the world witnessed the startling democratization of the Eastern and Central European nations and the Soviet Union’s collapse. The large number of democratized countries offered researchers the opportunity to witness

and study the mass media in these new democracies as they transformed and built democratic institutions and structures. Many challenges confronted these newly democratic countries and establishing a democratic media was just one of them. This study examined how the introduction of a pluralistic political system and an open market affected the media system of one such country. In the process, issues of the societal role of mass communication were questioned as these newly democratic countries struggled to reform their mass media systems.

Rationale, Significance, And Need For The Study

Numerous events of the 1980s served to reinforce and demonstrate the linkage between democracy and communications. Emerging democratic movements clamored for a free press and other fundamental reforms ending with the downfall of governments in Communist Eastern Europe and eventually the Soviet Union. Ordinary people with exceptional courage and mass media did what NATO's military forces could never achieve. The popular movements in these countries may not have been victorious without the help of the printed word, information broadcast, and other methods of communication (Wasko, 1993).

The transformations in Eastern Europe to democracy have been remarkably successful. They furnished a new analytical perspective for the study of democratization of communication and media systems. The changes and transformations in these newly democratized countries served as a backdrop against the political fatigue suffered by the West and Central Europe, illuminating the

challenges confronting democratization and communication. (Bruck, 1993).

Further, these newly democratic countries provided an excellent opportunity to study the effects and outcome of radical political and economic changes in a mass media system.

Since the demise of communism in Eastern Europe and the collapse of the Soviet Union, there have been a few studies examining various aspects of the mass media in these countries. One major characteristic of the research conducted was its primary focus on the mass media in transition. Various studies examined the stages of the mass media in democratic transition, noting their challenges and struggles, while some provided snapshots of the media as these changes occur. Some research in post-Communist media examined the role the media played in the transition process. Other studies looked at barriers and limitations to changes in post-Communist media and the lack of change in some mass media systems. There was little or no analysis of a media system where a post-Communist country had consolidated its democracy.

This dissertation analyzes the broadcast system of Estonia, a newly consolidated democracy. The political and economic changes that occurred in this post-Communist country provided a rich environment for mass communication research in an emerging democracy. This environment highlighted issues concerning the mass media and democracy while providing an assessment of the progress and outcomes of the changes.

Theoretical Framework for the Study

The theoretical framework used in this study to examine and assess Estonia's mass media system was relatively new to mass media research. This approach was McQuail's (1992) Media Performance Analysis. Traditional approaches to researching mass media systems involved theories considered highly ambiguous and philosophical. Comparative scholars used frameworks that merely examined the indigenous nature of the descriptive factors that influence the structure of a mass media system. Although these theories and approaches contributed to an understanding of state-media relationships, they were limited in that they over-generalize. The comparative frameworks tended to be heavy on description and light on assessment.

McQuail (1992) utilized an ideal set of democratic values, making it perfect for studying the mass media systems of new democracies. As they struggled to reform both their political and economic systems, these countries endeavored to eliminate remnants of the Communist system and replaced them with the values and institutions of a democracy.

This dissertation's research analyzed Estonia's media system based on these democratic values, appraising the new democracy's mass media system and the nature of the government-media relationship, and to highlight issues of democratic mass communication. This study examined the outcomes of the political and economic changes in Estonia's media system, a consolidated democracy, while

exploring the utility of McQuail's (1992) framework for comparative and media system analysis.

Statement of the Problem

The aim of this study is to analyze the consequences of political and economic changes in the mass media system of a post-Communist country, in this case Estonia. Particular attention was given to the development and outcome of Estonia's 1994 broadcast law. It was this law which guided the development and operations of Estonia's public and private broadcasting system.

After gaining its independence in 1991, Estonia had no electronic media legislation to guide its Ministry of Culture and Ministry of Transport and Telecommunications in the licensing of radio and television stations. The existing state-run broadcasting structure was a relic inherited from the Soviet Union. In 1994, the Estonian Riigikogu (Parliament) enacted a broadcast law that addressed such issues as the licensing, ownership, and programming of private radio and television stations and the operations of its public broadcasting stations.

This law combined with the 1991 constitution affected the nature of the state-broadcast media relationship in Estonia and its democratic character. Today, it still serves as the legislation for private and public broadcasting matters. To better understand the changes that occurred in Estonia's broadcast system, the researcher examines in the next section the conditions and environment surrounding its democratization.

The Context

Post-Soviet societies faced substantial economic problems while transitioning from a central planned economy to a competitive market economy.

The Soviet Union and many Eastern European countries had shared

fundamental institutional characteristics: the declared priority of state ownership over other property forms; the organization of the state sector in a hierarchical bureaucracy of branch ministerial management; centralized planning of production by means of mandatory plan targets; the centralized supply of the means of production; and, in various forms, a state monopoly of foreign trade (Sutela, 1990, p 60).

Upon the collapse of the Soviet Union and Communist Eastern Europe, one primary objective of the new governments as they democratized their political systems was to substitute “market coordination of economic activities for the socialist command system (Shen, 1994, p 49).”

Transforming the economy involved the need for private property ownership, privatization of government institutions, price liberalization, fiscal and monetary disciplines, trade liberalization, and the infusion of foreign capital in domestic investment activities (Shen, 1994). This was not considered a normal historical transformation of societies advancing from lower to higher stages of civilization, such as feudalism to capitalism. The transformation occurring with

post-Soviet societies was from a system that defined itself as socialist to one that was capitalist (Zwass, 1995). Significantly, being formerly politically and economically integrated into the USSR, the new nations emerging from the collapse of the Soviet Union differed from those of post-Communist Eastern Europe. Thus, approaches to change differed for those former Soviet Republics (Shen, 1994).

At the time of its independence in 1991, Estonia's broadcasting structure had for over fifty years been developed and operated under Soviet control. It was important for Estonian society to establish and separate itself from the Soviet Union and the vestiges of communism. Under the Communist system, media management in the Soviet Union and Eastern Europe involved state ownership and operations financed through state subsidies, with the application of direct censorship and party control. Now, through economic restructuring, the radio and television broadcasters in these countries found themselves under new private ownership arrangements, seeking revenues through advertising, becoming increasingly concerned about reaching audiences and engaging in competition with other media (Sparks, 1991).

The newly democratized countries, instead of privatizing their state broadcasting systems, permitted privately owned radio and television stations to evolve and coexist with state-owned networks. Even though audiences for private stations continued to grow, they were meager compared to those of the state

broadcast operations. Unlike their private counterparts, state stations had extensive transmission systems making it possible for their signals to reach the entire country. They were well-financed, making it possible to purchase quality programming, and had a tradition of viewership and listenership among their audiences (Caristi, 1996).

Estonia was particularly aggressive as it democratized its political system and transformed its economy. Many issues and questions arose as a result of these reforms. For example: What was the new role for state broadcast media? What were the prospects for the development of privately owned and operated broadcast media? What was the relationship between state and private broadcast media?

For this dissertation, the most important question was: What was the overall effect of political and economic changes in Estonia's broadcasting system in terms of public broadcasting, private broadcasting, and democratization?

Background Information on Estonia

Estonia is situated on the eastern shores of the Baltic Sea, bounded in the north by the Gulf of Finland. It shares borders in the east with Russia and in the south with Latvia. The northern most of the three Baltic Republics, Estonia is larger than Denmark, Netherlands, Belgium, or Switzerland. The country covers 45,226 square kilometers with another 2,315 sq. km in dispute with Russia (Fjuk & Kaevats, 1994). By comparison, its is approximately the size of New Hampshire and Vermont combined (Cannon & Hough, 1995).

Estonians were of Finno-Ugric origin, unlike Latvians and Lithuanians, and closely related to the Finns and Hungarians. For centuries, Estonia was subject to war and conquest by various groups. Their geographic location, where east meets west, made them the object of various states and groups vying for economic and political control of the region. Estonia became an important post for trade between the Western world and Russia (Hiden & Salmon, 1991).

A tremendous change occurred in the status and mentality of the Estonian people during the nineteenth century (Hiden & Salmon, 1991). Feudalism was abolished by the early 1800's, but the Baltic Germans still possessed political, economic and judicial power in the region (Cannon & Hough, 1995). However, Estonians experienced a period of national awakening.

Estonians began to purchase their farms and became free of the Baltic manors. An Estonian intelligentsia developed and Estonian language journalism began with Johann Voldemar Jannsen's *Perno Postimees* weekly. A number of events influenced this awakening: "the establishment of an Estonian-language secondary school for peasants (Estonian Alexander School), the song festivals (from 1869), [and] the collection of folklore (Fjuk & Kaevats, 1994, p 50)." In addition, research on Estonian topics began, agricultural and cultural societies were founded, and a national theater was established.

Intense Russiafication between 1885 and the mid-1890s suppressed this era of national awakening. Resistance to the effects of Russiafication occurred with

the rise of a new generation of educated people. Editors of Estonian newspapers and publications “emphasized national virtues and the necessity of working together in an organized fashion, and actively taking part in community activities (Fjuk & Kaevats, 1994, p 51).” Hiden and Salmon (1991) observed that the linguistic reawakening and the high literacy rate among Estonians heightened the national consciousness of the population. It made them unwilling to submit to Baltic German tutelage or to Russification.

Estonian nationalism grew with efforts to gain control over its land. As ethnic nationalism grew, demands increased for national self-determination. It was not until the collapse of the Russian Empire in 1917 that the opportunity for independence became a reality. Estonia declared its independence on February 24, 1918, but the Germans still controlled the Baltic region until November 11, 1918, the end of World War I. Almost overnight Estonia set up a provincial government but was immediately caught up in the Russian revolution along with Latvia and Lithuania (Taagepera, 1992). It became their war for independence. Estonia, Latvia, and Lithuania were considered Soviet republics until February 2, 1920, when the Russian civil war ended. Then the self-proclaimed government of Estonia signed the Tartu Peace Treaty with, and received recognition from, Soviet Russia (Gerner & Hedlund, 1993).

After more than 700 years of conquest and domination the Estonians established for the first time, an independent state based on the linguistic, ethnic

criteria in the countryside (Gerner & Hedlund, 1993). Immediately after gaining independence and achieving peace, Estonia focused its attention on socioeconomic problems, including those relating to its history with Tzarist Russia, and repairing war damage. Major issues confronting Estonia involved land reform, developing industry and new markets, and accommodating its ethnic minority populations. For example, a National Minorities Law was passed in 1925 that “guaranteed the Russian, Jewish, and Swedish minorities cultural and educational autonomy and a right to establish national minority institutions (Cannon & Hough, 1995, p 36).” Important to Estonia in its efforts in nation building were cultural issues, since its language had been suppressed during Tzarist times (Taagepera, 1992).

The adoption of an ultra-democratic constitution by the mid-1920s eventually created major problems for Estonia. The constitution emphasized proportional representation and popular initiative at the expense of efficiency. All power was invested in a 100-member single-chamber Parliament that made and unmade prime ministers and their cabinets every eight months on the average (for the period 1919 - 1933) (Taagepera, 1992, p 53).

The prime minister could not call for parliamentary elections and could not retaliate. To avoid executive dominance, no head of state was provided for in the constitution. The prime minister would double as head of state. Fourteen parties were elected to the 100-member Parliament in 1923. It was difficult to create

cabinet coalitions and the ones that were created unraveled very easily. The failure of this ultrademocracy to sustain a government for any prolonged period of time discredited itself with the public. The public blamed it for not dealing decisively with issues and problems, especially the economic hardships created by the world depression (Taagepera, 1992).

Eventually public unrest about the political situation and economic hardship in the country led to a 1934 coup that established an authoritarian government. This government imposed martial law and restrictions on political and civil rights. The newspaper *Postimees* was shut down because it criticized the government (Cannon & Hough, 1995). Estonia's radio station was also nationalized. The government's rationale for this action: the need to improve the station's poor technical conditions and to increase its signal's coverage to serve all of Estonia (V. Lään, personal communication, May 1998). However, during this time, the economic prosperity of the population improved, agriculture thrived, and many public works projects were implemented. This authoritarian government would last until the Soviets occupied Estonia in 1940 (Cannon & Hough, 1995).

The August 1939 non-aggression agreement of the Molotov-Ribbentrop Pact, signed by Nazi Germany and the Soviet Union, included secret protocols that assigned Estonia and the other Baltic republics to the USSR sphere of influence. Shortly thereafter, Stalin demanded and received military bases in Estonia. In June 1940, the Soviet Union issued an ultimatum and Estonia capitulated. The Soviets

would for years refer to this occupation as annexation. It claimed that the Estonians had sought to become part of the Soviet Union (Taagepera, 1992).

Soviet occupation of Estonia lasted from 1940 to 1990, with a brief German occupation during WWII. During this period, the USSR collectivized Estonia's agriculture and industrialized the country. Industrialization served as a pretext for Russian colonization of Estonia (Taagepera, 1992). The Russian minority population of Estonia was just over eight percent in the 1934 census. By the 1989 census, it was over 30 percent (Fjuk & Kaevats, 1994, p 35). Estonia's government and economy became integrated with the Soviet Union. It was transformed into one of the USSR's Soviet republics, with its economy placed under Moscow's direct control (Cannon & Hough, 1995).

Under Soviet occupation, the Soviet Union controlled Estonia's mass media system and served the purposes of the Communist party. During this period, Estonian mass media operated under the Leninist doctrine that the media must serve as collective propagandist, collective agitator, and collective organizer (McNair, 1991). However, as Gorbachev implemented the principles of perestroika and glasnost, the media exercised more freedom and became an important element in the national movement towards independence (Hoyer, Lauk, & Vihalemm, 1993, p 36).

Estonia gained its independence on August 20, 1991, after the coup in Moscow failed. The first free parliamentary elections since the early 1930s

occurred in October 1992. A conservative, free market government led by historian Mart Laar was elected. Since independence, Estonia has been busy democratizing its institutions, privatizing its economy, and building ties with the West (Cannon & Hough, 1995). As it embarked on this course, Estonians faced a number of major transitional and contextual challenges as they sought to rebuild their country.

Democratizing and restructuring their mass media was one.

Delineation and Limitations of the Study

Focus of the Study

The study was a 1991-1996 examination of Estonia's broadcast system. During this period, Estonia saw the significant development of a private broadcast system to parallel its state owned and operated public system of radio and television stations. A policy analysis of the drafting and enactment of Estonia's 1994 Broadcast Law helped in examining the law's consequences. An historical analysis provided a contextual basis for understanding the present condition of Estonia's broadcast system. Issues surrounding the enactment of the 1994 law further illuminated its current state.

The dissertation research examined the effects of political and economic changes in the mass media system of Estonia, newly democratized. Documents were gathered and interviews were conducted with key actors involved in the broadcasting system and development of the 1994 Broadcast Law, including Riiigikogu members, ministry officials, private broadcasters, public broadcasters

and other participants such as scholars, consultants and journalists. Respondents were questioned concerning the development, goals and agendas leading to the development of Estonia's 1994 Broadcast Law and the interpretation and execution of that legislation. Information also was obtained from documents and participants concerning the programming and performance of the public and private broadcast stations in Estonia. Primary sources for this research included official and unofficial documents, interviews, and published statements of the participants.

Constraints

An important limitation influencing this study was the researcher's inability to gain access to all those involved in broadcast policy-making in Estonia, the private broadcasting sector and the public broadcasting system. Access to key decision-makers and major actors assured that the information gathered and analyzed was credible and timely. In addition to access, another limitation was the "willingness and ability of individuals to respond at all, to respond in a timely fashion, and to respond accurately (Mauch and Birch, 1989, p 71)."

The issues and agendas surrounding the development of Estonia's 1994 Broadcast Law and the subsequent broadcast system intruded into sensitive areas. The various actors, external and internal to the development of Estonia's broadcast system, obviously sought to protect their position and interests. Thus, there was an inclination for respondents to not cooperate with researchers where they perceived a threat to their interests. The outcome of this study demonstrated that the

researcher had access to various key participants and actors involved in the policy development of the 1994 Broadcast Law, and in Estonia's public and private broadcasting systems. Remarkably, most of the interviews were open and candid. Despite their different interests, the respondents reported similar facts, descriptions, and perceptions.

Access to documents was limited due to the proprietary nature of information contained in documents possessed by entrepreneurs and businesspeople. Documents that might threaten the competitive environment or financial interest of broadcasters in particular were more difficult to obtain. This occurred with this study when documents provided by the U. S. embassy in Estonia excluded sections of a consultant's report to a local private broadcaster that described the current and future financial and commercial broadcast environment. Other instances where documents were deficient involved advertising rate information and cost of program acquisition. Nevertheless, despite these difficulties, the researcher was able to acquire information and ascertain the nature of the broadcast environment through other documents and personal interviews.

Concepts and Definition of Terms

Before beginning the study, it was important to define terms and concepts that were frequently misunderstood and misused.

Broadcasting

Broadcasting was defined as the distribution of radio and television communications designed to be received by the public either indirectly or directly via the electronic transmissions of stations (Head, 1985).

Mass Media

The mass media were institutions used by professionals to send messages, such as news, information and entertainment, through mechanical or electronic media to large audiences (Busby, 1988).

Democracy

A democracy was an institutional arrangement where individuals obtained power to make political decisions by means of competition for the people's vote (Schumpeter, 1942). There were two key dimensions of a democracy, contestation and participation (Dahl, 1971). This definition implied the presence of the freedom to speak and publish, essential for political debate (Huntington, 1991). Thus, the mass media were fundamental to a democratic society (Bruck, 1993, Gerdes, 1993, Hardt, 1993)

Representative democracy is inconceivable without forms of mass communication – to create awareness of public issues that face a society whose members are not personally in touch with each other, who lack common geographic reference points, and whose central

institutions are remote from the people they serve or exploit (Bogart, 1995, p 2).

Democratization

Democratization was the process of ending a non-democratic regime, installing a democratic government through popular elections, and then consolidating the new democratic system. According to Huntington (1991), three types of problems confronted countries in democratizing their regimes: transition, contextual, and systemic. Transition problems resulted from changing the regime from authoritarianism to a democracy. It meant removing the vestiges of the old regime and creating a new constitution and democratic institutions.

Contextual problems resulted from a society's nature, culture, history, and economy. Problems differed from country to country, regardless of its form of government. They were present before, during, and after democratization occurred. Systemic problems occurred as democracies become consolidated and achieve a reliable stability. They were a post-consolidation phenomenon and resulted from a democratic system at work. Problems included indecision, stalemate, vulnerability and control by vested economic interest (Huntington, 1991).

Consolidation

A democratic regime was considered consolidated "when all politically significant groups regard its key political institutions as the only legitimate framework for political contestation, and adhere to democratic rules of the game

(Gunther, Diamandouros, & Puhle, 1995, p 7).” In this definition, the existing political institutions were considered satisfactory with no legitimate alternatives.

There were two obstacles to democratic consolidation: the dangers resulting from ethnic conflict in multinational states and the disgruntled popular expectations for economic betterment in states experiencing concurrent political and economic reform. Nationalizing policies created problems for developing a civil society when the state restricted the mass media and schools to using an official language (Linz & Stephan, 1996).

Consolidation was increased with state policies that were inclusive, offering equal citizenship and state-enforced rights for various ethnic minorities, religions, and cultures. Multinational states could permit a variety of societal institutions, such as media, schools in different languages, legal and political tolerance for parties representing various ethnic groups, and numerous political procedures, to meet the needs of their ethnic groups (Linz & Stephan, 1996).

Democratic Communication

Democratic communication existed when every group in a society introduced and circulated messages that reached all societal segments without government interference or censorship. A number of major fallacies contributed to confusion concerning democratic communication. These included the fallacy of the universal need to mass communicate and the fallacy of the mistaken level. The fallacy of the universal need to mass communicate referred to observations that the

mass population fails to take advantage of opportunities when access to programming was provided (Jakubowicz, 1993, p 37- 43). Davidson (1976) suggested that the struggle for access and participation “fought on behalf of those who have little interest in its outcome” was pointless (p 39).

The fallacy of the mistaken level referred to the different locations to which communication flows. It was best to differentiate them by types of social organization, society-wide, intergroup, and interpersonal communication. Different communication relationships existed at each level rendering a variety of possibilities for democratization. Problems occurred when democratization of mass communication was equated with democratization of communication. Demands were made for mass communication systems to provide for the “assumed and nonexistent universal need of all or most individuals to become active mass communicators (Jakubowicz, 1993, p 40).” It was a demand that was impossible to fulfill and it was questionable that it would produce democratic communication. The unilateral nature of mass communication made it impossible for response, direct and immediate, between participants.

Mass communication at the intergroup or society-wide levels was conceptualized differently than the interpersonal level. According to Jakubowicz (1993)

Democratic control and operation of the media themselves are a necessary but insufficient condition here. The decisive thing is that

each segment of society should be in a position to introduce ideas, symbols, information, and elements of culture into social circulation in such a way as to be able to reach all other segments of society. (p 41).

If any segment of society was inhibited in sending its own messages to the public and prevented from receiving from another societal group, then society-wide communication was not considered democratic, and neither was that society.

No democracy found a means to ensure that all groups had equal access to the media. Some devised approaches that sought to equalize access, such as mixed commissions composed of various groups that controlled broadcasting in their country. Another method adopted by some countries was to discourage cross-ownership of the media, for example, owning both a radio station and a newspaper. However, a democracy was more than just a group of competing interests. It was a large group itself, with the need for a mass media system to foster internal cohesion, strengthen democratic values, and aid in the formation of public opinion on national issues (Davidson, 1976).

Post-Communist Countries

These were Eastern European and post-Soviet nations that abandoned the Communist forms of government and economy. Examples include Poland, Hungary, and the Czech, and Slovakia Republics, plus post-Soviet countries such as Russia, Ukraine, Estonia, Latvia, and Lithuania.

Post-Soviet Countries

These were the Soviet republics that gained their independence from the former USSR. They were also post-Communist countries. However, they were distinguished as post-Soviet countries since they were under the direct control and administration of the Soviet government. Examples included the Ukraine, Estonia, Latvia and Lithuania.

Public Interest

Often the concept of the public interest was invoked when discussing broadcast regulation, particularly in the United States. In this study, the concept of broadcasting in the public interest was based on criteria which exemplified the needs and values of a society, not the state, communicators, or audience (McQuail, 1992). For this dissertation it means a broadcasting system that serves a society's democratic needs and values.

Public Policy

This concept was defined as “a purposive course of action followed by an actor [government] or set of actors in dealing with a problem or matter of concern (Anderson, 1994, p 5).”

Format of the Study

This dissertation has six chapters. The first chapter introduces the subject, concept, and context of the research. It establishes the setting for studying the political and economic reform of a broadcast system in a post-Communist state,

while defining the limitations and terms of the study. Chapter 2 reviews relevant literature beginning with an overview of different approaches to mass media studies and an examination of the theoretical framework used in this study. The chapter concludes with an examination of relevant research on the mass media in post-Communist countries and ends with the research questions that guide this dissertation.

Chapter 3 describes the research methods used to collect data for this research. The procedures and methods used to gather information are reviewed and discussed as to their limitations and problems, along with those relating to analyzing the data. Chapter 4 presents the historical findings and policy analysis for this dissertation. That chapter consists of a description of the political and economic reforms that occurred with Estonia's broadcast media system. Using the data collected, the development and enactment of the 1994 Broadcast Law is examined and discussed. Then the chapter examines the consequences of the 1994 Broadcast Law, the performance of the broadcast media in this environment, and attempts to amend or change the legislation.

Chapter 5 provides the findings for this dissertation's research questions, using McQuail's (1992) Media Performance Analysis framework to illuminate the results. Chapter 6 concludes the dissertation summarizing the results presented in chapter 4 and chapter 5 while discussing their implications and meaning for

democratic reform of broadcast systems overall, and specifically to Estonia.

Recommendations for future research conclude the dissertation.

CHAPTER TWO

REVIEW OF THE LITERATURE

Overview of Literature on Mass Media System Research

A country's mass media system usually mirrored the political, social, economic, and geographic conditions of that nation, revealing the character and nature of that society (Head, 1985). But just studying how well a media system conformed to its social environment would be unproductive. "The central task in studying media systems," according to Alan Wells (1996), "is to determine how the type of system adopted influences the way the medium is used and how this in turn shapes its social impact (p1)." Research approaches in studying mass media systems included historical, descriptive, comparative, and critical perspectives. Each had its benefits and disadvantages. Much of the research on mass media systems normally incorporated two or more of these approaches. For discussion purposes the following section briefly reviews each approach separately.

Historical

The historical approach to research on mass media systems examined the historical context or development of a particular mass media system. Studies included areas such as the development of a specific medium in a mass media system, the evolution of a particular mass media entity, and a review of a particular historical period for a mass media system. Examples included Smeyak's (1973) historical examination of the development of broadcasting in Guyana, Smith's

(1974) history of British broadcasting, Ellis's (1979) study of the evolution of Canadian broadcasting, Brigg's (1985) study of the BBC's first fifty years, McDowell's (1992) examination of the history of the BBC broadcasting in Scotland, Cathcart's (1984) history of the BBC in Northern Ireland, and Criswell's (1997) recent study of British Broadcasting history.

Historical examinations contributed to an understanding of the contextual issues surrounding the development of mass media systems. Studying the period that the mass media system developed along with the issues of the time, the government, the culture, and the people provided insight on the media's relationship with society and its role in various historical events. However, historical studies were limited when considering the current mass media system and its socio-economic and political relationships. While they provided some context for understanding a mass media system, they were insufficient in explaining and assessing mass media systems in the present.

Descriptive and Comparative Mass Media Approaches

Descriptive research contributed information on various factors and attributes of a mass media system. Many of these studies involved comparative research, comparing various mass media systems by a set of descriptive factors, and most included brief historical overviews of a mass media system's development. The research incorporating these approaches examines a number of mass media dimensions.

Alan Wells (1996) sets forth five key factors upon which a media system can be examined and studied. He believed that an analysis of a media system should begin with the following questions: "How is the media controlled?, How is it financed?, What is its purpose?, Whom does it serve?, and How does it ascertain the effect it is having? (p 7)." Wells observed that control was a key factor in studying media systems. He cited A. Namurois' classification scheme composed of four types, *state-operated, public corporation, public interest partnership, and private enterprise*, as an adequate beginning to study control (p 5-6).

Table 2.1 Key Dimensions of Media Systems

Dimensions	Options
Control	State operated, public corporation, partnership, private enterprise,(with varying degrees of government intervention), institutionally sponsored.
Finance	License fees, general taxation, advertising and tax combination, advertising, private subsidy.
Programming	Entertainment, education, sales, culture, political ideology, cheapest Goals possible imported material.
Target Audience	Elite, mass, specialized.
Feedback Mechanism	Field reports, audience participation, polls and ratings, reports from critics and sponsors.

(Wells, 1996, p 7)

Associated with control issues were financing, programming, target audience, and feedback mechanisms. These five key dimensions or elements for analysis could be combined dozens of ways, characterizing and describing media systems.

Some descriptive studies of mass media systems included Ploman's (1976) description of broadcasting in Sweden, Hallman's and Hindley's (1977) study of broadcasting in Canada, Sanders' (1978) research on broadcasting in Guyana, Fisher's (1978) study of broadcasting in Ireland, Noriega and Leach's (1979) examination of broadcasting in Mexico, and Chatterji's (1987) description of broadcasting in India. Early descriptive research was conducted in the 1970s on radio and television in Eastern Europe while these countries were still communist (Paulu, 1974). In addition, research was done incorporating both descriptive and historical approaches with Porter and Hasselbach's (1991) study of Germany's broadcast regulation. Recent descriptive research on African countries was conducted by Carver (1995) on Malawi and South Africa, by Lauriciano (1995) on Mozambique, by Lush (1995) on Namibia, and by Maja (1995) on Kenya, Tanzania, Uganda, Zambia, and Zimbabwe.

Comparative researchers descriptively compared the mass media systems of various countries. Donald Browne (1989) noted that the examination or comparison of broadcast media systems, specifically broadcast, that were most productive come down to "one common denominator: the interactions of broadcast institutions and broadcasters with society . . . the fact remains that broadcasting is

first and foremost a social institution (p 357).” He identified five basic factors in comparing broadcast systems, geography, culture, economy, politics, and demography.

Browne (1989) had compared the broadcasting systems of a number of nations, including The Netherlands, Great Britain, and the Soviet Union. Boyd (1993) provided another example of comparative research when he compared and described the different broadcasting systems found in the Arab world countries in the Middle East. In a study of broadcasting in the Malay world, McDaniel (1994) described and compared radio, television, and video in Brunei, Indonesia, Malaysia, and Singapore.

Descriptive and comparative research provided a current picture of mass media systems in various countries. While these research approaches offered dimensions such as geography and economy to describe and compare mass media systems, they were limited in their ability to assess a mass media system’s performance or to explain why the state-societal-mass media relationships existed.

Critical Approaches: Political Economy

Critical theorists offered political economy as an approach to studying a mass media system in the context of power and control. This approach focused on social relations as they were established around power or its use for control, even in the face of resistance. Political economy was a holistic approach that was concerned with understanding the social system. Vincent Mosco (1996) observed

that political economy began with the centrality of power in analyzing communication. Particular attention was given to power, understood as an instrument of control within society and as a resource for achieving goals.

Meehan, Mosco, and Wasko (1993) offered two definitions of political economy, one general and one that was more concrete:

. . . about survival – how societies organize themselves to produce what they need to reproduce themselves – and control – how societies maintain order to meet economic, political, social, and cultural goals. Specifically, political economy examines the production, distribution, and consumption of resources, including communication and information resources (p 107).

Political economists want to know who was involved, what interests were advanced, and more importantly why. Specifically, political economy sought to understand the relationship among commodities, institutions, social relations, and hegemony.

In a critique of the U. S. broadcasting system, Mosco and Wasko (1988) suggested that deregulation in the United States was the political system's response to eliminate potential class conflict. Groups were beginning to achieve success in pressuring regulatory agencies to enforce public interest values more vigorously. Therefore, broadcasting was deregulated to eliminate this potential for class conflict. Splichal (1995) presented an overview of the commodification of the

mass media system in East and Central Europe, as countries in these areas pursued democracy. Another study noted that the interests of civil society were traded off as the Austrian broadcasting system was reconstituted as a market (Bruck, 1993). A case study of British broadcasting suggested that neither the state nor the market can be guarantors of a democratic mass media system (Sparks, 1993). Winseck's (1997) study observed that developments in Canada's telecommunication system only reinforced the control of the carriers, the federal government, and major user groups and did not radically democratize the communication system.

Political and economic in nature, critical theorists did not separate communication from the overall system. Critical research sought to comprehend the manner in which various social groups were oppressed by analyzing the symbols and acts of society. With their reformist agenda, they attempted to show how the mass media was used by the haves in society to gain the willing support of the have-nots (Griffin, 1991). In addition, critical approaches studied social conditions in an effort to reveal hidden structures. Through these endeavors, critical theorists attempted to change the conditions that affect society (Littlejohn, 1992). However, the critical nature of this approach had its disadvantages. It postured the researcher as a negative critic of a mass media system instead of an impartial observer. Thus, at the onset, an unfavorable outcome was predestined.

Theories concerning the media and its relationship to the state and society have existed for years as a means to describe and explain why a country had a

particular type of mass media system. In the 1950's, a set of theories was developed concerning state-mass media relationships. Although limited, Siebert's, Peterson's, and Schramm's (1956) *Four Theories of the Press* have served as a reference point for most of the research literature on media systems in various countries. The next section reviews and discusses the Four Theories of the Press.

Four Theories of the Press

The original Four Theories of the Press, developed by Siebert et al. in 1956, evolved out of the work of the Hutchins Commission.² These concepts described what the press should be and do. The Four Theories addressed some fundamental issues concerning the mass media including:

Why is the press as it is? Why does it apparently serve different purposes and appear in widely different forms in different countries? Why for example, is the press of the Soviet Union so different from our own, and the press of Argentina so different from that of Great Britain (p 1)?

² The original theories were developed ten years after the first major study of the press and its role in society. It was the 1947 American Commission on Freedom of The Press, known as the Hutchins Commission, which first evaluated and established a set of standards for a socially responsible media. This commission was established to study criticisms that the media were one-sided and too powerful. Ironically, it was magazine tycoon Henry Luce who financed the studies. He was outraged by the findings of the commission. He and other media barons attacked the commission's report. They argued that freedom of the press was at stake when the government or anybody prescribed what the media should do. The Hutchins Commission's principles of social responsibility later influenced development of social theories of the media. See Commission on Freedom of the Press. *A Free and Responsible Press*. Chicago: University of Chicago Press, 1947. 2 volumes.

A basic reason for differences in mass media systems was that they reflected “the form and coloration of the social and political structures within which it operates (p1).” The mass media illuminated the system of social control that influenced the relations of institutions and individuals.

The Four Theories - Authoritarian, Libertarian, Soviet-Communist, and Social Responsibility - provided a framework for how the press operated in a given society. Authoritarian was considered the oldest of the Four Theories. Truth, in the authoritarian atmosphere of the Renaissance, was considered to be in the hands of a few wise people who could guide and direct others, not a product of the masses. Thus, the mass media functioned from the top down, providing a means to inform the masses of what the rulers wanted them to know and the policies they should support. Consequently, the media maintained the power of the ruler and the social order. For authoritarian systems, the press published on behalf of the ruling regime. The regime held the right to license the press, set policy and censor. (Siebert et al, 1956).

Libertarian theory developed out of ideas from the Enlightenment. These included “the growth of political democracy and religious freedom, the expansion of free trade and travel, [and] the acceptance of laissez-faire economics (Siebert et al, 1956, p 3).” People were considered rational beings, with the ability to distinguish truth from falsehood. Truth was no longer the property of power. It was now considered a natural and inalienable right for people to search for truth. In

this realm the mass media were mechanisms that submitted arguments and information that people can use to judge their government and determine their own opinions on policy. A marketplace of ideas and information existed where the truth emerged from discussion and debate. Thus, the press must be independent and free from government influence and control.

Soviet Communist theory evolved out of the authoritarian concept of the press. Unlike authoritarianism, the media were not private but state-owned entities. Under Soviet Communist theory, the media served as an instrument of the state for the purposes of propaganda and social control. While the libertarian media concept was based on the assumption that rational people could discern between truth and falsehood, the Soviets believed that their population needed careful guidance from its caretakers. Therefore, the Soviet system set up an extensive system to prohibit competing information. (Siebert *et al*, 1956).

The last theory, Social Responsibility, developed out of an uneasiness with the evolving growth in media companies and the concern that control of the press was being consolidated into a few powerful hands. The owners and managers of the mass media acted as gatekeepers deciding “which persons, which facts, which version of the facts, shall reach the public (Siebert, et al., 1956, p 5).” The U.S. Constitution embraced ideas of Libertarian theory by protecting the press from government control and censorship. However, the Hutchins Commission noted that protection from government was no longer a guarantee that someone with

something to say would have an opportunity to say it. Due to the concentration of media ownership developing under the Libertarian concept, it was difficult to have a free market of ideas. Therefore, since the media occupied a position of power and monopoly in terms of providing information to the public, they had an obligation to be socially responsible.

There were criticisms of the Four Theories. These included observations that they really were just one theory, that the Four Theories were oversimplified, that the Four Theories ignored the private sector's concentration of power, and that the Four Theories neglected the potential weaknesses of the mass media's commercial realm (Guback & Nerone, 1995). Ognianova (1996) offered another criticism: that the Four Theories did not deal with media systems in transition. The first criticism noted that the Four Theories were not four separate theories, just one with four examples. Basically, it was a theory that postulated that in its policy, structure, and behavior, a mass media system reflected its society and philosophy. Schema of different philosophies were provided by this theory and used to define a society and its media system (Guback & Nerone, 1995).

Another critique of the Four Theories was that they presented an incorrect notion that a media system could be defined by one simple theory. It was an oversimplification that ignored historical circumstances where theories overlap and the motivations of various actors were often quite different. The theories were oversimplified in that they used a four-part scheme to identify each theory,

involving notions of the state, truth, knowledge and humans. However, historical contradictions could be found in this scheme. For example, Thomas Hobbes, an authoritarian, held the same beliefs about truth, knowledge and individuals as did John Locke, a proponent of liberalism (Guback & Nerone, 1995).

A further criticism of the Four Theories was they ignored various “concentrations of power in the private sector (Guback & Nerone, 1995, p21).” Siebert et al (1956) utilized classical liberal ideas about the state and individuals, where the public was the domain of control and associated with the state and private was the domain of freedom and associated with the individual. Thus, society was nearly used interchangeably with the term state to denote collective human existence, suggesting that no other collective entities existed outside the state. However, most political theories acknowledged other elements of control in the private realm such as families, churches, and workplaces. This pointed to what was considered a fundamental conceptual problem: the Four Theories were defined from within one of the theories, classical liberalism. The vocabulary used to describe the other theories was derived from classical liberalism, where the political world was distinguished as individual vs. the state or society (Guback & Nerone, 1995).

Another major critique was that the Four Theories of the press neglected the commercial aspects of the media and its potential weaknesses. The studies had an excessive reliance on legal and government factors in examining freedom and

media relations, neglecting commercial aspects of mass media. When analyzing and comparing mass media systems, it was suggested that a paradigm of study needed to encompass areas that were pertinent to the commercial context of the formation of content and its distribution in any media system (Mowlana, 1976). One additional critique was that the Four Theories were developed before many colonies became independent countries. Consequently, the theories failed to cover conditions that existed in many areas of the world, especially those found in developing countries. They were unrealistic in dealing with media systems in transition. Thus, Ognianova (1996) offered a transitional press concept in her study of Bulgaria. In addition, she criticized and observed that the Four Theories' political framework overlooked the economics of the mass media.

Despite these criticisms, the Four Theories broke new ground by attempting to describe the relationship of mass media with the society within which it functioned. Since their inception, these theories have remained the basis for most discussion of the mass media's public role. Over the years, various scholars overcame the obviously sound criticisms by building and adding to the Four Theories. Raymond Williams (1967) brought in economics when he developed his own set of media typologies. He distinguished between four kinds of media systems: authoritarian, paternal, commercial, and democratic, providing a more realistic thinking about control and freedom. Where the basic choice appeared to

be between control and freedom, the reality was “more often between a measure of control and a measure of freedom (p 124).”

Merrill and Lowenstein (1971) suggested that countries fall on a continuum between authoritarian-tending and libertarian-tending in their relations to the press. In developing a set of typologies, they developed and substituted the socialist-centralist concept for the Four Theories' Soviet Communist theory, to explain communist and developing world state-press relationships and substituted social-libertarian for social responsibility theory since the latter's name was ambiguous. They believed that it was possible for a mix of philosophies to exist within a given nation. Later, Merrill and Lowenstein (1979) injected economic factors in theories concerning government-press relations. They suggested that press sponsorship be added which would differentiate levels of economic development and types of media ownership.

William Hachten (1981) proposed a replacement for the Four Theories that provided a more realistic picture of state relations to the press. He suggested five political concepts for state relations with the media: authoritarian, Communist, Western, revolutionary, and developmental. The concepts of revolutionary, developmental and Western were added to two of the original theories, communists and authoritarian. The Western approach represented a combination of social responsibility and libertarian approaches. The revolutionary approach covered

revolutionary groups' use of the press, and developmental theory offered a perspective for developing countries use of the media for developmental purposes.

Robert Picard (1982/1983) offered a more distinct category within the Western model called the democratic socialist theory. He observed that the Four Theories were ill-defined because U. S. Researchers developed them during the cold war with a bias for the liberal tradition. The original theories failed to provide solutions to problems resulting from growing economic domination of the marketplace of ideas.

A major premise of Anglo-American libertarianism has been that transition from state market control to commercial market control ended press subservience to government and thus bolstered freedom. But economic developments in the press during the twentieth century especially since the Second World War - have made it clear that the press can become subservient to market forces that can also restrict freedom (Picard, 1982/1983, p 27).

Concern with monopolization and declining diversity and participation in the media, the democratic-socialist theory provided for legitimate public intervention and collective ownership to ensure access and diversity of opinion in the media.

McQuail (1983) contributed two variants to the Four Theories. They were development and democratic-participant. Development media theory recognized that some societies were experiencing a transition from underdevelopment to a

more developed infrastructure and material conditions. The goals of national development - economic, social, cultural, and political - were given priority. Thus, the government legitimately utilized the limited resources of the media with journalistic freedom restricted. The media's responsibilities were considered more important than their rights and freedoms.

Democratic-participant theory "rejects the market as a suitable institutional form, as well as all top-down professional provision and control (McQuail, 1994) p 132)." The key concepts of this theory were participation and interaction. As a theory, democratic-participant challenged the conventional notions of a commercialized, uniform, high cost, centralized state-controlled or professionalized media system. An alternative was a multiple, small-scale, non-institutional, local media where individuals participated as both receivers and senders.

Since their origin, scholars have examined and criticized the Four Theories, offering modifications to the original concepts for studying the mass media's relationship with the state and society. Other researchers pursued alternative approaches to studying the media and their various political-societal relationships. In the last decade, McQuail (1992) offered a new framework for studying a country's media system and its various relationships. Media Performance Analysis established a framework of normative criteria to assess mass media's performance in the public interest.

He noted early criticisms that the Four Theories had little empirical use since they were broad and developed on outdated notions of the press. In addition, previous frameworks no longer fit with today's dynamic media environment. The enormous expansions of the media, democratization, and changing technologies created an environment for debate on the public role of the media. The next section reviews Media Performance Analysis and its utility in studying a country's media system and its institutional relationships.

Media Performance Analysis

Concept

McQuail's (1992) Media Performance Analysis was a framework of expectations for media performance. Its purpose was to serve as a guide for assessing media performance in serving the public interest. Media Performance Analysis was based on the assumption that the media's role was to serve the public interest, whether intentionally or by chance. The mass media were not considered to be like other businesses, they performed tasks important to society. Therefore, the mass media were held accountable for their performance. The media themselves that claimed to perform a public role, a role that was said to be in the public interest, often espoused this assumption. A definition of the public interest was that "something is in the public interest if it serves the ends of the whole society rather than those of some sectors of the society (p 65)."

What McQuail's (1992) *Media Performance Analysis* did was to establish a framework of normative criteria to assess mass media's performance in the public interest. He did this by drawing from the discourse found in law and regulation enactment, policy debates, commission reports and court cases of the last fifty years. Several commissions have been charged with the task of examining the functions and assessing the performance of the media. Some of the countries initiating studies into media performance were Great Britain in 1949 and 1977, Sweden in 1976, Canada in 1970 and 1981, and The Netherlands in 1983. From this, McQuail uncovered what he called the fundamental values of the public interest. These fundamental values provided the empirical foundation for inquiry into mass media performance (McQuail, 1992, p 30-32).

The principles proposed reflect core values of Western democratic society. The three basic principles that formed the framework for *Media Performance Analysis* were: freedom, equality, and order. These principles were the focus of expectations concerning mass media performance. While desirable, these principles often came into conflict with each other. Freedom could be inconsistent with the principles of order and equality, which could call for limits. This tension between principles was often found in policy debates and reflected the lack of consensus on their order of importance, or how they should be applied (McQuail, 1992).

The following describes these three basic principles and their elements in terms of media performance. As they are discussed, it is evident that they share elements and are interconnected. However, it is easier to understand Media Performance Analysis by separating and discussing the individual values, and then examining the interrelations.

The Freedom Principle

Freedom referred to the right to free expression and the free formulation of opinion. "It is a condition, rather than a criterion of performance, since freedom does not predict any specific outcome (McQuail, 1992, p 69)." It was based on two notions: (1) the right of humans to form and express personal beliefs and (2) the role of individuals as members of society. In society, people need access to information, to express opinions, to make judgments, and to participate in developing societal goals and the methods to achieve them. Freedom of expression was both an individual right and a social good (1992).

There were three elements of freedom: access, diversity, and independence. For the right of freedom of expression to exist, there had to be access to channels and the opportunity to receive diverse information. The degree of access an audience had to alternative channels of communication was a major element of freedom. The sender's access to their chosen audience was also important. Access to channels provided opportunities to be informed and participate in society. Another element of freedom, diversity, permitted people to receive a variety of

information and ideas upon which opinions and decisions could be made. Freedom promoted diversity of channels of communication and information (McQuail, 1992).

Both access and diversity were dependent on the element of independence. Independence allowed the press to exercise its role as watchdog over government and business. Freedom permitted the media, through independence, to offend the powerful, to offer controversial views, and to deviate from the normal. The benefit of this element of freedom was a free media that was open to new ideas and accessible to different voices (McQuail, 1992).

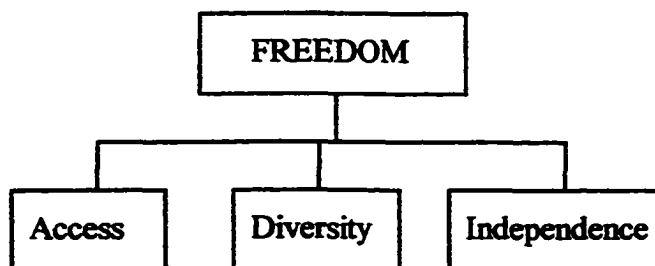


Figure 2.1 Freedom as a principle of media performance (McQuail, 1992, p 71).

The Equality Principle

Equality required that no special favor be given to those in power positions. Three elements of equality were access, diversity, and objectivity. Shared with freedom, access to the mass media was to be given on a fair and equal basis to everyone including opposition and deviant opinions. Diversity also was an element

of equality and shared with freedom. It was important in that it supported the process of change in society. Equality in the mass media meant that diverse ideas that could lead to progressive changes have equal opportunities to be disseminated to society (McQuail, 1992).

The third element of equality was objectivity. It was a form of media practice and an attitude. Objectivity required that sources and objects of news receive equal and fair treatment. This element also was linked to freedom through the element of independence. Media independence was necessary to be able to be neutral and detached (McQuail, 1992).

However, there were some fundamental objections to the idea of objectivity. First, critical scholars believed that objectivity was impossible; thus it was senseless to try to observe it. Second, that objectivity was undesirable and therefore should not be considered a positive performance element. McQuail (1992) acknowledged the difficulties with objectivity as a performance element. Yet, he still incorporated it as an ideal to be sought. The key to understanding objectivity was to separate it into two dimensions: “the cognitive territory of empirical observation and record [information quality] and the evaluative field of neutrality and balance in the selection and presentation of news reports [impartiality] (p 196)”

With information quality, the assessment of objectivity was concerned with the quality and amount of learning and understanding about real persons and events

that could occur through the mass media. Qualities such as reliability and credibility were examined as to the degree that different observers agreed on the information, had confidence in the reports, and felt they were consistent with personal experience. Therefore in examining objectivity, McQuail (1992) suggested three measures: factualness, accuracy and completeness.

Factualness clearly differentiated fact from comment, opinion and interpretation while avoiding vagueness. Accuracy referred to how well mass media information corresponded to other versions of reality, particularly on matters of fact such as names, numbers, times, *etc.* Completeness was based on the premise that a minimum amount of information was needed for comprehension (McQuail, 1992). Although McQuail offered these suggestions, objectivity was still relative and controversial, requiring mass media researchers to carefully consider this concept when examining a media system.

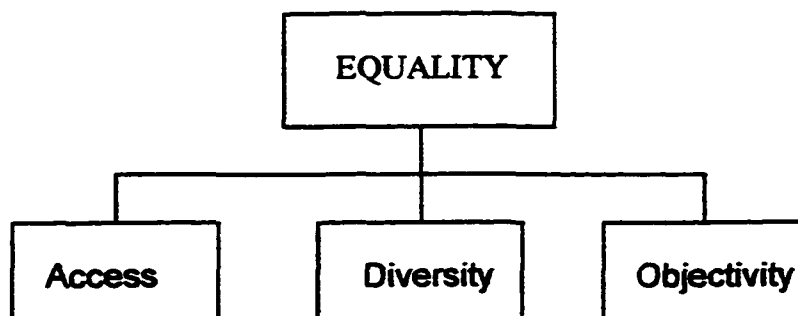


Figure 2.2 Equality and its main components. (McQuail, 1992, p 74)

The Order Principle

The normative principle of order referred to the cohesion and harmony of a social organization, involving the ability of communication to strengthen or weaken this cohesion. Those in power sometimes viewed the media as disruptive of the normal social order. Yet, the media was often viewed as indispensable in maintaining the social harmony of society. Another view of order was found at the individuals and sub-groups levels of society. Communication helped at these levels by focusing and maintaining identity and group cohesion. However, the mass media also can be "a source of disturbance or threat when it intrudes with alien values or as an instrument of constraint (McQuail, 1992, p 76-77)."

In terms of order, media assessment depended heavily on the choice of perspective. "The question of 'whose order?' had to be settled first (McQuail, 1992, p 75)." To simplify the concept of order and identify its various perspectives, McQuail distinguished between social and cultural domains. The social domain was composed of the elements of control and social cohesion. The social control perspective of media performance could be identified through the negative portrayals of conflict and disorder or through the positive support given to established authority and institutions (McQuail, 1992, p 78-79).

The element of social cohesion recognized that the

mass media can help individuals to feel attached to the wider community and society and to share in its collective life, on the basis

of sympathetic fellow-feeling, especially for others in difficulties of various kinds (McQuail, 1992, p 269).

This acknowledged that the mass media could function to help people and various groups in a society to connect and feel affiliated with each other. In this manner the media served to help society's population and groups to bind together, to be cohesive. Social cohesion was dependent on access to mass media channels in order to enable individuals and groups to communicate, deliberate and connect.

The cultural domain of order was divided into elements of quality and identity or authenticity. Cultural quality usually was defined according to standards of high culture. Some categories of art, crafts, and customs of a nation were singled out for protection. Certain kinds of media content were believed to have broader implications for society. Thus, some countries required a minimum amount of educational programming. Other nations required programming that was domestically produced or in the native language. In this manner the media was seen to be protecting and maintaining cultural quality (McQuail, 1992, p 275-276).

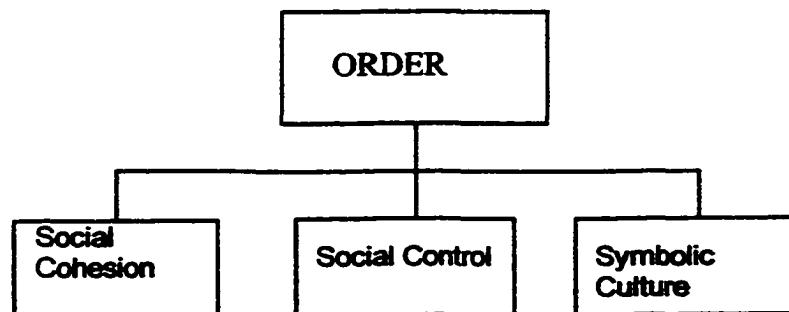


Figure 2.3 Order and its main component principles. (McQuail, 1992, p 78)

The element of identity or authenticity referred to recognition and boundary markers. It was a matter of our culture versus others. The issue here was not the quality of culture, but whose culture the media was offering. McQuail observed that this element of cultural order represented the "value of having a consciousness of identity and belonging to a shared community of place (McQuail, 1992, p 291)." Media Performance Analysis identified the media's ability to maintain social identity as important in serving the public interest. The element of cultural identity was seen as dependent on access to media channels and content that comprised the values and experiences of the receivers (McQuail, 1992, p 290-291).

The framework of Media Performance Analysis was composed of the above values and elements. Though separately discussed, they were interconnected through shared elements. The following describes these interconnected relationships.

Interrelation of Principles

The three principles of freedom, equality, and order have been described separately for purposes of identification. However, McQuail (1992) observed that they overlap and were interconnected. For example, the concepts of diversity and access were both found under the principles of freedom and equality. Free and equal access to channels of communication and diverse information demonstrated how these elements were interconnected. In addition, the concept of social cohesion was tied to both order and equality. The ability of the mass media to

contribute to a cohesive society was dependent on equal access to channels and to diversity of information (McQuail, 1992).

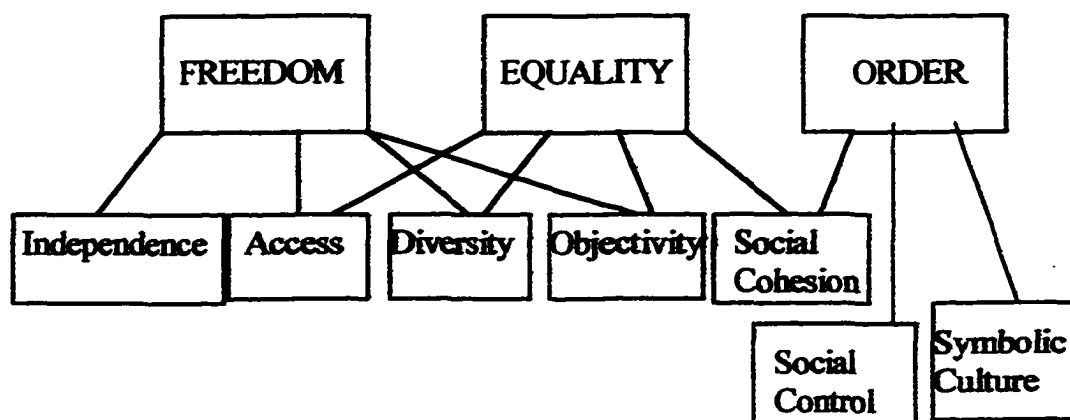


Figure 2.4 Framework of principles of media performance (McQuail, 1992, p 78).

It must be noted that the principles of freedom, equality, and order could have inconsistencies, internally and between them. There also could be tension within equality as in absolute equality versus unequal but fair access. Each value was opened to interpretation. Thus, the framework offered for Media Performance Analysis "can never be used as a straight forward [sic] 'reading' of the public interest from these values and their sub-concepts (McQuail, 1992, p78)." The assessment and interpretation was done on a case by case basis. Determination of the public interest performance could only be accomplished through argument and evidence from an established perspective. For example, conflict could occur

between freedom and order in the area of liberty versus licensing. In this case, freedom of expression, which could be disruptive, confronted the need to establish order. Licensing would lead to social order but would impede freedom (McQuail, 1992).

Assessment research involved making choices about the elements of each of the principles and then how these should be operationalized. This meant first identifying a standpoint or perspective from which to operate. The most obvious perspectives were those of media outsider and media insider. These, however, could be differentiated even further. The media outsider perspective could be divided into outside or inside government. Examples of an outside government media outsider's criticism include judging the mass media system for abuses of freedom, where the government had imposed censorship or the commercial domain had imposed restrictions. The inside government media outsider, when assessing issues of order, examined the mass media in its promotion of social cohesion or its promotion of moral decay or disorder. On the other hand, the media insider perspective, seeking to pursue its own interests or agenda, was likely to be totally opposed to any monitoring or regulation. These perspectives were not totally inclusive, but demonstrated different standpoints that may be chosen (McQuail, 1992).

In addition to choosing a perspective, researchers had a choice of three levels of media structure to study. They were macro-level, meso-level, and micro-

level. The macro-level referred to an entire media system. A researcher could choose to investigate the media performance of an entire media system of a nation. The meso-level involved studying a particular medium such as radio or daily newspapers. The micro-level examined the media performance of a single media outlet. In this case a particular television station or newspaper was studied (McQuail, 1992, p 97).

Once the level and perspective were selected the researcher proceeded by choosing the principle to be examined. The research was then conducted by gathering data and evidence regarding media structure, conduct, content and audience. The methods used, according to McQuail (1992), required a high level of creativity "in designing indicators of performance and combining different methods (p 98)." Qualitative methods and multiple approaches possibly were needed to study the same problems. McQuail observed that evaluations were often specific to time and place. This required continuous development of research strategies and methods.

McQuail's Media Performance Analysis was a relatively new normative theory. It offered a framework that could guide researchers in a very large area of study. The framework incorporated ideal democratic values, which most Western democracies strove to achieve, but failed to fulfill. Media Performance Analysis provided a map that investigators could follow regardless of the perspective or level of study. The framework offered researchers numerous concepts and

perspectives of which to study and assess media performance through empirical analysis that could be understood by the lay person and used in policy debates (McQuail, 1992, p 15-16). It was appropriate to the extent it contributed to the discussion and debate of media policy. Its utility was found in its applicability to various levels from various perspectives.

The demise of the Soviet Union and the negation of communism in its satellite states led to major changes in the broadcasting systems of these countries. The abolition of authoritarian communication structures was one of the first conditions for democratization, with the ideal approach being the abolition of state monopolies and the deconcentration of power to create a pluralist communicative environment (Vreg, 1995). Democratization and economic restructuring occurred in many of these countries. With these changes, many of the barriers to democratizing mass communication vanished. The result was the establishment of a new media system for many of these nations.

The political and economic changes occurring in these post-communist countries offered researchers an opportunity to study the results of the transformation of these broadcast systems. When the lenses of Media Performance Analysis were focused on the countries that have consolidated their democracies, its principles evoked inquiry as to the effects and extent that the changes have had on the broadcast media systems.

Review of Literature on Post-Communist Mass Media Changes

Review: Literature on Media Changes

Studies concerning political and economic changes in mass media systems in post-communist Eastern Europe and the newly independent countries from post-Soviet society involved various aspects of the transition itself, and the role of the mass media in these transformations. The few studies done in the last decade included: snapshot reports of the mass media in transition, the lack of changes in some mass media systems, the aspects of changes occurring in the mass media systems, the barriers and limitations to changes in the mass media, the processes of change in a mass media system, the mass media's role in political development, the descriptions of mass media in post-Communist countries and the development of a transitional press concept to supplement the Four Theories. The following briefly examines and discusses the research on post-communist mass media that has thus far occurred.

Hester, Reybold, and Conger (1992) edited a series of articles that provided sketches of various media at the onset of democratization in 1991. Noting that it was very difficult to describe the zest, ferment, and chaotic social systems in the former communist countries, they provided an overview of the challenges confronting these new democracies. A year later Hester and Reybold (1993) provided further snapshots of journalistic and mass media activities and the challenges in Eastern and Central Europe during democratization.

In his examination of Belarussian mass media, Oleg Manaev (1993) noted that despite democratization there had been no change in the mass media's political and economic status. The mass media still remained dependent on government authorities based on the principle of social management. He found that this case existed not only in Belarus but also in the Ukraine and in the new Serbian government. In these instances, the people or nation were considered a united family with the state as their mouthpiece.

Changes in the mass media systems of post-Communist countries were examined in an analysis of East Germany's media system as unification and democratization occurred. Robinson (1995) revealed that two types of reorganization took place during transformation. The changes involved the one-party media systems and the top-down one-way public communication processes. The process included defining freedom of the press in both negative and positive terms, prohibiting state interference, and guaranteeing citizen rights to communicate (Robinson, 1995). A study of Romania noted that improvements and dramatic increases in broadcast competition and freedom in that country were attributed to four factors:

development of alternative networks, access to Western-style programming and production techniques, the rise of private, independent broadcasters, and the international exchange of broadcast content (Mollison, 1998, p 127).

Barriers and limitations to changes in mass media systems were observed in studies of the Ukraine, Hungary and Germany. Changes in the Ukraine's mass media system occasioned by the development of a pluralistic system were studied. While a degree of pluralism was present, Pryliuk (1993) suggested that Ukraine's political struggle and conflicts, its economic crisis, and its lack of understanding of the role of the media in democratization slowed political unity and threatened Ukraine's sovereignty. Observations concerning media and change in Hungary concluded that creating a democracy and its institutions was difficult when a people's history and socialization did not include the expectations and assumptions needed to accomplish it. Developing a democracy involved not only changes in the form of government, but also in people's assumptions and mentality and in a civil society's supporting institutions (Kováts & Whiting, 1995).

Peter Humphreys (1994) examined the development of German media policies since 1945. Part of this study included the imposition, upon unification, of West Germany's pluralistic media policies and system on East Germany. He found that East German media practitioners experienced frustration, disappointment, resentment and uncertainty when West Germans were appointed to the East German media, costing Easterners jobs and career opportunities.

While studying the process of change in a mass media system, Kleinwaechter (1997) observed four stages in the transition of broadcasting in Eastern and Central Europe. The new media freedoms were described as being

caught between increasing political and economic pressures. The transition in the media landscape of these countries experienced a spirited awakening concerning new media freedoms in the first stage, followed in stage two by disillusionment, where the ideal participatory model of broadcasting gave way to the realities that economic pressures and political forces brought to a democratic and free market society.

In the third stage, parliaments drafted and debated broadcasting laws. However, these were eclipsed by a growing power struggle among various political groups for control of broadcasting, notably national television. Stage four of the transition experienced a return to normality in Eastern and Central European broadcast systems. In this stage, competition in a free broadcasting market and its integration into European broadcasting structures were accompanied by the struggle for economic survival and legal and political disputes over media freedom (Kleinwaechter, 1997).

The role of the mass media in political and economic development were examined in Romania and in a study of the comparison of Brazilian and Eastern European mass media. Peter Gross (1996) examined the mass media's role and effects in Romania's political and economic development. He noted that the mass media in Romania assigned and sought for themselves, roles as actors in industrial and commercial institutions, as communicators teaching people about the institutions they were involved in, as information brokers relaying messages within

the social processes, and as a mechanism that sets the agenda for political debate and legitimizes institutions and values in the public domain. This study found that the mass media only partially fulfilled these roles due to the unintentional effects of pre-professional journalism and the presence of a freewheeling press. Gross (1993) also researched the role and effect of the mass media in forming public opinion in Romania, noting that the media's efforts produced mixed results.

Mass media's role in the process of democratic transition was compared in Brazil and Eastern Europe. Using a development model of the media, the contributions of mass media to the development of national economies and democracy of these countries were compared. In the comparison, Gross (1996) noted that the media played a role in democratic transition, although Brazil's mass media already existed in a capitalistic environment. However, the contribution of the media in Eastern Europe's democratization helped citizens break the chains of their collective socialization, permitting them to become individual subjects with social ties rather than objects conforming to single-party plans (Busato, 1993).

Janice Overlock (1996) offered a descriptive overview of media developments in the newly independent post-Communist countries, providing a brief description of the number and programming of radio and television stations and the status of developing broadcast laws. John Downing (1996), using Poland, Hungary, and Russia as his focus, examined the multiple roles of the media in the

political, economic, and cultural transitions taking place in these countries between 1990 - 1995.

In studying the rapid changes occurring in Bulgaria's media structure, it was discovered that the prescriptive concepts of authoritarian, libertarian, Communist, social responsibility and democratic socialist coexist. Media developments in post-communist Bulgaria were examined leading to the development of a descriptive transitional press concept. Developments in Bulgaria's government and political parties, and media management and economics, resulted in the need for a transitional press concept to explain aspects of Bulgarian post-communist media (Ognianova, 1996).

The literature thus far was focused on, and limited to, the media in transition and its involvement and role in these transformations. The transformations in Eastern Europe and in the newly independent post-Soviet nations furnished new opportunities to study the democratization of mass media systems (Bruck, 1993). They have had to redesign themselves politically and economically. Now, as these new democracies become consolidated, questions arose as to the results of these political and economic changes. The media structures that evolved from the process of democratization and economic changes revealed the assumptions made concerning the role of media in society.

The opportunity presented itself to expand and contribute to the literature on post-Communist mass media systems. As one of the new post-Soviet nations,

Estonia's transformation was significantly different from that of the Eastern European nations, because its political and economic structures were highly integrated with the Soviet Union. Upon gaining its independence in 1991, Estonia embarked on an aggressive campaign of political and economic changes. One major focus of these changes concerned its broadcasting system.

Since Estonia was now considered to be among the most advanced post-Communist nations, both politically and economically, several questions arose concerning the democratic state of its broadcast system.. These questions became more refined and directed when placed within the framework of Media Performance Analysis, which utilized democratic principles in studying and assessing the democratic nature of a mass media system. The following section reviews the research questions that guided this dissertation in studying the effects of the political and economic transformation of Estonia's broadcasting system.

Research Questions

Estonia gained its independence in August 1991. Like many of the newly independent post-Soviet countries and post-Communist countries of Eastern Europe, Estonia has had to restructure and change its political and economic systems. Unlike post-Communist Eastern Europe, Estonia had the burden of shedding the shackles of fifty years of Soviet occupation and control. Separating its political and economic system from Moscow's control became Estonia's first priority. To accomplish this it had to invoke changes that transformed its

communist command economy into a democratic capitalist state. An important part of this transformation was the democratization and privatization of its broadcast media system.

Studying the outcomes of these changes, using the Media Performance Analysis framework based on the three principles of freedom, equality and order, the following research questions guided this investigation:

- How independent were the broadcast media in Estonia, both public and private?
- How accessible were the broadcast media by various ethnic groups in the population?
- Did the broadcast media contribute to social cohesion? How did the new broadcast media system deal with the contextual problems of the newly democratized Estonia?
- What was the overall effect of political and economic changes on Estonia's broadcasting system in terms of public broadcasting, private broadcasting, and media pluralism?

The mass media system of any given society is not isolated and detached. The task of evaluating a democracy can be accomplished by way of a singular mirror, its mass media system. Consequently, an examination of the mass media also illuminates the social and political system of any society. This unique prism

reveals the democratic health and progress attained by a new democracy (Humphreys, 1994).

The answers to the research questions revealed the results of the political and economic transformation of Estonia's broadcast media system. In addition, they disclosed the issues and challenges that still remained for the broadcast media and this new democratic country.

CHAPTER THREE

METHODOLOGY

Introduction

The political and economic changes of post-Communist broadcast media systems presented opportunities to study the results of their transformation. Traditional approaches to research on broadcast media systems were either historical, descriptive or both. The literature review examined McQuail's (1992) *Media Performance Analysis* as a framework for contemporary research on changes occurring with post-communist mass media. This dissertation employs a case study approach, which utilized historical and policy approaches with *Media Performance Analysis* as a framework to study the results of these changes.

Estonia was chosen as a case study since it was recognized as the most advanced of the newly democratic states of the post-Soviet societies (Barnard, 1997). The first five years of Estonian independence, 1991 - 1996, served as the time frame for studying the changes in its broadcast system. This chapter reviews the research methods used for this study. The procedures, research population and data collection are described and discussed. In addition, data analysis is explained as it related to this dissertation's research questions.

General Method

The research involved a case study approach that utilized McQuail's (1992) *Media Performance Analysis*. It used historical and policy analysis to examine

Estonia's broadcast system's development for the five-year period after its independence. A case study approach was adopted since it focuses on understanding the dynamics existing within a single environment or setting. It enabled the researcher to understand a situation or phenomenon in greater depth. In addition, the case study provided a comprehensive description of events and valuable insight about the situation under examination (Arneson, 1993). Understanding the issues and dynamics surrounding the changes and development of Estonia's broadcast system provided valuable insight for the findings of this study.

Feagin, Orum, and Sjoberg (1991) noted that a case study had the advantage of permitting the researcher "to assemble complementary and overlapping (p 19)" information and data on the same phenomenon, improving the validity of the study. Although the case study relied on the judgement of the researcher, it offered the advantage of triangulating sources of information, including personal interviews, newspaper reports, documents, and independent reports. In using the case study method for this dissertation, the researcher asked informants the same questions using an interview guide, then compared responses among the respondents with alternative sources of information (Feagin et al, 1991).

One of the methods used to study Estonia's broadcast system was historical. Historical research focused on the interpretation of facts, not on their accumulation. The role of the researcher was not to present events that occurred, but to explain

why they happened (Leedy, 1993). Startt and Sloan (1989) recognized that “one purpose of good history is to provide understanding of change (p 20).” This it does through interpretation. Arneson (1993) observed that a “historical perspective offers an understanding of the present, which emerges from historical documents (p 161).” Primary sources were used such as documents in conjunction with interviews to provide a historical view of the problem or experience of a situation. Historical research furnished a “contextual foundation for identifying and understanding (Arneson, 1993, p 163)” issues and problems of the subject under study.

The major requirements for historical research were that evidence had come substantially from primary sources and that they had been checked for authenticity and credibility. Primary sources were basically eyewitness testimonies. These may be first hand accounts gathered through interviews or found in records, newspaper reports, or relics. Secondary sources had some value provided they were selectively and properly used (Smith, 1981).

Authenticating evidence becomes more difficult over time. It becomes harder to authenticate evidence found in documents after eyewitnesses have died. Fortunately for this study, participants involved in Estonia’s broadcast system’s development and transformation in the early 1990s were still alive, providing the researcher opportunity to corroborate and authenticate their eyewitness accounts, the documents, and the newspaper reports collected (Smith, 1981).

Smith (1981) observed that

The primary sources providing the best evidence from the historian's point of view is the eyewitness with expertise in an area, but one who lacks bias and motives of self-interest (p 311).

Eyewitness bias and self-interest made it necessary to compare and corroborate accounts with other eyewitnesses, documents, and reports. In addition, the researcher needed to examine the tone of newspaper accounts and to determine if it adhered to acceptable standards of ethical and professional journalism. The close examination and comparison of information gathered through primary sources contributed to establishing credibility and authenticity (1981).

This research also involved policy considerations in studying the political and economic reform of Estonia's broadcast system. Patton and Sawicki (1993) observed that descriptive policy analysis involved a historical examination of past policies or an evaluation of new policies as they were implemented. Descriptive policy analysis was broken down further into two types, retrospective and evaluative. Retrospective analysis was the study of past policies, while evaluative policy analysis involved program evaluation.

Portney (1986) provided two approaches relevant to this study: one involved research into the policy making process and the other, similar to Patton and Sawicki's (1993) descriptive analysis, looked at the causes and consequences of public policies. Studying the policy making process acknowledged that public

policy was not a “product of government action but as a political process (Portney, 1986, p 4).” Understanding this process revealed institutional participants’ positions, values, and resources, explaining how decisions were made. Research on the causes and consequences of public policies focused on the intended or unintended impact of government non-decisions or decisions. The focus was on the results of public policy (Portney, 1986).

Research concerning Estonia’s broadcast media policy necessarily included accounting for all groups and interests that sought to influence its development. This included the following actors: government officials, members of parliament, former and current public and private broadcast owners and operators, broadcast interest groups or associations, and other interested parties such as journalists and consultants. The nature of the issues raised by the media policy influenced the “range of actors, the extent, depth, and effectiveness of their involvement, and their various motivations and behavior (Humphreys, 1994, p 6-7).”

McQuail's (1992) Media Performance Analysis provided a framework of normative criteria to assess Estonia’s broadcast media's performance in the public interest. This assessment revealed the consequences and outcome of Estonia’s broadcast media policy. In this framework, McQuail (1992) uncovered what he called fundamental principles of the public interest. These principles reflected core values of Western democratic society. The three basic principles that formed the framework for Media Performance Analysis were: freedom, equality, and order.

They were the focus of expectations concerning mass media performance. Each principle was composed of various elements, which were often shared with the framework's other principles. The principle of freedom was composed of the elements of independence, access, and diversity. Equality shared with freedom the elements of access and diversity and added to it objectivity and social cohesion. Finally, order shared with equality the element of social cohesion and added social control and symbolic culture. These fundamental principles and their elements provided an empirical foundation for inquiry into mass media performance (McQuail, 1992). This study was guided by the elements of independence, access, and social cohesion. Although McQuail's (1992) framework utilized a set of ideal values, they represented the model democratic media system that democracies seek to achieve.

There were two implications for Media Performance Analysis research:

1) there was a need to account for the perspective of audiences in addition to policy makers and the media themselves; and 2) there were various actors in a society's media system. McQuail (1992) noted that Media Performance Analysis research could be used to evaluate and inform public policy. He observed that

research is mainly a form of diagnostic feedback which may serve to signal problems of performance relevant to 'society,' generate particular policy proposals, or evaluate how public policy is working (p 95).

Policy almost always was contested, either between a society and the media or within a society. While this type of research sought to serve as neutral informant, McQuail (1992) recognized that “it cannot escape the normative and material conflicts which are endemic in the structure and dynamics of media work (p 96).”

Therefore, it was important to identify, for this research, a standpoint or perspective from which to operate. Two obvious perspectives were that of media outsider and media insider, both of which can be further differentiated. The media outsider perspective could also be divided into outside or inside government. An outside government media outsider’s criticism included judging the mass media system for abuses of freedom. The inside government media outsider, when assessing issues of order, examined the mass media in its promotion of social cohesion. On the other hand, the media insider perspective, seeking to pursue its own interests or agenda, was likely to be totally opposed to any monitoring or regulation. These perspectives were not totally inclusive, but demonstrated different standpoints that may be chosen (McQuail, 1992). This research adopted a media outsider’s perspective in studying Estonia’s broadcast media system.

There were three main levels of analysis for Media Performance Analysis: the macro-level examination of a nation’s entire media system, the meso-level study of a particular sector of media, such as newspapers, radio, etc, and the micro-level analysis of a specific media channel, for example, a particular television station, or newspaper. This study involved a meso-level examination of Estonia’s

broadcast radio and television system. The meso-level was a popular focus of inquiry since policy concerns normally related to a specific media sector such as the broadcast media (McQuail, 1992).

Specific Procedures

There were three sources from which to study a nation's media system and policy. One involved the "official statements about the goals and means embodied by the legislation, regulations, reports, of commissions and committees, parliamentary speeches, regulatory decisions, and the like (McNulty & Martin, 1983, p 95)." Another set of sources consisted of interviews with relevant actors in the policy making process and media system. Finally, there were sources of information gathered from media materials and guides, media facility tours, and from watching and listening to actual station programming (p 95-96).

Meehan, Mosco, and Wasko (1993) observed that:

the best information comes from direct involvement . . .[called] proximate or direct access. Personal interviews and other primary documentation provide the most authentic and reliable data (p 113).

Estonia's new constitution, government laws, and private documents were studied and compared for information and their contribution to the development of this new democratic broadcast system. The researcher was able to retrieve Estonia's new constitution off the Internet, along with relevant information on legislation concerning language, minority, and cultural issues.

In addition, the Ministry of Transport and Telecommunications had posted on its home page, information concerning ownership, location, license, and operations of radio and television stations in Estonia. The private documents used for this study included a consultant's report provided by the U. S. embassy in Tallinn, reports furnished by the Baltic Media Centre, and internal reports from the Carter Center for Democracy's Conflict Resolution Workshops.

Information also was gathered from the Baltic English language newspaper, *The Baltic Independent*, now *The Baltic Times*, reviewing issues for the five year period under examination. While in Estonia, the researcher searched the files of *The Baltic Times*, studying back issues for information relevant to this study. Estonian language newspapers *Eesti Päevaleht* and *Postimees* were also studied for relevant articles with the help of an Estonian. In addition, information provided by *Baltic Media Facts* and reports by the European Community contributed to the findings found in this dissertation.

Newspapers, reports, and documents provided information that served to confirm, compare, and explain points made by respondents. The researcher sorted the information gathered from the respondents, and along with the data from the newspapers and reports, examined and analyzed the various descriptions and explanations provided by these sources. Documents, reports, etc. leading to the enactment of Estonia's June 1994 Broadcast Law also were studied and examined.

The researcher spent approximately five weeks in Estonia interviewing various respondents, including government officials, parliament members, public broadcasters, private broadcasters, and consultants. The use of in-depth interviews by this study emphasized learning from key informants. Michael Patton (1987) observed that this qualitative approach specified that it was important “to try to picture the empirical social world as it actually exists to those under investigation, rather than as the researcher imagines it to be (p 20).” Interviews provided the opportunity to gain information from different actors concerning Estonia’s broadcast media policy and system. For this study the researcher enlisted a native Estonian versed in both the subject and the English language to serve as an interpreter or to clarify the questions or answers.

Preliminary interviews were conducted to provide the researcher an understanding of the topic from the perspective of the participants, reducing the limitations of the researcher’s language and cultural baggage. These interviews were conducted jointly by the researcher and the native Estonian. This approach helped the researcher to comprehend the study’s topic from the perspective of the indigenous culture. Information gathered was used “to devise an interview schedule grounded in participant understanding of the topic (Herndon, 1993, p 41).”

The interview schedule provided a basic outline for the interviews to ensure that all relevant information was obtained, yet allowed individual perspectives and

experiences to emerge. This procedure offered maximum flexibility while allowing the investigator to acquire relevant information for the study by giving key informants greater freedom to answer questions. This process also enabled the researcher to “probe beneath the surface, soliciting for more detail and provided a holistic understanding of the interviewee’s point of view (Henerson, Morris, & Fitz-Gibbon, 1987, p 25).” Henerson et al noted that in-depth interviews permitted flexibility such as clarifying questions, opening new lines of inquiry based on respondents’ comments, and making judgments as to the knowledge of the respondent. Questions in the in-depth interviews explored the early 1990s development of Estonia’s broadcast system, the motives of the various actors in developing Estonia’s Broadcast Law, and, using McQuail’s (1992) framework as a guide, the performance of Estonia’s broadcast media.

Interviews were conducted with respondents that included public and private broadcasters, journalists, people from relevant government ministries, members of parliament, the legal advisor from the Baltic Media Centre, a member of the Carter Center for Democracy’s Conflict Resolution Team in Estonia, and consultants. In-depth interviews with the various actors that influenced broadcast media policy were conducted. When necessary, the researcher contacted respondents for clarification and additional information. Also, additional people were sought out and interviewed to confirm and clarify issues and information received.

The researcher used the actual programming of the various broadcast media in Estonia as another source of information. Interviews, station tours, station materials, and newspaper television guides were used to determine the actual performance of the media compared to the perceptions of those interviewed and the ideal sought in the broadcast legislation. In addition, the researcher also took time to listen and view Estonian broadcast media with local Estonians, interviewing and questioning them on the content. The information gathered provided corroborative evidence, to understand the context of Estonia's broadcast system reforms and to examine the broadcast media's performance.

The researcher also retrieved materials off the Internet concerning Estonia's electronic media. Estonian radio and television stations had home pages discussing their ownership, programming, news, promotions, and technical operations. All Internet materials retrieved were provided by and translated into English by Estonians.

Research Population and Sample

Purposeful sampling methods were used to select informants for in-depth interviews. Patton (1987) noted that "information-rich [informants] are those from which one can learn a great deal about issues of central importance to the purpose of the evaluation (p 53)." For this study a snowball sampling method was used to recruit informants for interview.

This is an approach for locating information-rich key informants or critical cases. The process begins by asking people in the program, “who knows a lot about _____ ? Who should I talk to?” By asking a number of people who else to talk with, the snowball gets bigger and bigger as you accumulate new information-rich cases (p 56).

According to Babbie (1992), when a purposive sampling method was used, such as snowball, the researcher selected a sample of individuals that he “believe(s) will yield the most comprehensive understanding of [the] subject of study (p 292).” Patton (1987) noted that as the snowball sampling was conducted the chain of recommended participants converged, or snowballed, as people get repeatedly suggested. Some participants were interviewed for information they possessed, while others were interviewed for whom they knew. The latter respondents did not have information for study, but directed the researcher to someone who did. Patton and Sawicki (1993) observed that key documents also provided an initial list of contacts to interview.

The researcher started the snowball by approaching individuals in Estonia’s broadcast media. Then respective government ministries of culture and telecommunications were selected for interview for their knowledge of the development of Estonia’s broadcast system and laws. Each informant was asked to suggest others to be interviewed. Most of the respondents suggested the same

individuals, indicating that those recommended were involved in, or possessed information, on the 1990's changes and redirection of Estonia's broadcast media system. For this study the following people were interviewed:

Eelmaa, Epp. Operations Manager, Kanal Kaks (Channel 2 TV).

Interviewed December 1996.

Hausmann, Ilona. Eesti Raadio, International Relations Department.

Interviewed December 1996.

Haldre, Herkki. Advisor, Hanasbank. Radio consultant. Past

Director of Eesti Raadio. Interviewed December 1996.

Holmberg, Simon. Deputy Director, Baltic Media Centre.

Interviewed December 1996. Telephone interview May 1998.

Hunt, Margus. Marketing Director, Eesti Telekom (Estonian

Telephone Company Limited). Interviewed November and December 1996.

Jõesaar, Andres. Vice-President, TV3. Interviewed December

1996.

Kokkota, Evelin. Information Assistant, United States Information

Service, American Embassy, Tallinn, Estonia. Interviewed November 1996.

Laanejare, Nele. Chief Editor at new television station TV1.

Interviewed November 1996.

Lään, Vello. Director, Raadio Tartu. Past Director of Estonian

State Radio. Telephone Interview. May 1998.

Lang, Rein. President and General Manager, AS Trio Ltd. Raadio

Kuku. Interviewed November 1996.

Laur, Marju. Vice Head Department of Post and

Telecommunications, Ministry of Transport and

Communications. Past Deputy Ministry of Culture.

Interviewed November and December 1996.

Lauristin, Marju. Professor, Tartu University. Interviewed

December 1996.

Loit, Urmas. Managing Director, Eesti Ringhaalingute Liit

(Association of Estonian Broadcasters). Interviewed

November 1996.

Middleton, Victoria. Public Affairs Officer, United States

Information Service, American Embassy, Tallinn, Estonia.

Interviewed November 1996.

Palts, Tõnis. CEO and Chairman, AS Levicom. Interviewed

December 1996.

Rebané, Raul. Deputy Director General, Editor-in-Chief, Eesti Televisioon. Interviewed December 1996.

Ricci, Raymond. Director, Love Raadio. Interviewed November and December 1996.

Rummo, Paul-Eerik. Member of Parliament. Chair Broadcast Council. Past Minister of Culture. Interviewed December 1996.

Shein, Hagi. Director General, Eesti Televisioon. Interviewed November and December 1996.

Sinisalu, Hando. General Manager, *Eesti Päevaleht*. Radio consultant. Interviewed November and December 1996.

Sookruus, Peeter. Director General, Eesti Raadio. Interviewed December 1996.

Tammerk, Tarmu. Editor-at-Large, *The Baltic Times*, (formerly *The Baltic Independent*). Managing Director, Eesti Ajalehtede Liit (Estonian Newspaper Association). Interviewed December 1996.

Taska, Ilmar. Chairman, Kanal Kaks (Channel 2 TV). Interviewed December 1996.

Veidemann, Rein. Advisor for Literature and Media. Past Member of Parliament. Past Chair of Broadcast Council. Interviewed December 1996.

Veskimägi, Margo. Member of Council, EMOR, Baltic Media Facts. Interviewed November 1996.

Treatment of the Data

Qualitative methods generated a tremendous amount of data. The information provided depth and detail on the research topic through direct quotation and description of situations, events, and interactions. Identification and organization of relevant data often was difficult yet important for successful analysis. Interpretation followed as the researcher studied the data for ideas, causes, and relationships. Then the analysis concluded with the researcher establishing trust in the interpretations by reviewing the data for alternative explanations (Patton, 1987). Analysis of the data collected in Estonia was enhanced by the constant review that occurred during the comparing and contrasting of information. Often additional ideas and information emerged that enriched the findings. Results of the data collection and analysis are presented in chapters 4 and 5.

Data analysis began before data collection ended. While gathering information, ideas about analysis and interpretation began. This overlapping of collection and analysis improved the quality of the data collected and the quality of

the analysis. Care was taken, however, not to bias additional information in this process (Patton, 1987). During the process of gathering information in Estonia, ideas concerning the research questions began to emerge. This enabled the researcher to pursue and probe for more information from respondents, government documents, and the broadcast media to clarify and foster alternative or additional notions. While in Estonia, follow-up interviews were conducted with some respondents to collaborate and contrast new ideas or interpretations that had evolved from other respondents, documents, or simply from observations of the broadcast media.

Once data was collected, formal analysis began. There were two sources that aided in organizing the analysis. First, there were the questions that were generated during the study, and second, there were the analytic insights and interpretations that emerged during the interviews. One method for organizing themes and patterns in the data was inductive analysis. Inductive analysis was a method whereby “patterns, themes, and categories of analysis come from the data; they emerge out of the data rather than being decided upon prior to data collection and analysis (Patton, 1987, p 150).” Categories were judged by how well the data held together within a category and by how clear the differences are among the categories. A large number of items that were unassignable indicated that there was fault in the classification system (Patton, 1987).

After returning from Estonia, the researcher began the analysis by reviewing government documents, tapes and notes of the interviews, newspaper articles, and Estonian broadcast media materials. Documents, interviews, and materials from Estonian broadcast media were scrutinized, examined, reviewed, and compared with each other for categorization. While conducting this process, the data was organized into emerging categories. During this procedure, the researcher again sought additional information from Estonia via email and telephone to clarify, collaborate, and look for alternative themes or patterns.

After organizing the data, the researcher then studied the data for ideas, causes, consequences, and relationships. Patton (1987) stated that “naturalistic inquiry is not aimed at testing casual propositions (p 157 -158).” Thus, interpretation of the data concerning which parts of a setting produce certain effects were the speculation and conjecture of the researcher and needed to be qualified as such. However, there was no reason to discount the evaluations and interpretation because they cannot be proven. The evaluator has studied the subject, gathered the data from the field, and examined the themes and patterns of data at great length. The speculation and conjecture was databased. Those interested in the research topic should be interested in the insight of the evaluator on the data collected (Patton, 1987).

Once the data was interpreted, trust in the analysis had to be established. This was done by searching for alternative ways to categorize and explain the data,

and by presenting the data so that it can be verified and validated. The former was done to look for other possibilities, not to disprove rival alternatives. Finding no evidence of alternative interpretations strengthened the confidence of the original explanation. The method of data triangulation strengthened the analysis. This approach compared and contrasted information from the various sources for validation and patterns.

This means comparing observation data with interview data; it means comparing what people say in public with what they say in private; it means checking the consistency of what people say over time; and it means comparing the perspectives of people with different points of view (Patton, 1987, p 161).

Consistencies among the data collected served to strengthen the credibility of the findings.

The categories and patterns that emerged from organizing the Estonian data were studied and contrasted for relationships and explanations. Interpretations that emanated during this period were reexamined, compared and contrasted, using data from various sources to validate the researcher's explanations. After initial interpretations were made, an interlude was initiated after which the researcher returned and reexamined the data for alternative explanations and relationships. During this process, the researcher followed up ideas and interpretations through

interviews and requests for additional information from Estonian sources through both email and telephone calls. Chapters 4 and 5 provide the results.

CHAPTER FOUR

ESTONIAN BROADCAST MEDIA 1991 - 1996

Introduction

Due to the extensive nature of the study and the need to review the development of Estonia's broadcast system after independence for information, understanding, and contextual purposes, this dissertation's findings were organized between the next two chapters. Chapter four's first section provides an historical context of information on Estonia's constitution, government, population, economy, and broadcasting infrastructure that it inherited from the Soviet Union. The second section describes Estonia's public broadcasting system during the period under study and the development of private broadcasting. Included is a discussion concerning events and issues that influenced the relationship between public and private broadcasters.

The third section examines the relevant constitutional provisions and the development of Estonia's 1994 broadcasting law that structured and regulated its broadcasting system. The process leading to the enactment of the Broadcast Law is studied and examined, revealing issues concerning the redirection of Estonia's broadcasting system. The fourth section reviews post-Broadcast Law developments in Estonia, examining the impact and affects of the legislation. A summary concludes this chapter. Chapter five provides the findings concerning

McQuail's (1992) Media Performance Analysis framework and the research questions.

Historical, Political and Economic Overview of Estonia

Historical Context

The first period of independence for Estonia occurred from 1918 to 1940. In February 1918, Estonia declared its independence from Soviet Russia. A brief war of independence ensued until February 1920, when Soviet Russia signed the Treaty of Tartu recognizing the Republic of Estonia's independence. In June 1920, the Estonians established a constitution, using models from the Swiss, French, Weimar, and Americans and based on the idealism of a center-left majority in the Estonian Constituent Assembly. They established a strong parliament based on proportional representation with no elected executive. The Parliament selected a Riiigivanem (State Elder) which acted as prime minister and presided over a cabinet. The government served entirely at the pleasure of and could be dismissed at anytime by the Parliament (Raun, 1991).

This first period of independence can be divided into two parts, "an era of liberal democracy (1920 - 1934) and an era of moderate authoritarianism (1934 - 1940) (Raun, 1991, p 113)." During the era of liberal democracy, Estonia faced the problem of a multiplicity of parties resulting in a number of coalition governments with an average tenure of eight months and twenty days. The economic depression that occurred in Estonia with the collapse of the world economic order led to a

coup, which established an authoritarian regime in 1934. Just prior to the coup, a national referendum was passed that, in effect, rewrote the 1920 constitution and established a directly elected strong executive government, which could dismiss Parliament, veto laws passed by Parliament, and issue laws by decree. In 1937, another constitution was enacted at the direction of Estonia's authoritarian ruler, Konstantin Päts. It was similar to the 1933 constitution except that the assemblies elected the chief executive and laws could only be decreed when parliament was not in session. However, Päts was elected president with little change from the previous authoritarian regime (Raun, 1991).

The development of radio broadcasting began in the early 1920s.

Experimental broadcasts began in 1924 with regular broadcasting commencing on December 18, 1926. Unlike its European counterparts, radio in Estonia began as a private venture, known as Raadio Ringhääling. It was a joint venture financed by Philips and Telefunken. The typical broadcast day started out just over two hours long, but steadily increased over the years. By February 1927, shortly after it began regular broadcasts, the Estonian Parliament enacted a licensing fee to finance the radio station's operations; later, limited advertising was permitted. There was no government regulation in existence except for the Czarist Radio Act of 1912.

Many in the government considered radio to be more a hobby rather than anything significant or that could contribute to society. Originally, Raadio Ringhääling was

set up to be financed by and to motivate the sale of radio sets. (V. Lään, personal communication, May 1998).

After the 1934 parliamentary crisis and coup, Raadio Ringhääling was nationalized by the right-wing authoritarian regime. According to Vello Lään (personal communication, May 1998), scholar and ex-managing director of Eesti Raadio, the nationalization was looked upon favorably by Estonia's population since a significant part of the population could not receive Raadio Ringhääling's signal.³ The nationalized station was renamed Riigi Raadio (State Broadcasting) and the government invested considerable money in the station, updating its studio and transmitting facilities, improving sound quality and making it nationally accessible.

In 1939, the USSR signed the secret Molotov-Ribbentrop Pact with Nazi Germany, which assigned the Baltic States to the Soviet sphere of influence. In June 1940, the Soviet Union occupied Estonia, incorporating and annexing it into the USSR. However, in June 1941, the Germans attacked the USSR and occupied Estonia. During the war, bombing destroyed the radio studios and broadcasting archives (V. Lään, personal communication, May 1998). After the war, the Soviets established an Estonian language radio station called the Estonian Socialists

³ Vello Lään published a book on the history of Estonian Radio (not available in English). *Estimesed 70: Eesti Raadio* (The First 70 Years: Estonian Radio). Tallinn-Tartu, Estonia: Estonian Public Radio.

Republic Radio Committee. By 1950, this radio station continued under the name Eesti Raadio (E. Kokkota, personal communication, May 1998).

For the next forty years Estonia was subject to Soviet communist rule. During that period, the Soviet Union set up a communist controlled political system and command economy, industrializing and Russianizing Estonia in the process (Raun, 1991). Estonia's historical experience with independence and democracy was brief and limited to the early part of this century. When Estonia gained independence in 1991, it had only this brief history to draw on as it reformed its political and economic system. In addition, Estonia inherited the legacy of fifty years of Soviet occupation. A result of this legacy was Russification, which increased the share of Estonia's Russian minority population to more than 30 percent. Another legacy concerned a broadcast system developed to serve the state, financed by the government, controlled by Moscow, and overseen by the communist party (M. Hunt, personal communication, December, 17, 1996).

Estonia faced a major issue when it gained its independence, whether it was a new or restored democracy. Answers to these issues affected how Estonia dealt with its contextual issues, the foremost concerning its Russian minority population. The next section, which examines Estonia since independence, the 1991 through 1996 period, reviews the constitution and government adopted by Estonia and offers an overview of the social and economic climate. During this period and in

this environment, Estonia's broadcasting system evolved and developed out of the vestiges of Soviet occupation.

Constitution and Government

In August 1991, upon gaining its independence from the Soviet Union, Estonia immediately began changing the political and economic system imposed upon them by the Soviets. Left with the remnants of a fifty-year communist political system and centrally planned economy, Estonia proceeded to restore its democracy with a new democratic constitution and institutions.

Shortly after independence was declared, Estonian politicians began the task of restoring democracy in Estonia by convening a constitutional assembly to begin the process of political restructuring and constructing a constitution. Discussion surrounding independence included whether Estonia was a new or restored nation. Implicit in this debate was the issue of citizenship; that is, who would be considered a citizen of Estonia. If Estonia was a 'new' independent nation, then all persons inhabiting Estonia could be given immediate citizenship. However, if Estonia was considered a 'restored' state, then only the pre-1940 original citizenry and their descendants would have their citizenship 'restored' (Smith, Aaskand, & Mole, 1994).

Consequently, the 'restored' state approach emphasized that the "republic was not the legal successor of the Estonian SSR and was therefore, under no obligation to accommodate those who had settled in Estonia during the years of

Soviet rule (Smith et al, 1994, p 185).” People who arrived after 1940 were considered immigrants. Naturalization for those individuals would depend on residency requirements based from the time the republic was restored and strict language provisions (Smith et al, 1994). Due to Russification, Estonia experienced a major demographic change in its population. Prior to Soviet occupation in 1940, only 8% of the population had been Russian (Baltic Media Book, 1998). Fifty years later, Russians made up over 30% of the inhabitants residing in Estonia, making them the largest minority in the country (Table 4.1).

Table 4.1 **Estonia: Total Population and Population by Nationality**

Nationality	1934	1989
Estonian	88.2	61.5
Russian	8.2	30.3
German	1.5	0.2
Swedish	0.7	—
Finnish	—	1.1
Ukrainian	—	3.1
Belorussian	—	1.7
Jewish	0.4	0.3
Other	<u>1.0</u>	<u>1.8</u>
TOTAL	100.0	100.0
Total Population	1,126,413	1,565,662

(Source: Iwaskiw, 1995, p 245).

In Estonia's largest city, the capital Tallinn, Estonians comprised only 47.4 % of the population due to the influx of Russians (Table 4.2) (Iwaskiw, 1995). By 1996, 400,000 Russian inhabitants in Estonia had only dropped from 30% to 28.5%, compared to 64.6% Estonians, which totaled 954,000 (Baltic Media Book, 1998).

Table 4.2 **Estonia: Population of Largest Cities and Percentage Share of Estonians, 1934 and 1989**

City	1934		1989	
	Pop.	Estonians	Pop.	Estonians
Tallinn	137,792	85.6	478,974	47.4
Tartu	58,876	87.6	113,420	72.3
Narva	23,512	64.8	81,221	4.0
Pärnu	20,334	90.7	52,389	72.4
Viljandi	11,788	93.3	23,080	87.1
Valga	10,842	82.3	17,722	52.9

(Source: Iwaskiw, 1995, p 245)

On the recommendation of the constitutional assembly, the Estonian Supreme Council chose to revert to the 1938 Citizenship Law. This meant that pre-WWII citizens and their descendants "had their citizenship restored, whereas more than one-third of the population had to undergo a naturalization process (Nørgaard, Hindsgaul, Johannsen, & Willumsen, 1996, p 198)." In the 1938 law, naturalization required two years residence in Estonia, a one year waiting period,

and general knowledge of the Estonian language (Nøgaard et al., 1996). The Russian immigrant population was stripped of its existing citizenship and left with three options: 1) return to Russia where conditions were deteriorating, 2) remain 'stateless' residents of Estonia, or 3) go through a rigorous naturalization process to become Estonian citizens. Thus, Soviet-era Russian immigrants became stateless through this restored approach to citizenship (Chinn & Truex, 1996).

In addition, the Estonian Soviet Socialist Republic (ESSR) Supreme Soviet had enacted a Language Law in 1989 making Estonian the official language. It was adopted prior to independence and in reaction to harsh Soviet language policy (Nøgaard et al., 1996). In an effort to guarantee the status of the Estonian language, it

required all officials and others whose work entailed direct contact with the population to achieve proficiency in the language within one to four years . . . The new law [1989], however, also guaranteed that the Russian language would remain at all administrative levels in the ESSSR (Raun, 1991, p 237).

The law was designed to be implemented in stages over a period of years. After independence the new Estonian democracy proceeded to execute the Language Law.

A Russian factory worker would not be required to learn Estonian under this law. Official state documents, transactions, etc., were required to be in the

Estonian language. Local communities had some freedom to conduct business in the majority language of the area. However, business with the state had to be conducted in Estonian. In January 1991, the director of the State Language Office indicated that full implementation was possible by 1993 (Raun, 1991).

The Language Law also required broadcasters to have foreign language television programming dubbed in Estonian or with subtitles. The Language Law requirement placed a burden on those who did not speak Estonian. Russian minorities were particularly affected since as late as 1995 only 43% of the approximately 450,000 Russians could speak Estonian (Table 4.3) (Language Law, Appendix C).

Table 4.3 **Understanding of Languages 1995**
(% of population 15-74 years old)

	Estonians	Russians
English	29	16
Estonian	99	43
Russian	82	98

(Source: Baltic Media Book, 1995)

The Estonian constitutional assembly peacefully created a new constitution derived in part from its first 1922 constitution. Reintroduction of Estonia's 1938 constitution, the one in effect at the time of Soviet occupation in 1940, would have

banned political parties, introduced censorship, and provided for a strong executive government. In 1991, Estonians were wary and concerned about investing too much power in an executive and in the restrictive undemocratic provisions mentioned above (Nørgaard et al., 1996).

The constitution adopted in 1992 conferred on the Riigikogu (Parliament) decision-making power on all matters except that which it gave to other organs. The Riigikogu was the cornerstone of the Estonian state structure (Nørgaard et al., 1996). Ratified by national referendum in June 1992, the new constitution adopted a Westminster form of government, providing for a 101 member parliamentary assembly with a symbolic weak presidency. It was a modified Westminster government model since the Estonians were concerned about investing too much power in the executive. (Lieven, 1993).

The traditional Westminster government model was based on majority rule. Its main attributes usually were concentrated power in the executive, fusion of power and cabinet dominance, and a unitary and centralized system of government. Westminster governments were strong when they were composed of a majority government, where one party had a clear majority in the parliament. However, often coalition governments were formed when no party had a majority. Lijphart (1984) observed that coalition governments were weaker and collapse more often than majority governments, especially when they were large and/or composed of a number of parties.

This was the case with Estonia's first period of democracy, which was dominated by a number of coalition governments between 1920 and 1934 (Raun, 1991). To alleviate political fragmentation and the fragility of coalition governments in the 1990s, Estonia established a 5% threshold requirement. A seat in the Riigikogu could be obtained if a political party achieved a minimum of 5% of the total votes (Nørgaard et al 1996).

The new constitution provided for a 101 member Riigikogu that elected a president. The president served primarily as a ceremonial head of state and had a suspensive veto, easily over ridden by a majority vote of the Riigikogu. In addition, the president appointed a candidate for prime minister who had to secure parliamentary support. If support was not forthcoming, the president appointed a second candidate for the Riigikogu's consideration. The failure of this candidate to gain support resulted in the Riigikogu appointing the prime minister. The government had to resign in cases where the prime minister resigned or died, where there was a parliamentary vote of no confidence, or where there had been an election (Nørgaard et al., 1996).

The parliamentary elections that occurred after the constitution was ratified produced a young conservative pro-free market government led by the Fatherland party headed by 32 year old historian, Mart Laar. This young government proceeded aggressively with economic change. Radical economic change began with the introduction of a national currency. This was followed by a tight monetary

policy combined with a “dramatic liberalization of trade and economic life in general (Laar, 1996, p 98).” The Riigikogu rapidly passed legislation reforming the court system and creating new civil and trade codes. The actions by the new Estonian government were taken so that private enterprise and civic society could grow and prosper, freeing themselves of the stifling reins of the old communist political system and command economy (Laar, 1996).

The most important changes, according to former Estonian Prime Minister Mart Laar, had to happen with the Estonian people. He stated that “it was necessary to energize people, to get them moving, to force them to make decisions and take responsibility for themselves (Laar, 1996, p 98).” To accomplish this involved dismantling the overgrown state, moving public functions of the centralized state apparatus to local governments, and fostering non-governmental organizations, local cultural activities, national-minority institutions, and independent and electronic media.

Since the first election after independence in the fall of 1992, Estonia experienced several peaceful changes of government that provided evidence of the consolidation of Estonia’s democracy.⁴ The March 1995 general elections and the following change of government that occurred after that election and later in 1996

⁴ Democratic consolidation was considered to have occurred “when all politically significant groups regard its key political institutions as the only legitimate framework for political contestation and adhere to democratic rules of the game (Gunther, Puhle, & Diamandourous, 1995, p 7 - 8).” Since Estonia has experienced two elections and several changes of government after independence without challenge, it has considerably consolidated its democracy.

provided further evidence that Estonia's democracy had continued to consolidate as its democratic institutions were restored and developed. Before the March 1995 election, the government changed in October 1994 when Prime Minister Mart Laar resigned and Andres Tarand took office. After the elections, Tiit Vähi became prime minister and formed a government. His coalition government lasted until November 1996, when it split. The Reform Party left the government and Vähi continued as prime minister of a minority government (Chronicle, 1998).

Economics

When Estonia gained its independence in August 1991, it had a population of approximately 1.5 million people. It had an industrial based economy due to the Soviet's Russification policies. Fifty years of Soviet occupation also had resulted in a 30 % Russian minority that resided in Estonia. In addition, Estonia had a significant population of pensioners who existed on small fixed pensions. Under these conditions, Estonia worked to restore its democracy and transform its Soviet command economy to a capitalist marketplace.

The restoration of democracy occurred in an environment somewhat different than that of Estonia's first period as an independent state. During its independence in the 1920's and 1930's, Estonia was primarily a rural agrarian society (Raun, 1991). Cannon and Hough (1995) observed that "Estonia was an overwhelmingly rural country. Nearly two-thirds of its population were engaged in agricultural pursuits [prior to WWII] (p 5)."

Soviet industrialization and Russification led to changes in Estonia's economy and population. After fifty years of Soviet occupation, the majority of Estonia's population was urban. The Estonian population, by region, had its highest concentration in its capital, Tallinn, with 29.1% of the population. In addition, 70 % of the population resided in urban areas. Its remaining population was fairly divided throughout the rest of the country (Baltic Media Book, 1996).

When Estonia gained its independence, 92% of its trade was with Russia. Estonia's industry and agriculture were in a shambles, incapable of competing on the world market. In 1992, Estonia's GDP dropped by 30% and inflation was running at a rate of 1,000% a year. Basic staples like milk, bread, and fuel were strictly rationed. During the first two years after independence, living standards dropped rapidly. Between 1992 and 1994, 25 to 30% of Estonians were at some point jobless. A large portion of the old Soviet military factories that employed many Estonians had gone bankrupt. Instead of unemployment payments, Estonia had invested its scarce resources on retraining its workforce (Laar, 1996).

By 1996, Estonia had reoriented its economy. Estonia was trading with the West with exports increasing at a rate of 60% a year. Its inflation rate had dropped and state budget balanced. Gallup research conducted in Central and Eastern Europe found that "Estonia ranks first in the proportion of the population that believes it is living better now than it did under socialism (Laar, 1996)." Of the twenty-three countries to emerge from the collapse of Soviet communism, Estonia

was recognized as having taken the biggest strides. With inflation at reasonable levels, real gains in the standard of living were occurring as Estonian incomes sharply rose and foreign investment continued to flow steadily (Barnard, 1997).

Table 4.4 Labour Force by sector, 1995
(% of employed population 15 - 74 years)

Wholesale, retail, restaurants, _____	16.3
hotels, maintenance services	
Transport, storage, _____	8.2
communications	
Finance, business, consultancy, _____	5.5
real estate	
Electricity, gas, water _____	**
Science, education, culture _____	7.6
Agriculture, forestry, fishing _____	12.3
Construction _____	7.2
Manufacturing _____	25.4
Public Authorities _____	5.5
Health Care, social maintenance _____	7.2
Other _____	4.8

(Source: Baltic Media Book, 1996)

The biggest area of employment for Estonia's workforce was in the manufacturing sector, while the next largest group worked in services. (Table 4.4). During the period of this study, the average monthly Estonian income rose from \$81 U. S. dollars (USD) a month in 1993 (Baltic Media Book, 1998) to \$265 USD a month in 1996 (V. Middleton, personal communication, December 1996). Of the 1.5 million people living in Estonia, 370,000 received pensions, averaging \$77

USD a month in 1996 (Baltic Media Book, 1998). During the first two years of independence, the inflation rate was extremely high. However, it dropped to more reasonable levels by 1995 (Table 4.5).

Faced with the legacy of fifty years of Soviet occupation and Russification, Estonia pursued an aggressive agenda of political and economic changes. Among the democratic institutions and structures that needed change and redirection was the broadcasting system inherited from the Soviet Union.

Table 4.5 Inflation 1991 - 1995 year-to-year change

<u>Year</u>	<u>Inflation Rate</u>
1991	303%
1992	953
1993	36
1994	42
1995	29

(Source: Baltic Media Book, 1998, p 31)

The Broadcasting Infrastructure and System: 1991 - 1994

The Estonian Broadcasting System Under Soviet Control

When Estonia gained its independence in August 1991, its broadcast system had been developed and controlled by the Soviet Union for over fifty years. The Soviet approach to broadcasting had reflected Lenin's philosophy towards the mass media, as collective organizer, collective agitator, and collective propagandist (McNair, 1991). Under the USSR, Estonia had its own state television station,

Eesti Televisioon, and three other Soviet television stations, St Petersburg (Leningrad) television, Ostankino (Central TV 1), and Russian television (Central TV 2) (Lindstro'm, 1995).

Ostankino and the Russian television stations were the national channels originating out of Moscow. The St. Petersburg television station was an area channel that served the region surrounding St. Petersburg (P. Butorin, personal communication, June 1998). All three channels broadcast in the Russian language and were transmitted in Estonia via its transmitter system. Eesti Televisioon broadcast in the Estonian language. Vello Lään (personal communication, May 1998) observed that programming on television during the Soviet times was dominated by documentaries, films and ideological programming.

Radio in Estonia was composed of three national radio stations at independence. Some would say two and a quarter, since one station was only on the air two or three hours a day. These included Eesti Raadio, Vikerraadio, and Stereoraadio. Radio was programmed with a variety of items including agriculture and ideological programs. During occupation, the Soviets realized that to reach people in Estonia by radio or television the broadcasts had to be in the Estonian language since most of the population did not speak Russian.

According to Hunt (personal communication, December 1996), due to the necessity of reaching this population the Estonian language and culture were kept alive. Eesti Raadio played an important role in preserving and sustaining Estonian

culture and nationalism. Estonian dramas were recorded and broadcast. Eesti Raadio also had a symphony and light music orchestra plus a mixed choir for concert broadcasts and recordings (M. Hunt, personal communication, December 1996). In addition, the majority of its programming was in the Estonian language. Raun (1991) observed that

Whereas radio broadcasting remained overwhelming Estonian (89 percent in 1965, 88 percent in 1980), television programming in Estonian declined from 26 percent of the total in 1970 -1977 to 17 percent in 1980. The major reason for this disparity was that the ESSR radio was entirely local while some two-thirds of the television programs originated in Moscow or Leningrad (p 213 - 214)

Eesti Raadio during Soviet occupation also served as an archive, preserving recorded drama, concert, and music broadcast. Materials that existed before WWII were destroyed by the war's bombing (I. Hausmann, personal communication, December 1996). In addition to music and drama, Eesti Raadio broadcast literary and cultural programs, interviewing prominent Estonian writers, artists, and cultural figures. This helped to preserve, sustain, and promote the national culture and spirit, and establish a close relationship with its listenership (Hoyer et al., 1993).

Despite attempts by the Soviets to control information, Estonians managed through various means to circumvent these efforts and received news missed by Soviet censors or from outside their borders. Estonians were able to access information outside of Soviet control and often through their own broadcasting system. The majority of the employees working in Estonian state broadcasting were Estonian. Despite the official curriculum based on the one from Moscow University, journalism students at Tartu University in Estonia were taught about local Estonian journalistic history (Hoyer et al., 1993). Trained and educated in Estonian universities under the communist system, broadcasters and journalists knew how to circumvent the censors and frame political and cultural commentaries so that audiences could “read between the lines (M. Hunt, personal communication, December 1996)” and understand the message found there. This meant that broadcast journalists knew how to frame political and cultural commentaries in such a manner that audiences understood the messages while censors saw no reason to prohibit their transmission. Journalism students had learned this approach at Tartu University in order to have a clear conscience.

Because of Estonia’s geographic proximity to the Baltic Sea and Finland, Estonians located in the northern part of the country received Finnish radio and television during Soviet occupation (Raun, 1991). Two Finnish public television channels, YLE 1 and YLE 2, were received in Northern Estonia since Helsinki was only about 70 kilometers from Tallinn. Since the Estonian and Finnish languages

belonged to the same language group it was easy for Estonians to understand Finnish broadcasts. It was estimated that in 1985, 80% of the Estonian speaking population in Tallinn watched Finnish television (The Estonian Parliamentary Elections, 1995).

In the border areas such as Northern Estonia, people arranged to get radios that enabled them to receive Finnish and Western broadcasts (M. Hunt, personal communication, December 1996). Estonian travelers to Finland would exchange bottles of Vodka for Western receivers. The high price of Vodka in Finland compared to the inexpensive cost in Estonia made the exchange advantageous for both sides. Sinisalu (personal communication, November 1996) noted that there was such a large viewership of Finnish TV by Northern Estonians that expressions entered the daily language and caused confusion in conversations with people from Southern or Eastern Estonia. In addition, despite frequent attempts by the Soviets to jam the broadcasts, Estonians were able to receive the broadcasts of Radio Free Europe and the BBC. Hunt (personal communication, December 1996) also noted that some Estonians had their sets modified to receive outside signals.

Upon independence, Estonia inherited a broadcast infrastructure and system that the Soviets had built and controlled. Within a very short period of time, additional broadcast stations began to appear and the Estonian broadcasting system began to experience major changes. In its early development, Estonia's broadcast system after independence faced a number of obstacles, technical, economic, legal,

and training. It was this environment that challenged the development of a private broadcast system in Estonia and maintenance of a strong public broadcasting system.

Broadcasting in Estonia: Development 1991 - 1994

In seeking to restore democracy, Estonia, while writing a new constitution, needed to create a marketplace economy and develop the institutions necessary for a democracy, including the development of a democratic broadcast system. Hagi Shein (personal communication, December 1996), managing director of Eesti Televisioon, noted that one of the first things in this process was the transition of Eesti Televisioon and Eesti Raadio to public broadcasting.

Initial development and growth of Estonia's broadcasting system meant overcoming several obstacles. These included availability and differences in technologies, the lack of a developed and mature retail marketplace, the lack of legislation for licensing and governing broadcasting in Estonia, and the lack of expertise in developing and managing broadcast stations in a democratic free market environment. In response to these challenges, development of Estonia's broadcast system began almost immediately.

Technical

Technical obstacles included differences in Soviet and Western frequencies and standards. Hardware was a problem since Estonia's market economy was yet to develop and the state had limited resources and it was costly to convert to new

transmitters based on Western technical and frequency standards. Because the Soviet Union sought to control information broadcast to its population, its technological standards and those of Eastern Europe were different from the West. For example, Americans use the NTSC standard for television and the European countries use PAL; however the Soviet Union used the SECAM color system. Radio frequencies were also different. The Soviet Union and Eastern Europe utilized the 66 to 74 MHz bands while Western countries utilized 88 to 108 MHz (M. Hunt, personal communication, December 1996).

Despite these technical problems, the transformation of Estonian broadcasting began rapidly. With Estonian independence, new frequencies were allocated in the 88 to 108 MHz band by the International Telecommunication Union (ITU). New private radio stations received licenses to broadcast on the new Western frequencies. However, audiences for these new stations initially were limited since it was estimated that only about 15 to 20 percent of the population, mainly in northern Estonia, had receivers equipped to listen to the new frequencies. Hunt (personal communication, December 1996) observed that this changed as additional new radio stations went on the air and radio receivers equipped with the Western frequencies became readily available and more affordable.

An important factor influencing the redirection of Estonian broadcasting was that the state-owned transmitters for radio and television, which Estonia inherited from the Soviets, were placed under the control and ownership of Eesti

Telekom, a state owned company that was under the direction of the Ministry of Transport and Communication. Estonian public radio, public television, and private commercial television stations had to lease and pay rent for use of the transmitting system to Eesti Telekom. Estonian public radio continued to broadcast on the old transmission system since it was expensive to replace the approximately twenty transmitters that covered the country. New transmitters were slowly acquired and geared initially to areas with higher concentrations of the population (M. Hunt, personal communication, December 1996).

Eesti Telekom generated needed revenues for a country having limited resources and a developing market economy. One major problem with this arrangement was that Eesti Telekom raised the rent for Estonian public radio and public television approximately 16 times during the first year, while state subsidies to public radio and public television remained fixed (Hunt, 1994). While the rate of inflation was certainly high, the rate increases inhibited the ability for private and public broadcasting to develop and grow.

Since private radio stations had their own transmitters, they were not affected. But when private television developed, that segment also rented its transmitters from Eesti Telekom and experienced the high lease fees and rate increases. Ilmar Taska (personal communication, December 1996), owner of Kanal Kaks (Channel 2), complained about the increasing costs of transmitter rental fees. *The Baltic Independent* quoted Taska as saying that

Latvian Telekom does not trouble one with huge price increases . . .

In Latvia, we have to pay 22,126 kroons (\$1,813 USD) a month for transmission costs, while in Estonia a similar transmitter costs us 149,554 kroons (\$12,258 USD) a month (Trummel, 1995).

He noted that this was equivalent to almost 50% of the station's operating costs, compared to 5% to 10% for stations abroad.

Sturgess Dorrance (1994), an American consultant, observed that transmitter rental costs were extremely high when compared to the U. S. where costs were rarely more than 5% of a station's operating expenses. Taska expressed concern that the money and time expended over the issue of transmitters in Estonia could have been better spent on development of original programming and expanding the channel (Trummel, 1995). The high transmitter fees also possibly had the effect of inhibiting the development and growth of private television. Money spent on transmitter fees incurred a high opportunity cost since it could have been better invested in premium programming, making private television more competitive with public television.

The concern for high transmitter fees obscured another potential problem with perhaps greater impact, government ownership of the transmitters.

Transmitter ownership provided the government opportunities to wield control over those stations that rented transmission systems from Eesti Telekom. While there was no evidence to show that it had occurred, interview respondents cited it as a

concern. Simon Holmberg (personal communication, May 1998) noted that there was opportunity for the government to exert indirect influence over public radio and public television by increasing the transmitter fees but not their subsidies.

The fees charged for transmitter rental came at a time when the Estonian government had limited resources and its market economy was still developing (R. Veidemann, personal communication, December 1996). The increasing rates were associated with the high inflation rates Estonia experienced during this period after independence. Yet, the high fees placed greater pressure on both public and private broadcasters' budgets. The high cost of transmission placed greater pressure on public broadcasting to increase revenues through advertising in order to support their operations. The high transmission fees for private television broadcasters inhibited their ability to develop, grow, and compete with public broadcasting and other private stations.

Economic

The lack of a developed and mature market economy hindered development of Estonia's democratic broadcast system. All aspects of the economy were previously monopoly owned and controlled by the state (the Soviet Union). Competition did not exist and the advertising that had existed were commercials for state owned enterprises (H. Haldre, personal communication, December 1996). The initial years of Estonian independence therefore, found a market economy in its infancy in terms of retail development, maturity and competition.

After independence, advertising started out minimally since many businesses did not feel the need to advertise (H. Sinisalu, personal communication, November 1996; R. Ricci, personal communication, December 1996). Sinisalu observed that the majority of advertising came from transnational firms seeking to introduce their products into a new marketplace. Such advertising grew as Estonia's market economy developed. Limited advertising revenue hindered private broadcasting's ability to grow and thrive and was compounded by competition from a public broadcasting system, already subsidized by state revenues. Despite government support, public broadcasting competed with private broadcasters for these limited advertising dollars. As noted earlier, the economics of high rental fees for transmitters assessed by the state-owned company, Eesti Telekom, hindered the development of both public and private broadcasters. Thus, the lack of a mature market economy, competition for limited advertising dollars in a developing economy and the economics of high transmission rental fees in an inflationary economy slowed public and private broadcasting development in Estonia.

Legislation

The reform and development of independent broadcast media began with protections provided for by the new constitution, ratified in June 1992, guaranteeing freedom of the speech and of the press. Section 45 secured the "right to freely circulate ideas, opinions, persuasions and other information by word,

print, picture and other means (Appendix A).” It stated that there was no censorship. In addition, the constitution in Section 41 provided rights for everyone to have their own opinions and persuasions. With these protections, the development of a democratic broadcasting system in Estonia began.

The initial lack of legislation guiding the licensing and regulation of both public and private broadcasting presented a major challenge for the development of Estonia’s broadcast system. Estonia’s state-owned broadcasting system had served as a tool of the state and communist party. Now as Estonia’s ‘public’ broadcasting system, financed and operated by the state, its role and operations were now unclear without legislation to give direction. This was evident in the conflict that evolved with private broadcasters over the advertising and entertainment programming on public broadcasting stations. Public broadcasting in Estonia was permitted additionally to finance its operations with advertising and to broadcast entertainment programming. To the consternation of private broadcasters, public broadcasters were acting more like private radio and television stations (U. Loit, personal communication, November 1996).

The lack of legislation from August 1991 to June 1994 was problematic in the development of private broadcasting in Estonia. The process, procedures, and criteria for getting a license were ambiguous, often resulting in conflict. Legislation was needed to specify the criteria of how licenses were to be assigned

and to regulate broadcasters. It would not be until the June 1994 Broadcast Law (Appendix B) that legislation was enacted regulating broadcasting in Estonia.

The antagonistic relationship between public and private broadcasters demonstrated the need for legislation, as did the issues surrounding the state-owned transmission system. However, for approximately the first three years of independence, Estonian broadcasting existed with no permanent legislation to license and regulate it. The regulation that eventually was enacted, the June 1994 Broadcast Law (Appendix B), left a number of issues unresolved, exacerbating the conflict between public and private broadcasters.

Training

The lack of expertise concerning the operations and direction of a free and independent media created another challenge to the development of a democratic broadcast system in Estonia. In addition, this lack of business knowledge and skills also created a problem in the general retail sector. Sinisalu (personal communication, November 1996) indicated that most entrepreneurs in Estonia had been educated to manage businesses under the old communist command economy. Competition did not exist in this environment. However, with the economic changes, businesses had to learn about marketing and competition as a new retail environment developed. Entrepreneurs that had entered the private broadcasting business lacked the strategic and operational knowledge associated with the successful operation of a broadcast station in a competitive environment. This

included marketing, programming, management, sales, and cost control. Thus, public and private broadcasters and their employees had to learn the skills of functioning in a competitive broadcast environment, where most had little experience.

Another part of the lack of business experience related to the general retail market. For over fifty years, Estonia's economy was centrally planned and owned by the state. Now, as Estonia privatized state enterprises and changed its economic structure, the managers and employees of this developing market economy had to learn new business skills and practices, including learning to compete and advertise in a market economy. Since Estonia's new market economy was just developing during the period under study, one problem for commercial broadcasters was the limited advertising market available to them. The new retailers that established themselves during this period had little competition and felt no need to advertise. This challenged broadcasters, dependent on advertising for revenue, and limited their ability to grow in this developing market economy (R. Ricci, personal communication, December 1996).

Eesti Televisioon: Estonian Public Television

When independence was achieved, there were four state-operated television stations that Estonians could receive: Eesti Televisioon (ETV), Ostankino Televisions (KTV I), Russian Television (KTV II), and St Petersburg Television. The Ostankino (Central TV 1) and Russian (Central TV 2) television stations were

national channels that originated out of Moscow. The St Petersburg channel was a local area station serving the region. All three of these Russian-language television stations shared transmitters with ETV in Estonia (M. Hunt, personal communication, December 1996). The coverage of these television stations in Estonia varied (Table 4.6). Lindstro'm (1995) noted in his research that only 7500 people in Estonia could not receive any channel. Estonians living in Northern Estonia could receive Finnish TV, and Swedish TV was accessible to Estonian's living on the islands. Latvian TV reached Estonians in Southern Estonia.

The Ostankino, Russian, and St. Petersburg television stations continued to broadcast on transmitters in Estonia for the first two years of independence (*The Baltic Independent*, 1993). The majority of the audiences in Estonia watched Eesti Televisioon (ETV), while the majority of the non-Estonians watched Ostankino (see Table 4.7) (Hoyer et al. (1993).

Table 4.6 Television Coverage in Estonia 1989

Television Station	Percentage of Estonians that could see it
Estonian TV (ETV)	99.63%
Ostankino TV (KTV I)	93.6 %
Russian TV (KTV II)	60.4 %
St. Petersburg TV	49 %

(Source: Lindstro'm, 1995)

Table 4.7 **Television Stations In Estonia and their Viewership**
(Estonians and Non-Estonians)

	Estonians	Non-Estonians
Estonian TV (ETV)	76%	39
Ostankino TV (KTV I)	18	78
Russian TV (KTV II)	7	28
St. Petersburg TV	2	19
Finnish TV (YLE 1)	7	4
Finnish TV (YLE 2)	5	3

(Source: Hoyer et al, 1993)

By May 1993, the Russian and St Petersburg television stations had discontinued transmitting in Estonia due to a lack of funds for transmission charges (*"TV Companies Compete for Russian Air-Time," 1993*). Ostankino TV also discontinued broadcasting in Estonia in early 1994 because of the transmitter costs involved (*"Ostankino TV Channel Axed," 1994*); (25 million rubles or \$23,000 USD a month, Källu, 1993).

Eesti Televisioon (ETV) was launched in 1955 (Hoyer et al., 1993). At independence, Eesti Televisioon⁵ and Eesti Raadio were operated as separate entities (H. Shein, personal communication, December 1996). Peeter Sookruus (personal communication, December 1996), managing director of Eesti Raadio,

⁵ To prevent confusion, from this point Estonian government owned television will be referred to as public television. The previous reference of State Television refers to the Soviet approach to broadcasting where the broadcast media were state owned and operated, serving as a tool to promote and preserve the interest of the state. Estonian government owned radio will be referred to as public radio. Generally public television and public radio serve the public's interest rather than the state.

noted that state television and state radio had existed together until 1989 when they were separated. The number employed by Eesti Televisioon when the country gained its independence was more than 1,000 (*Casperson, 1997*). The station broadcast primarily in the Estonian language and covered almost the entire country (Table 4.6). This contrasted with the limited coverage of the private commercial television stations that appeared later.

Subsidized primarily by the state during Soviet occupation, commercial advertising was introduced on the station during the 1970's. Advertising at that time came from:

wealthy state enterprises or different cultural events. The TV audience especially laughed at the poor quality and low-production levels of these commercials. Income was relatively small and constituted, even in 1990, only around 2 percent of the total budget (*Hunt, 1994*).

Eesti Televisioon continued to sell advertising after independence, which helped to provide revenue, albeit small at first, at a time when government resources were very limited (*Hunt, 1994*). However, as Estonia's market economy developed and grew, advertising revenues increased significantly each year and by 1996 it constituted almost 34% of Eesti Televisioon's revenues (Table 4.8). Advertising on both public television and public radio caused considerable tension between

public and private broadcasters (R. Lang, personal communication, November 1996). This issue was significant during the drafting of Estonia's Broadcast Law.

Table 4.8 **Estonian Public Television Budget**

	1994	1995	1996
Budget	57, 458, 000 EEK 4, 263, 000 USD	104, 480, 000 8, 839,000	117, 963, 000 9, 979, 000
Funded from:			
State subsidies	65.2%	53%	57.2%
State Investments	—	—	3.0%
Advertising	12.2%	26.3%	33.9%
Publishing income	18.3%	15.1%	—
Other	4.3%	5.6%	5.9%

(Source: Eesti Televisioon on Glance, 1996, See Appendix D)

During the early period of independence, the number of employees of Eesti Televisioon decreased from over 1000 to about 640 people (H. Shein, personal communication, December 1996). Part of the decrease occurred, in part, to cut costs and increase productivity during a time when the Estonian government's financial resources were very limited. Another aspect of the decrease in personnel at Eesti Televisioon, and also Eesti Raadio, was the attrition due to employees leaving for better paying jobs in private broadcasting. Nele Laanejare (personal communication, November 1996), Chief-Editor of Estonia's newest television station, TV1, observed that she and others were approached by private broadcasters and offered better wages.

Eesti Raadio: Estonian Public Radio

State radio consisted of three channels at the time of independence. Eesti Raadio had been established after German occupation in 1944 (E. Kokkota, personal communication, May 1998). The second Estonian radio station, Vikerraadio (Rainbow Radio) began broadcasting news and music in 1967 (Hoyer et al, 1993). The third Estonian radio station, Stereoraadio began broadcasting in 1986. All three stations at the time of independence were broadcasting primarily in Estonian, although Eesti Raadio had broadcast some Russian language news and programs (E. Kokkota, personal communication, May 1998).

Eesti Raadio at the time of independence had more than 800 employees.⁶ As with Eesti Televisioon, Eesti Raadio had commercials on the stations since the 1970s (Hunt, 1994). In addition, Eesti Raadio also rented transmitters from Eesti Telekom. Herkki Haldre (personal communication, December 1996) was appointed by the Riigikogu in 1992 as managing director of Eesti Raadio. With Estonia's economy in poor shape, his idea to the Riigikogu was for Estonian public radio to create and develop a new commercial channel, Raadio 2. Once it was successfully operating, according to Haldre's plan, this radio station would be sold

⁶ Estonian state radio refers to the organization that operated the three stations at independence, Eesti Raadio, Vikerraadio, and Stereoraadio. After May 1993, the Estonian public stations were Vikerraadio, Klassikaraadio, Raadio 2 and Raadio 4. Stereoraadio had merged and become Klassikaraadio. Eesti Raadio had merged with Vikerraadio. Both Raadio 2 and Raadio 4 started broadcasting in May 1993.

off, generating badly needed revenue for renovating the public radio archives and Estonia's antiquated transmitter system. *The Baltic Independent* noted that

Mr. Haldre believes that R2 will eventually help to finance the building of a network of Western-style transmitters to replace the Russian ultra short transmitters which are used at the moment; the 100 million kroons needed for the project will come, it is hoped from the privatization of R2 once it has built up a large enough audience (Barne, 1993).

Raadio 2 began broadcasting in May 1993. At the time Haldre (personal communication, December 1996) used the establishment of commercial public Raadio 2 as an opportunity to clear commercials off the other two public radio stations, distinguishing them as public compared to the new commercial public station. The new Raadio 2 was targeted at young people with pop and rock music, talk shows, and news programming.

As managing director of Estonian public radio, Haldre (personal communication, December 1996) also established in May 1993, Raadio 4, a Russian language station. Before that there had been only about two hours of Russian language programming on the stations. Because of the large Russian minority population in Estonia, he felt it necessary to provide a Russian language station geared to this population. Haldre stated that "what surprised me most was that I was accused later by a commission of Parliament of wasting tax payers'

money” on Raadio 4. However, since Estonia’s population was composed of 30% Russians he felt that “you had to serve them with programming.”

The primary goal of Raadio 4 was to “give information and news about changes and activities in Estonian society and cultural life (Eesti Raadio, 1996).” It was a 24-hour a day channel serving the Russian-speaking population with programs, also for Byelorussian, Ukrainian, and Armenian minorities. Raadio 4 also carried advertising as a means to finance its operations (Eesti Ringhaalingute Liit, 1997).

Estonian public radio’s other two stations were the original Vikerraadio and Klassikaraadio. Vikerraadio’s (Rainbow) programming represented traditional public broadcasting fare, including literary adaptations and radio drama, thematic discussions, children’s programs and music. Every hour, Vikerraadio had newscasts, with longer news programs broadcast four times a day. The station broadcast 19.5 hours a day with 37% of the population listening daily (Eesti Radio, 1996).

Klassikaraadio (classical radio) broadcast for 9 hours a day with a daily listenership of 1.3%. The channel programed classical music and broadcast live concerts, operas, and other musical events for listeners. All four channels covered the whole country. In addition to its four channels, Eesti Raadio had a “commitment to record, produce, preserve, and distribute Estonian music and other recordings of cultural and historical value (Eesti Radio, 1996).” Eesti Raadio had a

considerable archive of recorded programs, concerts, and music dating back to just after WWII. Unfortunately, bombing destroyed materials recorded before the war. At the time of this study, Eesti Raadio was in the process of dubbing onto compact disc materials from its archives to help preserve an important part of Estonian culture (L. Hausmann, personal communication, December 1996).

As with television, tensions concerning advertising also occurred between Eesti Raadio and the new private commercial radio broadcasters, especially with the development of Raadio 2. Private broadcasters felt that they should not have to compete with public broadcasting for advertising dollars. In 1992, they organized to form the Eesti Ringhaalingu Liit (Association of Estonian Broadcasters [AEB]), representing the interests of private broadcasters before government and non-government organizations ("Radio in Estonia Shows Endurance," 1997). In essence, according to AEB Managing Director Urmas Loit (personal communication, November 1996), "public broadcasters have started to act like a private broadcaster" in that they competed for advertising dollars and broadcast entertainment programming, yet were subsidized by the state. What caused further irritation was the consideration that tax dollars paid by private broadcasters went to help subsidize public broadcasting with which they competed for advertising dollars (R. Lang, personal communication, November 1996).

The Riigikogu's Culture Commission sought to resolve the frictions between the public and private radio broadcasters by investigating the issues

concerning advertising. The particular issue under investigation was that Estonian public radio, particular Raadio 2, was using “its subsidized status to offer advertising to audiences and at prices with which local commercial stations cannot compete (Barne, 1993a).” The commission issued regulations in June 1993 that were in effect until a law on mass media was enacted by The Riigikogu. The regulations issued by the Culture Commission limited the content of programming, available airtime, and format of the advertisements aired on Raadio 2 (Barne, 1993a).

The commission cut the permissible commercial airtime on Raadio 2 from 16% down to 5%. Originally the commission had set the limit at 7%, but Sulev Alajõe, Chairman of the Culture Commission indicated that it was changed to 5% “in order to make it easier for [private] local stations to survive (Barnes, 1993a).” Rein Lang, owner of AS Trio Ltd., found the action meaningless since it set the percentage for total airtime and not for each hour. Lang observed “that since no one would want to advertise during the night, state radio can still use 14 percent of prime time for advertisements (Barnes, 1993a).” He also felt the commission should have regulated the rates that Eesti Raadio charged for commercials. The advertising issue continued to cause friction while the broadcast law was drafted and after its enactment. As of 1996, 80% of Estonian public radio’s budget came from state subsidies, while advertising income from Raadio 2 and Raadio 4 made up the other 20% (P. Sookruus, personal communication, December 1996).

In addition to the advertising issues, Estonian public radio also had to rent its transmitters and, in the process, experienced a number of increases in fees from Eesti Telekom (M. Hunt, personal communication, December 1996). This contrasted with private radio broadcasters who, for the most part, owned their own transmitters (Eesti Riinghaalingute Liit, 1997). Haldre noted that "Telekom's transmission charges have rocketed since Parliament approved Eesti Raadio's annual budget last spring (Drew, 1993)." According to Peeter Sookruus (personal communication, December 1996) managing director of Eesti Raadio, fees for transmitters made-up almost 40% of the budget. At that time, Eesti Raadio was looking at cutbacks in its programming and other services. In 1996, Eesti Telekom raised its fees for transmission 18.5% ("Transmitting Rates to Raised," 1997). Thus, in addition to the tensions with private broadcasters, Eesti Raadio was faced with tension with government ministries over the rising costs of transmission fees.

By the end of 1996, Eesti Raadio had grown to four national radio stations. During the period after independence, Eesti Raadio had added Raadio 2, a popular music station targeted at young audiences, and Raadio 4, a Russian-language radio station with a mixture of music, news, and information programming. Eesti Raadio stations easily dominated local private radio broadcasters with a combined weekly listenership of 63% compared to all local private radio's 27% (Baltic Media Book, 1996).⁷ Subsidized by the government, Eesti Raadio supplemented its budget

⁷ Ten percent of weekly radio listening occurred with stations outside Estonia.

through advertising revenues from Raadio 2 and Raadio 4. The result was that private broadcasters were indignant about a public radio broadcasting system that competed with them for listeners and advertising dollars.

Estonian Private Broadcasting: Early Development, Licensing and Regulation

After Estonia gained its independence, there were no established laws to guide it in issuing and regulating licenses to radio and television stations. Until the 1994 Broadcast Law, the Ministry of Culture and Education⁸ oversaw broadcasting in Estonia via government acts. The process for receiving a license was two-fold. A person desiring a radio or television station had to apply for a frequency from the Ministry of Transport and Communication and then a broadcast license from the Ministry of Culture and Education (M. Laur, personal communication, November 1996). Haldre (personal communication, December 1996) noted that to obtain a broadcast license from the Ministry of Culture and Education, a prospective licensee had to provide information on intended programming, other proposed activities, and investment and control of the proposed station. The process for obtaining a broadcast license remained the same after enactment of the 1994 Broadcast Law.

According to Vello Lään (personal communication, May 1998), the process for approving Raadio Tartu, the first local commercial station to go on-the-air after

⁸ The Ministry of Culture and Education was a combined ministry under the Mart Laar government. In 1995, Prime Minister Tiit Vahi separated the ministry into two, Ministry of Culture and Ministry of Education.

independence, began in 1990 while Estonia was still under the control of the Soviet Union. This station, located in a university city 190 km from Tallinn, was founded and originally supported by the city of Tartu, the County Council, and Eesti Raadio (V. Lään, personal communication, May 1998). Due to the cost of operating this station, it was eventually privatized. Other community stations popped up in various regions, but eventually they either were privatized or went off-the-air ("Radio in Estonia Shows Endurance," 1997).

The first 'private' radio commercial license was issued to Raadio KUKU. As the first independent private radio station, Raadio KUKU began airing in Tallinn in March 1992, six months after Estonia gained its independence. Owned by three Estonians who formed the company, AS Trio Ltd., the station was dependent on advertising dollars. Its programming consisted of popular Western music and talk (Lang, 1996). Raadio KUKU was considered to have an ACE format (Adult Contemporary European) and was known for its slogan, 'Radio for the thinking person.' The station also broadcast commentary, news, and news analysis. The owners of Raadio KUKU, AS Trio Ltd., networked the station with others they owned in Tartu, Viljandi, and Paide. These stations carried Raadio KUKU's programming for a majority of the broadcast day and inserted only one or two hours of local programs ("Radio in Estonia Shows Endurance," 1997).

Seven months after Raadio KUKU began broadcasting, AS Trio Ltd. in November 1992, also developed and put on-the-air Raadio Tallinn, now Raadio

100, a private commercial Russian language radio station. The station was made possible with a grant from the Open Estonia Foundation, funded by the Soros Foundation. Raadio 100 was located in Tallinn and reached 50 kilometers outside the city. It broadcast 24 hours a day with live daytime programming and music by satellite at night. Raadio 100 was described as a mainstream station with a commitment to public service that included offering “a range of cultural programmes from fairytales for children through special classic and jazz music hours (Raadio 100, 1996).” Interestingly, Raadio 100 (1996) indicated that

Information service in Estonia are [sic] largely fractured along ethnic and political lines. Radio 100 is an expedition. We are independent of state or political control. We strive to avoid taking an editorial position in our main task of providing information to the Russian-speaking community. Political rivals from all sections of society meet for live debates in our studios.

Raadio 100 was joined by a sister station in Narva in September 1995 operating on the same frequency, 100. Narva is located in Northeastern Estonia, at its border with Russia. The Narva station aired the Tallinn Raadio 100’s programming plus some local production.

Radio stations have appeared and disappeared during the first five years of independence. Early development of Estonia’s market economy occurred in its major cities, principally Tallinn in northern Estonia, and to a lesser degree Tartu.

The rural areas and smaller cities, particularly in southern Estonia, lagged in the development of a market economy. Thus, limited advertising revenues in these areas made it difficult for local radio stations to survive financially.

The Broadcast Law (Appendix B) provided five types of licenses available for radio stations: national, regional, local, international, and temporary. National licenses permitted one or more transmitters to reach 80 to 100% of the Estonian territory. Regional licenses enabled broadcasters to reach a broad region of Estonia with one or more transmitters. A local radio station license permitted broadcasters to utilize one transmitter to reach a local area. An international license enabled broadcasts that could be received in other countries, while temporary licenses permitted broadcasts in a certain area for up to three months (Broadcast Law, Appendix B). The number of radio stations in Estonia varied due to the conditions described above, but Peeter Sookruus (personal communication, December 1996) and others estimated that as of December 1996, there were about thirty radio stations in Estonia. This estimate included local stations that were nationally networked and regional stations.

Some stations, such as Raadio KUKU, united to form networks across the country to increase reach and advertising potential. Three large music stations created "nation-wide networks using regional licenses . . . Raadio UUNO [owned by AS Trio Ltd.], B3 [owned by AS Is-Music Studio], and Raadio Love [owned by Woodlinger International] ("Radio in Estonia Shows Endurance," 1997)."

Television licenses began to be issued when the transmitters and frequencies broadcasting the Russian and St Petersburg stations became available. Both stations had ceased their broadcasts in Estonia due to the costs of Eesti Telekom transmission fees. In the spring of 1993, nine television companies bid for the two channels that were soon to be available. Since the rules for dispersing the channels were not clear, seven companies, all domestically financed, organized against the other two companies, which were foreign financed. They demanded that the decision concerning the channels not be made until after a broadcast law was adopted (*"TV Companies Compete for Russian Air-Time," 1993*). The Estonian broadcasters indicated that "they are guarding the interests of viewers against the inflow of low-grade American programmes (*"TV Companies Compete for Russian Air-Time," 1993, p 3*)" expected to be brought in by foreign investment.

Ignoring the demands of Estonian broadcasters, the ministry granted the commercial television licenses in May 1993. However, these licenses were only valid until the adoption of a broadcast law, but not beyond December 31, 1993. However, since no law was enacted by December, the licenses were extended until there was a broadcast law. At that time, commercial television channels would have to resubmit plans on programming, investment, and proposed activities to obtain a new license (Trummel, 1993).

Along with the licensing, the Ministry of Culture and Education responded to domestic broadcast concerns with several regulations to guard against the possibility of all day broadcasting of low-quality Western programming. The regulations were in effect until a broadcast law was enacted.

The amount of foreign produced programmes must not exceed 30 percent, and 10 percent of all programming must be bought from local film producers. All programming ventures must at least be 51 percent owned by an Estonian enterprise (Källu, 1993, p B7).

According to then Minister of Culture and Education Paul-Eerik Rummo, the ownership provision was “a move at maintaining control over foreign capital in the Estonian media (Källu, 1993, p B7).”

Actually, the licenses for the first private commercial television stations went to three television companies, two of which shared the same transmission system. Licenses were granted in May 1993 to RTV (Estonian Commercial Television), EVTV (Estonian Video and Swedish Kinnevik group), and Kanal Kaks (AS Taska) (Trummel, 1993). All three companies were Estonian owned, but the latter two included foreign stockholders and or financing. Under the temporary licenses granted these companies, RTV and EVTV shared the same frequency operating on twenty transmitters with access to over 90 percent of the population. The transmission system and frequency assigned to Kanal Kaks involved five

transmitters which could only be received in Northern Estonia, reaching about 60 percent of the country's population (Tammerk, 1994).

The first private television broadcasts did not actually occur until July 31, 1993 when RTV went on-the-air and August 1 when EVTV started its broadcasts. RTV and EVTV broadcast programming at different times, on the same frequency, using the same transmitters rented from state owned Eesti Telekom. RTV aired programming on Saturday and Sunday mornings, filling the time with family oriented shows. EVTV broadcast seven nights a week from 8pm to 11pm airing soap operas, talk shows, feature films, and news. Western shows on EVTV included *E-Street*, *Miami Vice*, *Rescue 911*, and *Equalizer* (Oll, 1993).

Kanal Kaks was launched on October 1, 1993 by Ilmar Taska, an Estonian born Hollywood producer (Herbert, 1994). At first the station only had enough staff and programs to broadcast on the weekends. However, by January 1994, Kanal Kaks expanded its broadcasts to every day (Trummel, 1994). A major portion of Kanal Kaks broadcasts of three and a half hours of nightly programming were dominated by films, many of which were European and American movies. In addition, *The Baltic Independent* noted that "Taska has enchanted viewers by resurrecting Estonian films that had not been shown for years (Herbert, 1994, p 8)."

One interesting snag for Kanal Kaks came a few months after it had begun its broadcast when it decided to discontinue the Russian dubbed and Estonian subtitled soap opera *Santa Barbara*. Kanal Kaks northern coverage area at the time

included the region where the majority of Estonia's Russian minorities resided. The station was besieged with letters and calls from disgruntled viewers. Taska recounted that the demand was so great that "some Russians even told us that they would go collecting money themselves to have it translated (Herbert, 1994, p 8)." The Russian voice-over, *Santa Barbara*, was brought back within a short period of time and was still on-the-air in 1996.

Broadcast Law: Draft and Enactment

From 1991 until June 1994, Estonia lacked a law guiding the regulation of the broadcast media. Broadcast licensing and regulation was carried out by government acts through the Ministry of Culture and Education. The development of Estonia's broadcast system, especially the private sector, was hindered since no clear policy existed to provide for its establishment. Issues arose as a result, and tensions increased between state and private broadcasters as political and economic reforms in Estonia proceeded. The following sections examine the development and results concerning Estonia's 1994 Broadcast Law.

The Working Group

In 1993, the Minister of Culture and Education appointed a working group to develop and draft a broadcast law for The Riigikogu to consider and enact. Various interests and their representatives were represented in this working group. These included private broadcasters such as Rein Lang of AS Trio, and ETV General Manager Victor Seilas; Vice-President of RTV Andres Jõesaar, public

broadcasters such as Eesti Raadio Managing Director Herkki Haldre and Eesti Television Managing Director Hagi Shein, representatives from the Ministry of Culture and Education such as Paul-Eerik Rummo and Minister of Culture and Education deputy Marju Laur, a representative from the Ministry of Transportation and Communication, representatives from the film makers union, and members of The Riigikogu's Committee for Cultural Affairs.(P. Rummo, personal communication, December 1996; M. Laur, personal communication, November 1996).

Work began on a draft of the law in 1993. Expectations were that a law would be given to The Riigikogu and enacted by the end of the year (Barne, 1993a). However, disagreements among the working committee delayed its consideration until the spring of 1994 (H. Haldre, personal communication, December 1996). Many interviewed for this research observed that Rein Lang of AS Trio, owner of Raadio KUKU, was one of the primary architects for the draft that the government would eventually submit to The Riigikogu. Andres Jõesaar (personal communication, December 1996) noted that Lang was responsible for about 90% of the draft.

Another version written by Enn Kopli, lawyer for ETV, was supposedly geared toward "more public service interests (Hunt, 1994)." However, this version was accidentally deleted by the author from his computer. Thus, Lang's draft, the only one available, was taken under discussion (Hunt, 1994). European Broadcast

Union (EBU) Director for Legal Affairs, Werner Rumphorst, said that he was perplexed that an owner of a commercial radio station was one of the drafters of the broadcast law. He felt that “laws cannot be written by people who have a direct interest in the legislative effort (Tammerk, 1994, p 8).”

Work on a draft continued through 1993 and into early 1994. The draft that eventually was written went through the various ministries of government for review, such as the Ministry of Justice, the Ministry of Transport and Communications, and the Ministry of Culture (R. Lang, personal communication, November 1996). It was not presented and acted upon by the Riigikogu until Spring 1994, with a law being passed on May 19, 1994 (“The Estonian Parliamentary Elections,” 1995) and enacted on June 15, 1994 (“Broadcasting Law in Force on 15th June, 1994). The following section reviews the major issues dealt with by the working group.

Issues Addressed by the Working Group

Several issues were to be dealt with in the new broadcast law. The primary issues included advertising on public broadcasting, the role of public broadcasting, the amount of foreign programming, foreign ownership of Estonian broadcast stations and control of Estonian state-owned transmission systems (R. Lang, personal communication, November 1996; M. Laur, personal communication, November 1996; A. Jõesaar, personal communication, December 1996; H. Haldre, personal communication, December 1996). Tõnis Palts (personal communication,

December 1996), CEO and Chairman of LEVICOM, also observed that fundamentally, the new law needed to provide a process, procedure, and criteria for the application and granting of licenses for radio and television stations. This was easily apparent in the competition for television licenses granted in 1993 (Källu, 1993).

The respondents interviewed for this study agreed that these were the primary points addressed by the working group. For most of the points the working group members were close in their positions. They agreed primarily with regulation concerning local content and foreign ownership. The primary issue of major disagreement was advertising on public broadcasting. Private and public broadcasters were divided over this issue (M. Laur, personal communication, November 1996). The following section reviews the primary issues addressed by the draft.

Commercials on Public Broadcasting

Lang (personal communication, November 1996) noted that private broadcasters wanted advertising banned from public radio and public television. They felt that public stations unfairly competed with private radio and private television since they were subsidized by the state. "Commercial radio stations claimed that R2 [public radio] was using state subsidies to offer lower advertising rates (Källu, 1993, p B2)." Jõesaar (personal communication, December 1996), Lang (personal communication, November 1996), and Laur (personal

communication, November 1996) noted that the draft from the working group called for no commercials on state radio and television.

The Role of Public Broadcasting

In conjunction with the issue of advertising, determining the role and organization of public radio and public television were important elements in the development of a broadcast law. The draft and law officially changed and established state broadcasting into public radio and public television. However, the approach to organizing public radio and public television differed between the private and public representatives in the working group. Most, except the public broadcasters in the group, were for combining the public radio and public television into one organization, which was written into the draft (R. Lang, personal communication, November 1996).

In addition, a Broadcast Council would be established to oversee the operations of public broadcasting. The Riigikogu would appoint people to serve on the Broadcast Council. The council would appoint managing directors for both public radio and public television. The council's purpose was to isolate public broadcasting from pressure and interference from the government and The Riigikogu. However, the draft called for the Estonian government to continue direct subsidization to public broadcasting, rather than through the Broadcast Council. Furthermore, the role of public broadcasting in the draft, and the law that

was eventually enacted, was broad and open to interpretation. (H. Haldre, personal communication, December 1996).

Local Content and Imported Programming Provisions

Fearing domination by imported programming, the draft legislation established minimum requirements for the broadcast of domestic programming. According to Jõesaar (personal communication, December 1996), the draft provisions were different for public and private broadcasters. In the draft, public broadcasters were required to have at least 51% local content programming, while the requirement was lower for private broadcasters, just 30%. Haldre (personal communication, December 1996) noted that these provisions were advocated by the Ministry of Culture and Education, filmmakers, authors and poets. They felt that this would support and encourage more local programming production.

Foreign Ownership Provisions

The domination of Estonian broadcasting by foreign capital was a major concern. The draft that eventually made it to The Riigikogu limited foreign ownership to 49% of an Estonian broadcast station. The working group was in general agreement concerning this provision (R. Lang, personal communication, November 1996).

Transmitter Ownership and Control

Another element in the discussion was to transfer control of the transmitters to Eesti Raadio and Eesti Televisioon. The transmitter system had been under

control of Eesti Telekom since independence. The draft sent to The Riigikogu transferred control to public radio and public television (H. Haldre, personal communication, December 1996).

Changes to The Draft and the Law That Was Enacted

The working draft the government eventually sent to The Riigikogu was considered pro-private broadcasting. Provisions in the draft prohibited commercials in public broadcasting, a major issue between public and private broadcasters. In addition, public radio and public television were combined into one organization in the draft law. For private broadcasters, the draft served to support the development and growth of private broadcasting in Estonia.

The 1994 Broadcast Law (Appendix B) passed by The Riigikogu was significantly different from the draft the working group had prepared. Laur (personal communication, November 1996) noted that private broadcasters lost the battle in The Riigikogu. What occurred was a strong lobbying effort that promoted changes favoring public broadcasting. Haldre (personal communication, December 1996) believed that The Riigikogu did not understand the impact of the changes that were being made. In addition, The Riigikogu acted on the legislation late into the night, a time when most legislators' primary concern was getting home. Laur (personal communication, November 1996) stated that

It was weird because if the law came out from the government before going to parliament [and] it had all the proposals the

commission made . . . it means that [Prime Minister] Mart Laar favored those proposals as head of the government. . . it was changed in the parliament even though his party was in power. There was not strong party discipline . . . this is because the democracy at that time was very young and there was no real political experience and no political behavior in the sense of Western democracies (1996).

Laur (personal communication, November 1996), Lang (personal communication, November 1996), Haldre (personal communication, December 1996), and Jõesaar (personal communication, December 1996) noted that public broadcasters were stronger than the private broadcasters and had better influence in The Riigikogu. Holmberg (personal communication, April 1998) observed that Eesti Televisioon had strongly lobbied and influenced The Riigikogu. In addition, he noted that EBU Director for Legal Affairs, Werner Rumphorst, had lobbied on behalf of public broadcasters. Mr. Rumphorst had earlier infuriated private broadcasters by indicating that

the country should first set-up a strong public service operation. Commercial stations should be encouraged only after they have attracted enough advertising revenue to live on. He said overdue influence of the commercial stations would drive out Estonian-language programming, which would not be produced as much by

commercial operators intent on drawing the biggest audience at minimal cost (Tammerk, 1994, p 8).

While it was acknowledged that public broadcasters had greater influence with The Riigikogu, others indicated a lack of party discipline in The Riigikogu as another reason for changes in the draft. Both Rummo (personal communication, December 1996) and Veidemann (personal communication, December 1996) also observed that since Estonia was a new democracy, The Riigikogu lacked party loyalty.

In addition, although Prime Minister Mart Laar and his Fatherland Party had aggressively sought to transform and liberalize the economy through privatization, things had changed by the time the draft of the Broadcast Law had come up for debate. During the year since the group had worked on the draft, 1993 to 1994, the economy was in poor shape, the government's budget was limited, and the effects of the reforms had been economically hard on the Estonian population (R. Veidemann, personal communication, December 1996). The effects of these items had been hard on Estonia and its people. The Riigikogu's mood had changed and their zeal at privatizing state enterprises had waned (H. Haldre, personal communication, December 1996). Laur (personal communication, November 1996) observed that "everyone was so tired and no one really cared anymore . . . everyone wanted to go home."

The Broadcast Law enacted in May 1994 was composed of eight chapters and 47 sections. The following outlines the organization of the law:

Chapter 1: General Provisions. Includes sections 1 to 5.

Chapter 2: Operating Principles of Broadcasting. Includes sections 6 to 13.

Chapter 3: Advertising and Sponsorship: Includes sections 14 to 20.

Chapter 4: Ownership Rights to Broadcasting Technical Resources and to Broadcasts and Programs. Includes sections 21 to 23.

Chapter 5: Public Broadcasting Organizations. Includes sections 24 to 36.

Chapter 6: Broadcasting Licenses for Private Entities. Includes sections 37 to 41.

Chapter 7: Control and Responsibility. Includes sections 42 to 43.

Chapter 8: Final Provisions: Includes sections 44 to 47.

(Broadcast Law, Appendix B).

The ensuing section highlights and reviews issues covered by the 1994 Broadcast Law and how they were either similar or different from the draft submitted to The Riigikogu.

Advertising

Section 35 of the 1994 Broadcast Law enacted provided that the income for Eesti Raadio and Eesti Television would be composed of

- 1) taxes determined by law;
- 2) amounts directly allocated from the state budget;
- 3) advertising, the procedures, prices, usage and volume of which shall be decided by the Broadcasting Council, whereby the volume of advertising must not exceed 5 per cent of the broadcast volume of the daily program on the one channel for Eesti Television and on the two channels for Eesti Raadio, of which one is in a foreign language;
- 4) amounts from foundations, sponsorship, rental from transmitter networks and other sources (Broadcast Law, Appendix B).

In addition to tax subsidies, point three above permitted advertising on public radio and public television to supplement their budgets.

The issue of advertising on private radio and private television stations was covered in Chapter 3 of the 1994 Broadcast Law. Besides covering issues such as honesty, children's advertising, and identification, Section 17 of the Broadcast Law limited advertising volume for private broadcasters. It stipulated that

The volume of advertising in a program must not exceed 20 per cent of the daily volume of the program, whereas:

- 1) the volume of advertising in a television program - 15 per cent of the daily volume of the program, and 12 minutes in any one hour segment of the program;
- 2) the volume of advertising in a television program in the form of direct offer of sale, purchase of goods, or rental of services - one hour per day (Broadcast Law, Appendix B).

Those interviewed indicated that the most significant change in the draft made by The Riigikogu permitted commercials on public broadcasting stations.

Rummo (personal communication, December 1996) observed that

The draft was a little bit balanced, especially if we speak about balance between public and private broadcasting activities; as well as about budgetary [financing] process for financing public broadcasting. But [the draft was] made very different by amendments by parliament. . . Main difference is there . . . was no advertising in the public channels. . . But that is not the case now.

Public Broadcasting's Role in Estonia

The 1994 Broadcast Law addressed the issue of the role of public broadcasting in Estonia. The Broadcast Law's Chapter 5 section 25 provisions on Public Broadcasting Organizations specified that

The tasks of Eesti Raadio and Eesti Television shall be:

- 1) fostering, promoting Estonian national culture, and the recording, preservation and introduction of its best achievements;**
- 2) being intermediary for the best achievements in world culture;**
- 3) creation and transmission of varied and balanced programs, on a high journalistic, artistic and technical level;**
- 4) satisfaction of the information need of all national groups, including minorities;**
- 5) creation of mainly information, cultural educational, training and entertainment broadcasts (Broadcast Law, Appendix B).**

When The Riigikogu acted on the issue of public broadcasting, Laur (personal communication, November 1996) observed “that public radio and TV were separated into two separate companies, not as proposed by the commission [working group]; to put them together into one holding company.” She believed that Veidemann convinced The Riigikogu that if public radio and public television were combined into one organization, they would not be able to be a member of the

EBU anymore. This information was incorrect. According to Laur, the holding company that would have been formed could have maintained EBU membership.

Although separated, both public radio and public television would be overseen by an independent body, the Broadcast Council. Section 31 of the 1994 Broadcast Law provided that the Broadcast Council be composed of nine members who would meet at least once every two months. Members of the Broadcast Council were to be appointed by The Riigikogu. Its primary duties included the appointment of the managing directors for public radio and public television, confirming of public radio's and public television's budgets, and confirming the principle direction of public broadcasters (Broadcast Law, Appendix B).

Ownership Provisions

The issue of ownership in the 1994 Broadcast Law was covered in Chapter 4, Ownership Rights to Broadcasting Technical Resources and to Broadcasts and Programs. Two sections in particular address the issue of ownership. Section 21 provisions for private ownership of Estonian radio and television stations stated

Broadcasting transmitters may be owned by, and have direct proprietorship by:

- 1) Legal entities registered in Estonia where over half of the votes determined according to shares or stocks belong to Estonian citizens

**2) Estonian citizens who are permanently resident in Estonia
(Broadcast Law, Appendix B).**

Later Section 39, concerning application for broadcast licenses, provided that the application for a license there must include a

document showing the distribution of votes determined by shares or stocks, which proves the accordance of the entity with the requirements determined in §22, Point 1 of the present law
(Broadcast Law, Appendix B).

According to these sections an owner of a private radio or private television station must be either an Estonian citizen or an Estonian majority-owned company. The idea of limiting foreign ownership was pushed primarily by private broadcasters. They feared that foreign broadcast companies with large amounts of capital would overrun Estonian broadcasters who lacked the financial resources to compete, forcing them out of business (Källu, 1993).

The 1994 Broadcast Law also provided provisions prohibiting cross-ownership of the media in the same geographic area. In Section 41, concerning the issuing of broadcast licenses, point 4 item 8 provided that

- (4) The Ministry of Culture and Education shall refuse to issue a broadcasting license if:
- 8) the proprietor of the television or radio station or the responsible publisher of the daily or weekly newspaper

would simultaneously become the responsible publisher of television, radio and daily or weekly newspapers on territory planned for the broadcast operations or on part of Estonian territory (Broadcast Law, Appendix B).

According to Haldre (personal communication, December 1996), if someone owned two out of three types of media in a market, they could not own the third. An example would be if someone owned a newspaper and a radio station, then they could not own a television station.

Programming Content Provisions

The primary provision concerning domestic programming content in the 1994 Broadcast Law concerned public broadcasting. Under Section 25, the tasks of Eesti Raadio and Eesti Televisioon, point 2 item 2 stipulated that “Eesti Raadio and Eesti Television shall guarantee: 2) proportion of at least 51 per cent local product in their programs (Broadcast Law, Appendix B).”

Programming content provisions for private broadcasting were minimal and vague, despite what respondents had noted earlier when discussing the draft. For example, several broadcasting executives believed that the enacted Broadcast Law required private radio and television to have a minimum of 20% local programming content.. However, the primary reference to local programming content found in Section 38 had no specified local programming requirement. The only programming requirement for private broadcasters was found in section 4,

requiring that 5% of a program day must be news broadcasts (Broadcast Law, Appendix B). It appears that some broadcasters confused the temporary rules created by the Riigikogu's Culture Commission, during the interim before a law was enacted, with the actual Broadcast Law.

The 1994 Broadcast Law focused more on local content provisions for public rather than private broadcasters. However, the law apparently left some discretion to the Ministry of Culture and Education to specify local content requirements when issuing individual licenses. In addition, it appeared that the amount of local programming planned could be used in the licensing process when two or more applicants were vying for the same broadcast license. Section 39 point 1 provided that the "planned program description and data . . . may be necessary to decide the issuing of the license (Broadcast Law, Appendix B)."

Jõesaar (personal communication, December 1996) noted that the intent of the content provision was to preserve Estonian production and filmmaking. The local content provision was pushed by the Ministry of Culture and Education and filmmakers. Public broadcasters used the content requirement to justify further the need for advertising on public stations. They said that additional money from advertising was necessary to help pay for local productions, especially while the economy was poor and still developing (M. Laur, personal communication, November 1996). Haldre (personal communication, December 1996) noted that the local content provision could be broadly defined. Weather, news, traffic

reports, and even Estonian language subtitled or dubbed foreign programs could be counted as local content. Since the 1989 Language Law (Appendix C) required any foreign program to be either dubbed or subtitled in Estonian, then a broad definition of the content regulations would easily meet the requirements. Hunt (personal communication, December 1996) suggested that the broad definition of the content provision had been done purposely, noting that it was expensive to produce actual local programming for television.

Transmitters

The 1994 Broadcast Law transferred control of the government owned transmitter system to public radio and public television. Section 21 concerning the ownership of broadcasting transmitter resources provided that

- (1) Transmitters and transmitter networks which are necessary for the transmission of public programs shall be the co-property of Eesti Raadio (Estonian Radio) and Eesti Televisioon (Estonian Television)
- (2) The establishment of the transmitters and transmitter networks to cover the whole of Estonian territory, and the procedures for their expropriation, shall be determined by the Government of the Republic (Broadcast Law, Appendix B).

The law also provided in Section 22 for the private ownership of broadcast transmitters by permanent Estonian citizens or Estonian-registered legal entities with a majority of the voting stock owned by Estonians.

The draft version of the Broadcast Law called for the transfer of the transmitting system to the control of public radio and public television. Initially, Haldre (personal communication, December 1996) had pushed for the privatization of the transmitting system during early discussions on the draft. However, by Spring 1994 the mood and goals of The Riigikogu had changed. Similar to the situation with public radio Raadio2, the revenues from the transmitters produced badly needed financial resources. Lang (personal communication, November 1996) noted that the law enacted by The Riigikogu did transfer control of the transmitting system to public radio and public television. This made the private television broadcasters dependent on them, while private radio broadcasters owned their own transmitting facilities.

Summary

Passed by The Riigikogu in May 1994 and implemented in June 1994, the Broadcast Law served as the legislation guiding the regulation of public and private broadcasting in Estonia. The law enacted was different than the pro-private broadcasting draft sent to The Riigikogu. The differences between the draft and the Broadcast Law exacerbated the friction between private and public broadcasters. The next section reviews post-Broadcast Law developments in Estonia.

Post Broadcast Law Developments: 1995-1996

By the time the Broadcast Law had been enacted, Estonia was confronting the challenges in reforming and developing its broadcast system. Due to the expense and investment needed to update and change the transmission system to conform to Western standards, the technical obstacles were being slowly faced. As the economy grew and improved, Estonians were able to afford to purchase receivers to receive broadcasts on the new frequencies (H. Haldre, personal communication, December 1996).

The market economy began to slowly grow and develop by late 1994, with continued growth and development in 1995 and 1996. The developing retail market started to provide advertising revenues to finance broadcast stations in Estonia. Stations were still struggling and dependent on transnational advertisers for revenue, but the developing local advertising market looked promising. (H. Sinisalu, personal communication, November 1996; R. Ricci, personal communication, December 1996).

Broadcasters and entrepreneurs were learning new skills in managing and operating stations in a competitive environment. By December 1996, there were approximately 30 radio stations on-the-air and three television stations in Estonia. Competition for audiences and advertising revenues was intense, particularly since the advertising market was still developing in this marketplace economy. Managers were adapting and confronting competition with skills and programming

practices adopted from the West (H. Sinisalu, personal communication, November 1996; H. Haldre, personal communication, December 1996).

The 1994 Broadcast Law gave government ministries guidelines in granting licenses and in regulating broadcasters. However, the Broadcast Law also was ambiguous in some of the issues it covered and exacerbated the acrimonious relationship between public and private broadcasters.

Since the 1994 Broadcast Law's enactment, the issue of commercialized public broadcasting was the primary focal point in the development of Estonia's broadcast system. Inherent in this issue was debate concerning the role of public broadcasting in Estonia. Other issues such as ownership and the transmitters were of lesser concern.

Through 1996, the acrimonious relationship between private and public broadcasters continued in Estonia. The advertising provisions, meant to supplement public broadcasting's revenues, angered private broadcasters. Loit (personal communication, November 1996) noted that while the idea was to get additional dollars to support cultural and educational programming for public broadcasting, they instead put it into entertainment and activities aimed at making them attractive commercially. He felt the programming was unbalanced towards entertainment, yet it was considered public service. Both Loit and Palts (personal

communication, December 1996) believed that this unfairly competed with private broadcasters since public broadcasting was subsidized by the state.⁹

Ex-managing director of Eesti Raadio, Herkki Haldre (personal communication, December 1996) also noted that the law enacted left public broadcasting's role in Estonia ambiguous, especially since it permitted advertising on the public stations. He observed that as a result, public television looked like a typical commercial station that did some public service noting, "you can't tell the difference." Private television station Kanal Kaks, according to Haldre, did more to serve the minorities than public television. He believed that public broadcasting should act more as an educator. Kanal Kak's Ilmar Taska (personal communication, December 1996) noted that public television was more concerned with ratings than public service, citing the game shows and entertainment programming as an example.

According to Laur (personal communication, November 1996)

It is very difficult. So it's [an] like endless debate, because one issue is money and the other issue is programming. They are very closely tied together . . .the financing has always been a problem . . . it's very easy for the state broadcasters to say that we cannot

⁹ As of January 1998, Eesti Televisioon (ETV) stopped showing commercials. Its new managing director, Toomas Lepp, had signed an agreement with the three private stations agreeing to cease soliciting commercial advertising ("Around the Baltic," 1998).

produce this kind of programming [local content] which is exactly in the law because we don't have enough resources.

She added that The Riigikogu, at the time of the Broadcast Law's enactment, did not know and understand what public broadcasting's role should be, and it still doesn't have an idea. According to Laur, "there are some points about the mission of public radio and TV in the law, but they are too broad. So you can do everything and say we are following those principles ." She stated that "they are all the time debating . . . everyone in Parliament [understands] there is a problem. . . nobody has the courage to decide" on what the programming should be on public broadcasting.

Managing director of Eesti Televisioon, Hagi Shein (personal communication, December 1996), also observed that political parties in Estonia did not have a clear position on public broadcasting. Palts (personal communication, December 1996) believed there was a need to state a clear mission for public broadcasting in Estonia, for it did not have one. According to Rummo (personal communication, December 1996), "almost all political sides are skeptical about the ambitions" of public television as well as public radio. There was a feeling that the large amount of money appropriated from the state budget to public broadcasting was not good, considering that private broadcasters had proved to be quite good and quite strong.

Rummo (personal communication, December 1996) noted that the Broadcast Council was charged with supervising public broadcasting, but under current law, was limited in its involvement to day-to-day activities. However, the council had strong ambitions for public broadcasting and desired to have more say about program policy. For example, Rummo observed that public broadcasting should “largely have more cultural programming and to give possibilities to the local producers.” He went on to state that the focus for public broadcasting should have been on

More tradition and aims. The background is that today . . . our thinking is that almost every Estonian family would have satellite and cable. And [with] such a background its completely absurd to have public programs of entertainment and so on in Estonian TV and Estonian radio, because they have it without Estonian channels. And so Estonian channels have to concentrate more on local life and local culture [and] it should be more educational (P. Rummo, personal communication, December 1996).

Rummo (personal communication, December 1996) believed that the abundance of low quality entertainment programming on public television was there to have ratings for advertising dollars and thus, increase income. However, he felt that since Estonia already had private television with its commercial

entertainment fare, there was no need for government subsidized and advertising supported entertainment programs on public television and public radio.

Various ideas were being promoted as alternatives to financing public broadcasting. Spoken of often was that offered by the managing director of Eesti Raadio, Peeter Sookruus (personal communication, December 1996). It involved a fixed state subsidy of 1% of state revenues without advertising. This would have helped to isolate public broadcasters from the government and helped with long-term planning.

When the 1994 Broadcast Law was enacted, Ministry of Culture and Education Peeter Olesk declared that, as part of the implementation of the new law, frequencies and transmitters would be reallocated among Estonia's private television stations. In September 1994, the temporary licenses were substituted with permanent ones but with different frequencies and transmitters. ETV and EVTV were furious. The new arrangement meant that Kanal Kaks would cover 60% of the territory and 75% of the population. For EVTV and RTV, which shared the same frequency, this resulted in a signal that covered 60% of the territory and 81% of the population. Under the old arrangement, Kanal Kaks could only be received by 60% of the Estonian population while EVTV and RTV enjoyed access to 90% (Tammerk, 1994).

The decree resulted in EVTV and RTV losing the coverage that they once had in Southern Estonia. In addition, *The Baltic Independent* observed that Minister Olesk

incurred the wrath of thousands of viewers who could no longer get their daily fill of the immensely popular soap operas *The Bold and the Beautiful*, *Dirty Face*, *E-Street*, and *Paradise Beach* (Tammerk, 1994, p 7).

Kanal Kaks benefited in gaining coverage in the south where it had none before. Kanal Kaks owner Ilmar Taska stated that

The newly-created conditions of fair competition create equal opportunities for all private channels. There are enough chances for everyone to operate new frequencies, build new transmitters and develop cable networks (Tammerk, 1994, p 7)

However, believing that the decree violated the new broadcast law, both EVTV and RTV took the minister to court, resulting in a temporary suspension of the new arrangements and restoration of the original allocation of frequencies and transmitters on October 21, 1994. This initiated what was to become known as the 'TV War.' EVTV owner Viktor Siilars noted that his company experienced major financial losses due to the re-allocation and resulting confusion. In addition,

He also dismissed talk of creating "fair rules," claiming that the old arrangement was fair -- Kanal Kaks was seen only in the north, but

it went on-the-air every night, while EVTV and RTV, seen in most of the country, broadcast every other night (Tammerk, 1994, p 7).

The two television companies also made accusations of favoritism, observing that then Prime Minister Mart Laar hosted a popular history series on Kanal Kaks (Tammerk, 1994).

By the time of parliamentary elections in March 1995, the court case had not been resolved. Anger ensued from viewers who could not watch their favorite television programs when the new assignments were made. At the time, accusations of discrimination and political favoritism were made by RTV and EVTV, who pointed out links between Kanal Kaks and then Prime Minister Mart Laar. This was thought to have influenced the March 1995 election results. After the election, Mart Laar stated that "This TV War has cost my party [Fatherland] 5% of the votes ("The Estonian Parliamentary Elections," 1995, p 31)." In that election, the Fatherland party received only 7% of the votes, losing its dominant position in The Riigikogu.

The TV War finally concluded on October 3, 1995 when Ministry of Culture Jaak Allik wrote letters of apology to EVTV and RTV with an offer to rent the highest TV tower in Estonia, the Valgjarve tower, if they would drop the court case and pay the court fees. When the previous Ministry of Culture and Education had made the reassignments in September of 1994, EVTV and RTV had lost the rights to use Valgjarve TV tower, being assigned instead use of lower and less

powerful Tartu and Koeru towers. Now EVTV and RTV regained its position through this agreement (E. Kokkota, personal communication, May 1998). Kanal Kaks retained its reassigned transmitters and frequencies.

Another conflict occurred in mid-January 1996 when EVTV and RTV merged to form TV3. TV3 Vice-President Andres Jõesaar (personal communication, December 1996) noted that both companies had experienced major losses in 1995, thus the need to combine resources. The result of the merger was better resources for higher quality programming. The new company had to compete with two other contestants for the license its previous unmerged parts once had. Although TV3 was seen as a favored applicant, the Ministry of Culture's licensing Commission had voted by five to three to grant the license to AS Trio Ltd., owner of Raadio KUKU, but, this vote was not binding on the minister. Instead he granted it to TV 3, noting that

He had no legal or moral right to end programmes Estonian viewers had grown use to. He said that TV 3 as a legal successor of EVTV and RTV has "a certain established audience, a reputation among the viewers and continuity of programming (Oll, 1996, p 2)."

In his opinion, Haldre (personal communication, December 1996) observed that the Minister of Culture could have saved himself some trouble by invoking the Broadcast Law's provision prohibiting cross-ownership of the media.

The law restricted cross-ownership to two out of three media types in the same area (Broadcast Law, Appendix B). Raadio KUKU was owned by AS Trio Ltd., whose owners included Hans Luik. Luik was a major player in Estonia's media market. Besides AS Trio, he also owned a number of newspapers. Haldre believed that the cross-ownership rules of the 1994 Broadcast Law would have prevented AS Trio from receiving a television license. However, the Minister of Culture chose to cite other reasons, as noted above.

Another private television station, owned by Makarov Music Management, was scheduled to start broadcasting in 1994, but due to an accident when its antenna fell down, it did not begin broadcasts until January 1995. Unlike the other private television stations, Tipp TV owned its own transmitter and used the Western European PAL system. This made it independent of the state-owned transmission system. The station was mainly seen in Northern Estonia, primarily Tallinn, since it was based there and had a range of 100 kilometers. Jim Makarov, president of the firm, indicated that "while other stations invested in programming, they decided to invest in transmitters and the antenna (Trummel, 1995, p 9)."

Targeted towards primetime, the station's programming included films, music, documentaries, and cartoons for children. Since the other stations already had soap operas and series, Tipp TV aired one film a night and broadcast only five minutes of news each day. Eventually, the station planned to expand its transmission system and lengthen its broadcast day from its original 6pm to

midnight (Trummel, 1995). However, a year later in March 1996, Tipp TV went off the air due to financial reasons (Vaher, 1996).

A new station started preliminary broadcasts near the end of 1996. TV 1 was owned by an Estonian family, the Sõnajalgs (Vaher, 1996).¹⁰ The station was supposed to begin broadcasting in May 1996, but was delayed. In November and December 1996, TV 1 primarily was broadcasting a shot of the Tallinn harbor using a camera aimed out an office window with music in the background. In addition, the station also broadcast a newscast each day and occasionally aired music videos.

By the end of 1996, private commercial broadcasting was developing and establishing itself in Estonia. There were approximately 30 radio stations with various degrees of coverage in the country. In addition, Estonia had two private commercial television stations on-the-air with another in the early stages of setting up its programming.

During the interviews ownership was not a high concern among respondents. The more pressing issues were the commercialization of public broadcasting and its competition with private broadcasters. The regulations enacted left ways to get around this provision (H. Haldre, personal communication, December 1996). The draft and the final version of the enacted 1994 Broadcast Law limited foreign ownership of broadcast stations in Estonia to 49%, requiring

¹⁰ During perestroika they were a well known gospel band (Vaher, 1996).

the remaining 51% to be Estonian ownership. However, according to Loit (personal communication, November 1996) and Haldre (personal communication, December 1996) there were examples where the law was circumvented. While stations appeared to follow foreign ownership restrictions, they actually circumvented the law in various ways. Loit observed that a foreign company may own 49% of a station's shares, then can enter into further ownership by buying shares in an Estonian company or companies that owned the other 51% of the station. Another example was cited where a station actually was controlled by a foreign company. While not sure how it was legally done, Loit believed it was accomplished through some sort of formalized agreement or transfer of voting stock.

Ricci (personal communication, December 1996) recognized a couple of scouts for foreign media companies in Estonia that were exploring possibilities for broadcast acquisitions. In addition, he had heard of four other companies that had recently inquired and had been to Estonia to prospectively look at broadcast properties. One company, he noted, would not buy unless it got at least 51% control. Thus, ownership may become an issue if foreign firms start aggressively buying into Estonia's broadcast market.

However, Rummo (personal communication, December 1996) felt that the issue of foreign ownership was only a little bit of politician paranoia. He believed that Estonia was too small a market to be of interest to international media

companies. Haldre (personal communication, December 1996) said that the foreign ownership provision really did not work, but that overall it was not a problem. He also noted that Estonia was a small country, making it an unattractive media market for an international broadcast company to consider making a major investment.

The 1994 Broadcast Law had transferred control of the state-owned transmitters to public radio and public television. However, less than a year later the law was amended, transferring control back to Eesti Telekom (R. Lang, personal communication, November 1996; Rummo, personal communication, December 1996; Sookruus, personal communication, December 1996). But Rummo said that even this was not a good situation since Eesti Telekom was owned by the government and acted like a monopoly, charging high prices for transmitter rental to public radio and public television and private television broadcasters. According to managing director of Eesti Raadio, Peeter Sookruus, the transmitter system was in bad shape and in need of renovation. Rummo did acknowledge that the transmitters and technology were old and outdated and in need of updating and that takes money. Privatizing the transmitters would have been the answer, but Rummo asked who would buy such an antiquated system. He observed that since Estonia was such a small country the transmitter system was a natural monopoly.

Summary

By the end of 1996, Estonia had faced a number of challenges in reforming and developing its broadcast system, including technical, development of a market economy, the lack of skills in managing broadcast stations in a competitive market environment, and the lack of legislation. Estonia had inherited an antiquated transmission system incompatible with broadcast standards and frequencies established by the International Telecommunications Union (ITU). In addition, many Estonians did not own receivers capable of receiving the new frequencies. Changes to the transmission system were slow due to the expense and investment needed to accomplish it. Estonians eventually purchased new receivers as the market economy developed and improve, and as reciever costs decreased (H. Haldre, personal communication, December 1996).

The development and progress of Estonia's market economy encouraged and improved the growth of its broadcast system. As Estonia's retail market grew and became more competitive, the evolving advertising market provided revenues to financially support broadcast stations as they went on-the-air. However, advertising revenues were still minimal, and stations struggled to compete for this limited amount of income (R. Ricci, personal communication, December 1996).

As 1996 came to an end, many of the broadcasters had learned skills and adopted Western strategies in managing broadcast stations in a competitive media environment. Broadcasters were aggressively competing for audiences and

advertising revenues as new stations were licensed and put on the air. Station personnel and managers now used Western programming techniques, audience ratings and research, and business practices to competitively operate and manage their facilities (H. Sinisalu, personal communication, November 1996).

Where the lack of legislation had hindered the development of Estonia's broadcast system, now a Broadcast Law existed. In the first two years of independence, Estonia did not have legislation for licensing and regulating broadcast stations. Initial direction came from The Riigikogu's Culture Commission, as a temporary arrangement until a law was enacted. A working group, composed of government, broadcast, program producers, and musician representatives, met and drafted a broadcast law for consideration by The Riigikogu (R. Lang, personal communication, November 1996).

The law that was enacted was clearly different from the draft. The provisions that were changed significantly impacted the development of Estonia's broadcast system, perpetuating and exacerbating issues that existed before the law. Both public and private broadcasters agreed that the 1994 Broadcast Law did not work (R. Lang, personal communication, November 1996). The law failed to clearly define a role for public broadcasting in Estonia. It also contributed to the ongoing conflict between private and public broadcasters over advertising on public stations. It permitted public broadcasting to supplement their government-subsidized budgets with advertising revenues, competing with private broadcasters

for a share of limited commercial dollars. Lään (personal communication, May 1998) noted that commercials on public stations continued to be an issue that perpetuated the conflict between public and private broadcasters.

However, others advocated a need for public broadcasting to have advertising to buy quality programming. Rebané (personal communication, December 1996) said that part of the strategy for public television was to program entertainment to attract audiences to the cultural and information shows sandwiched among them. Otherwise, he believed educational, cultural, and information programming alone would have attracted small audiences making the cost associated with the production and transmission of such shows a very high price for the size of viewership. But many among the private broadcasters felt that there was too much entertainment and that public broadcasting actually competed for audiences to attract advertising dollars.

Since 1991, Estonia's broadcast structure had experienced the development of a parallel private broadcast system, plus the enactment of a broadcast law. The next section reports on the assessment made of Estonia's broadcast system utilizing McQuail's (1992) Media Performance Analysis framework.

CHAPTER FIVE
FINDINGS: MEDIA PERFORMANCE ANALYSIS
AND RESEARCH QUESTIONS

Introduction

This dissertation examined the effects of political and economic changes on the post-communist state broadcast system of Estonia, a country seeking to establish a democracy and its institutions. The preceding chapter described and discussed the redirection of Estonia's broadcast system for the five years after regaining its independence. The challenges and issues, which surfaced during this period of political and economic changes, illuminated important issues affecting the democratization of a country's broadcast system.

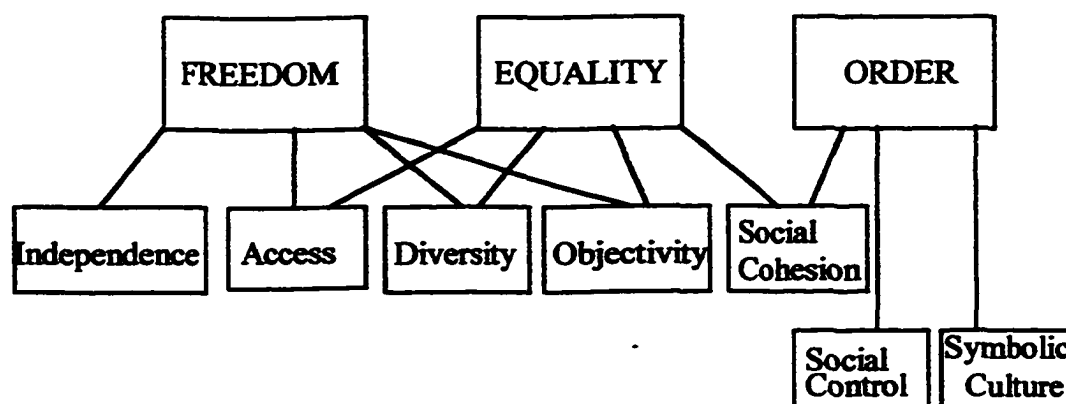
This overview and discussion provided insight and clarification about the issues surrounding the focus of this study. It provided contextual understanding of important points surrounding the democratic change of a post-communist broadcast system, serving to enlighten the findings and discussion for this dissertation's research questions.

Guided by McQuail's Media Performance Analysis framework, this study examined Estonia's broadcast system, utilizing ideal democratic values of freedom, equality, and order to assess its broadcast system. Although no Western democracy measures up to this ideal set of democratic values, all democracies strive to realize them. Specific to this study were the elements of independence, access, and social

cohesion. They were selected from the corresponding values in Figure 5.1.

Huntington (1991) and Dahl (1971) observed that two important dimensions of democracy were participation and contestation. Unless a broadcast system was free and accessible for people to present their views and conflicting opinions, then the health and long-term prognosis for a democracy was questionable. In addition, the broadcast system's contribution to social cohesion was selected since the conflict or lack of unity among various ethnic groups could possibly jeopardize the long-term prospects for democracy.

Figure 5.1 Framework of principles of media performance



(Source: McQuail, 1992, p 78).

Based on these areas of inquiry, the research questions that guided this study included:

- * How independent was the broadcast media in Estonia, both public and private?

- * How accessible was the broadcast media by various ethnic groups in the population?
- * Did the broadcast media contribute to social cohesion and its related question, How did the new broadcast media system deal with the contextual problems of newly democratized Estonia?
- * What was the overall effect of political and economic changes on Estonia's broadcasting system, in terms of public broadcasting, private broadcasting, and media pluralism?

How Independent Was the Broadcast Media in Estonia, Both Public and Private?

This question addressed an important element in McQuail's value of freedom, considered important in enabling a broadcast system to serve the public interest in a democratic society. An independent broadcast media provides people freedom to advocate and express their views and differing opinions, thereby participating in the governance of their society. This freedom also enables various members of society to compete for public office using the broadcast media to discuss and debate the issues in vying for the peoples' vote. Thus, an independent broadcast system is necessary as a democratic institution that serves the public interest. The independence of Estonia's broadcast system was examined by studying both its public and private broadcasting media.

Estonia's public broadcasting media evolved out of the Soviet Communist broadcast system inherited from the USSR. Since independence, Estonia's public broadcasting system worked to transform itself into a broadcast system that served the public interests rather than the state. Although the Estonian Constitution (Appendix A) and the 1994 Broadcast Law (Appendix B) provided for the right to free speech and freedom of the press, the public broadcasting system operated under some major handicaps that inhibited its abilities to be totally free from government interference: dependence on government operating subsidies, and government owned transmitters.

A number of interview respondents noted that direct government subsidization of public broadcasting was a major problem, despite the existence of a Broadcast Council. Laur (personal communication, November 1996) observed that the biggest problem was

that public radio and TV are not in fact independent from the government and Parliament since their budget very heavily depends on . . . decisions from the government and the parliament . . . for example [if] public radio and TV are very critical towards the government [then] the government can actually not give them enough money . . . and of course the managers of these companies are interested in having a healthy budget.

She noted a recent example for the potential of government interference when Eesti Televisioon's news director made a comment about the predicted results of the elections. The government and political parties said that this was not appropriate for public television. They heavily criticized Eesti Televisioon's Managing Director Hagi Shein for these comments.

When asked about the independence of public broadcasting, Rummo (personal communication, December 1996) stated that "there have been attempts. . . Yes.. there have been such steps that can be interpreted as government interference." He acknowledged that mechanisms were needed to prevent the possibility of government interference. Veidemann (personal communication, December 1996) said that certainly the government tried. He saw cases where the government wanted to interfere and influence news and talk shows on public broadcast stations. Veidemann suggested that it was good that a Broadcast Council existed to serve as a layer between the government and public broadcasting, but he also cited direct subsidization of public broadcasting by The Riigikogu as a major concern. This practice exposed public radio and public television to potential interference from the government.

Managing Director of Eesti Televisioon, Hagi Shein (personal communication, December 1996), noted that public broadcasters "try to be independent but the politicians don't like it." In practice, public television was quite independent, but Shein also expressed concern about direct subsidies from the

state. Direct subsidies potentially gave the state a lever of control, if they decided to use it. Herkki Haldre (personal communication, December 1996), Managing Director of Eesti Raadio during 1993 and 1994, said that he had personally experienced attempts at governmental interference. He noted that people in government had the "old telephone power (1996)." This meant he would get telephone calls from government officials, some of them his friends, who complained that as Managing Director of Eesti Raadio he was giving too many people from the opposition the opportunity to get "their word there (personal communication, December 1996)" on the public radio stations.

These government officials indicated that they did not like the opposition having so much broadcast time and that he should do something about it. These same 'old friends' had appointed him. Now they wanted him to keep public radio as a state control propaganda machine. Haldre (personal communication, December 1996) felt it was the same old game that Estonia had just freed itself from, part of the Soviet legacy. Words were exchanged and he resigned. At about this time the Broadcast Law was enacted. He noted that afterwards, with the coalition governments that followed, there were no more attempts at interference of which he knows. It had become too sensitive to try. But Haldre observed that public broadcasting was very careful; they were doing features and soft criticism, while private broadcasters were harder with on-air criticism. Estonian public broadcasting was careful and mildly criticized the government so as not to step on

toes, because of their dependence every year on direct state subsidies (H. Haldre, personal communication, December 1996).

While direct subsidization by The Riigikogu was one major concern regarding independence from government interference, Estonian public broadcasting's rental of transmitters from state-owned Eesti Telekom was the other concern. Both public radio and public television rented transmitters from Eesti Telekom, making them vulnerable to indirect government interference.

According to Holmberg (personal communication, May 1998), compared to other countries with similar histories, Estonian public broadcasting was relatively free and democratic. However, while he had no documentation, he had it on good authority that there have been instances where the government leaned heavily on the public broadcasters, but to little effect. He noted in his conversations with public broadcasters that one cited example of the potential for government interference was the transmitters. His sources noted that the government could pressure them by increasing transmitter rental fees, but not their state subsidies. In that way, it would not appear that the government was interfering with public broadcasting.

Both direct subsidization and transmitter rental restricted Estonian public broadcasting's independence from government interference, restricting their freedom to criticize the government. A majority of Estonian public broadcasting station's revenues came from government subsidies, voted on and allocated

annually by the Riigikogu. If The Riigikogu was displeased with public broadcasting's news coverage and criticism it could threaten or vote to cut these subsidies.

The other concern, transmitter rentals, also provided the government opportunities for interference. Again, if the government was unhappy with public broadcasting's news coverage or criticism, then transmitter rental fees could be increased without increasing subsidies, pressuring or punishing public broadcasting. Raising transmitter fees for public broadcasting would not be as overt as directly cutting subsidies, thus raising public suspicions, and could always be attributed to increasing costs. Private radio broadcasters, owning their transmitters systems were not particularly exposed to such government interference. The same was not true, however, of private television stations, which rented Eesti Telekom's transmitters, thereby exposing themselves to possible government interference. The lack of transmitter facilities, therefore, made the specter for government interference significant for public broadcasting and for private television broadcasting stations.

What made this significant was that the majority of listening and viewing audiences tuned to Estonian public radio and public television stations, which were exposed to government pressure and interference. The top 7 television shows in 1995 were on public television. In addition, Estonian public radio's four channels achieved a 63% weekly share of listenership compared to 27% for local radio

(Appendix E; Baltic Media Book, 1996). While private broadcast stations were more critical of the government, the listening and viewing audiences overwhelmingly tuned to the public broadcasting stations.

Sinisalu (personal communication, November 1996) and Hunt (personal communication, December 1996) offered an important point in this discussion concerning independence. They felt that any real attempt by the government to censor or interfere with the broadcast media would have been met with public outrage and condemnation. Haldre (personal communication, December 1996) also noted that in recent years attempts to interfere with public broadcasting had “become a hot potato” for the government, suggesting that to do so would be foolish in light of the public’s reaction.

When the independence of private broadcasting was explored, the prospect was more encouraging. Respondents noted that private broadcasters were free from government censorship and interference. Haldre (personal communication, December 1996) observed that private broadcasters were harsher in their criticism of the government than public broadcasters. Private broadcasters Lang (personal communication, November 1996), Loit (personal communication, November 1996), Jõesaar (personal communication, December 1996), and Taska (personal communication, December 1996) noted that they experienced no problems with government interference or censorship. Everyone was quick to point out that the

criticism in the news and information programs of the private broadcasters offered evidence of the independence of these stations.

However, one caveat was the private television stations' rental of transmitters from state-owned Eesti Telekom. This exposed private television stations to the same potential problem of public broadcasters, possible governmental pressure and interference exerted through the transmission system rental fees. Private television stations already were paying rental fees that ranged from 40% to 50% of their monthly operating budgets, nearly ten times higher than what western broadcasters pay (I. Taska, personal communication, December 1996). The high fees inhibited the development and ability of private television stations to grow and offer competitive news and entertainment alternatives to the public television broadcast system. In addition, renting the transmission system from state-owned Eesti Telekom provided the government an indirect means to interfere with private television stations' operations and broadcasts.

Another issue concerning the independence of both public and private broadcasters in Estonia was their dependence on advertising revenues. Holmberg (personal communication, May 1996) noted that Estonia's market economy, still developing and growing, had limited available advertising revenue. Estonia's private broadcasting stations depended on advertising to finance their operations. In addition, public broadcasting also supplemented its budget with advertising revenue. As of 1996, advertising already made up almost 35% of Eesti

Television's budget (Eesti Televisioon on Glance, Appendix D) and almost 20% of Eesti Raadio's revenues (P. Sookruus, personal communication, December 1996).

What Holmberg (personal communication, May 1998) observed was the possibility that broadcasters were inhibited in the area of consumer journalism. Both public and private broadcasters would have hesitated to report and criticize businesses that advertise, especially since the advertising market was undeveloped and limited. Unfortunately, this inhibition occurred at a time when consumer journalism needed to be most aggressive in educating and cautioning the Estonian population about the negative aspects of a market economy and unscrupulous business practices. Although relatively independent, private and public broadcasters in Estonia nevertheless faced potential pressure from the business sector of their new market economy.

According to Holmberg (personal communication, May 1998), the overall evidence indicated that broadcasters in Estonia were relatively independent, especially when compared to other post-communist countries. While some respondents noted examples of government attempts to interfere with public broadcasters, they also observed that these were, for the most part, ignored and resisted. There were indications that public broadcasters knew where the line was in criticizing the government, as demonstrated when private broadcasters were harsher in their criticism.

Accordingly, the only problem with independence lay with the Riigikogu's direct subsidization of public broadcasting and the rental of transmission systems by both public and private broadcasters. Otherwise, Estonian broadcasters were independent. They have come a long way since Estonia gained its independence.

How Accessible Were the Broadcast Media by Groups and Interests in the Population?

Access has been an important element in McQuail's values of equality and freedom. Without equal access to the broadcast media, various groups and interests would not have the opportunity to participate in the democratic process. The broadcast media would not be serving the public interest if it failed to provide equal access to a society's diverse groups and interests. Major groups in Estonian society that concerned this study was the country's Estonian and Russian minority population.

The Estonian population's access to the broadcast media expanded considerably since independence. This was especially notable in the number of radio stations that had gone on the air throughout Estonia. Instead of the four state radio stations on the air before 1991, Estonians now had access to over 30 different stations. Almost anywhere in the country Estonians had access to a local radio station and a number of stations from other parts of Estonia. In addition, a number of these radio stations programmed call-in talk shows for Estonians to voice their

opinions, concerns, problems and complaints (Haldre, personal communication, December 1996).

Another access issue focused on what the electronic media gave to this country's largest minority population, the Russians. Upon regaining its independence, Estonia had a 30% Russian minority population, the result of the USSR's Russification program. This minority population chose to stay rather than return to the dismal economic conditions of their Russian homeland. Less than half of the Russian population in Estonia spoke the Estonian language.

Most of the respondents in this study did not initially indicate that minority access to the broadcast media was a problem in Estonia. The approach in questioning the respondents was to let them identify issues and problems concerning Estonia's broadcast system. Access in general, and specifically for the Russian minority population, was not identified as a problem by most respondents, who were broadcasters, people involved or concerned with broadcasting issues, or government officials.

When later asked specifically about the issue of access, most respondents felt that it was not a major problem. Private broadcasters pointed out that there were radio stations that catered to the Russian speaking population, identifying public station Raadio 4 and private radio stations such as Raadio 100 (R. Lang, personal communication, November 1996). When discussing television, respondents mentioned the Russian-dubbed *Santa Barbara* as an example of

programming that served the Russian minorities (M. Laur, personal communication, November 1996).

The likely reason why access to the broadcast media for the Russian minority was not identified as a major problem was that the Estonians faced considerable obstacles in changing their political and economic system. Such an endeavor required substantial resources and sacrifice. Unfortunately, this meant that other issues and problems that confronted Estonians had to wait until the transition to a democratic political system and marketplace economy had been made. Thus, broadcast media access for Russian minorities was not immediately addressed during the period following independence.

However, there were some individuals interviewed who felt that access to Estonian broadcasting was a problem for the Russian minorities. Ex-Managing Director of Eesti Raadio, Herkki Haldre (personal communication, December 1996), believed that the Estonian broadcasting system was not serving the needs of the Russian minority. Therefore, he established Russian language Raadio 4. It was a service that Haldre was later criticized "as a waste of the taxpayers' money (personal communication, December 1996)." Haldre continued to believe that the issue of access for the Russian minorities was a major problem. Although there were some Russian language programs on Eesti Televisioon, they were few in number compared to the size of the Russian minority population.

When it concerned the minorities he stated that “no one talks about it (Haldre, personal communication, December 1996).” It was not an issue of importance to them at the moment. He observed that Estonians needed to resolve their old feelings about the Russians and learn to live with and encourage this minority to be a part of Estonian society. Estonia needed to confront the problems of integrating the 30% Russian minority population, rather than ignore it. One strategy would have been to utilize the radio and television stations in Estonia. That was the reason Haldre started Raadio 4.

Margo Veskimägi (personal communication, December 1996) also noted that the Russian minorities in Estonia were being poorly served by the Estonian broadcast system. He pointed out that, although there were a few Russian language Estonian radio stations, there was a very limited amount of Russian language programming on the Estonian television stations. Certainly, there was the Russian dubbed *Santa Barbara* on Kanal Kaks, but the actual amount of Russian language programming on Estonian television stations was minimal. Some television programs were subtitled in Russian, yet Veskimägi observed that people in general do not like to read subtitles. As evidence, he noted that Baltic Media Facts research showed that the Estonian Russian population turned to Russian stations from Russia for their entertainment and news.

Veskimägi (personal communication, December 1996) noted that Russian minorities were willing to watch Estonian television as demonstrated when Eesti

Television aired their 15 minutes of Russian language news every day. When this newscast aired, Baltic Media Fact's research showed that the ratings for the Russian speaking audience dramatically increased, and then it significantly dropped at the end of the newscast. Otherwise, the Russian minority population turned to Russian television stations out of Russia when nothing was available to them in Estonia. Veskimägi felt that access for the Russian minorities was quite limited when considering the amount of attention that the Estonian broadcast system gave them.

Russian language programming was very limited on both public and private Estonian television stations. Respondents, when interviewed, noted the limited amount of Russian language programming, exemplified by Eesti Television's figures of the amount of Russian language programming it airs. The annual aggregate of Russian language programming on Eesti Television was only 266 hours compared to 2,329 hours of Estonian language shows. Surprisingly there was more English language programming, 432 hours, on Eesti Television than Russian. Eesti Television noted that in 1996, 2.3% of its programming was Russian language news, with 2.0% of other programs in Russian (Appendix D; ETV, 1996).

One legal obstacle possibly inhibiting the amount of Russian language programming on television concerned provisions found in Estonia's Language Law (Appendix C). Article 25 required at a minimum, foreign language programming

had to be subtitled in Estonian, an expensive process. While interviewing TV 3's Vice-President, Andres Jõesaar, the researcher had the opportunity to tour the station's facilities. During the tour, the researcher saw a room where employees were busy adding subtitles to foreign language programming. The cost in equipment and employees was significant.

In interpreting the Language Law (Appendix D), Russian language programming was permissible, but only if it was also subtitled in Estonian. Subtitling foreign language programs into both Estonian and Russian would result in employee and equipment expenses that the financially strapped private commercial stations would be hard pressed to absorb.

While there were legal obstacles for television in serving Estonia's Russian minorities, there were technical obstacles for radio. Russian minority access was not only limited by the amount of Russian language programming available in Estonian broadcasting, but also by the differences in technologies. Joyce Neu in a 1995 report noted that

A Russian member of Parliament, who is also a political commentator on Russian language radio in Tallinn, said that a new radio station in Estonia—the only one that broadcasts 24 hours/day in Russian—is located at “100” on the dial. Since Soviet radios used different frequencies than Western radios and couldn't pick up this frequency, and since many Russian-speakers in Estonia still have the

older radios, they can't pick up this new station. On television, there are only 15 minutes/day of Russian-language news.

Thus, besides the limited amount of Russian language programming available on Estonian broadcast stations, Russian minorities also had difficulty accessing programming that catered to them due to the differences in broadcast technologies.

Access has been particularly important in the electoral contest and process in a democratic society. The public interest has best been served when all political interests have had equal access to the broadcast media to communicate and debate the issues in the electoral process. Particularly for a democracy, political parties have needed equal access to advocate their positions and debate issues. The election process, and democracy, has been best served when citizens have had the opportunity to be fully informed about political parties' and candidates' position on issues important to the electorate

While concern thus far has focused on access for the Estonian and Russian populations, another important access issue concerned the availability of broadcasting to various political parties representing different interests in Estonia that were in contention for government office. Broadcast coverage of the March 1995 election revealed the actual access available to the politicians and their parties as they competed for elected office. The European Institute for the Media (EIM) monitored Estonian mass media coverage of the 1995 elections and found major differences among broadcasters in the manner that the campaign was covered.

Eesti Televisioon (ETV) and Eesti Raadio were required to follow strict regulations from the Broadcast Council regarding impartial and balanced coverage, giving all parties and groups equal access. The Broadcasting Council established a number of regulations requiring Eesti Televisioon and Eesti Raadio to provide comprehensive campaign coverage to inform the electorate. Coverage was restricted to electoral programs and “candidates could only appear in broadcasts on different matters if their responsibilities warranted it (European Institute for the Media, 1995, p 38).” Both Eesti Raadio and Eesti Televisioon offered opportunities for candidates to participate in debate programs. Political advertising on public broadcasting stations also was regulated as to the number per day and to 45 days prior to election day (European Institute for the Media, 1995). EIM (1995) reported that ETV complied and broadcast an “estimated 50 hours of election information programming (European Institute for the Media, 1995, p 41).”

EIM (1995) also noted that RTV broadcast a mixture of political advertisements, programs, and editorial programming concerning the election. However, EIM noted that in some of RTV’s programs devoted to other subjects, party propaganda was hidden.

On one occasion, a programme called *Riigliiklus* (Traffic Round), a weekly programme devoted to cars and traffic problems - turned into a party political broadcast for the Centrist Party. The programme host, Rein Kareme, was himself running for the Centrist

Party. Instead of having car specialists and technicians on the show, he had his own party people sitting in cars and talking about how well the Centrist Party would drive society if they were elected on March 5, 1995 (European Institute for the Media, 1995, p 41)..

RTV also favored the Coalition Party with a documentary on its leader. In addition, head of RTV and Coalition candidate Mart Siimann, along with a journalist, moderated a debate among representatives of the Right-wingers and his own Coalition Party. Furthermore, Siiman interviewed his own party leader, Tiit Vahi, on a cookery program. EIM found that the Coalition and Rural Union parties received twice the coverage as their nearest rival (European Institute for the Media, 1995).

Kanal Kaks, according to EIM, broadcast editorial programs and political commercials during the monitored period. Significantly, Kanal Kaks aired programs paid for by political parties or candidates. However, these programs were not labeled as sponsored, making it difficult for audiences to distinguish them from editorial programming. (European Institute for the Media, 1995, p 41).”

EVTV carried political commercials, ran their own election programs and covered election issues in their newscast. However, they interpreted the Broadcast Law as banning the selling of broadcast program time to candidates and political parties and refused to carry sponsored programming. Thus, while EVTU devoted

time to the elections, it was substantially less than the two other private commercial channels. (European Institute for the Media, 1995).

Eesti Raadio had an extensive amount of election programs on the air on radio channels 1 and 4 (Russian language). All candidates and political parties were given airtime, which represented a large number of election programs on Eesti Raadio. Private radio stations in Estonia placed no restrictions upon political commercial advertising. However, restrictions on other political broadcasts varied among the private radio stations. Raadio KUKU refused paid political interviews, while Radio Tartu allowed them. (European Institute for the Media, 1995).

EIM (1995) was quick to point out that Raadio KUKU was not so outstanding in their use of hosts, journalists, and disc jockeys. The station allowed Priit Aimla, of the Centrist Party, to comment on news from around the world in a show called *Something Special*. Raadio KUKU also permitted Mart Ummelas, of the Centrist Party, to present an entertainment and music show called *Music* three times a week. EIM (1995) quoted Rein Lang, President of Raadio KUKU, as saying

Estonia has a tradition that political parties have their own songwriters and performers who are active in supporting a party leader. During the campaign several musicians have appeared in our studios with their new works on cassette. But these songs are on the

shelves and waiting for the end of the elections [when] we will air them (p 43).

However, despite Lang's assertion, a song about Centrist Party leader, Edgar Savisaar, was aired on February 20, 1995 by Mart Ummelas on Raadio KUKU's *Magazine* show.

EIM's (1995) assessment of the broadcast media's election activities and coverage was not complimentary. The report stated that

The defining features of the campaign coverage were the passivity of its journalism and the significance of money. The two were of course linked, and editors freely admitted to accepting money to publish and air material whose content was determined by political parties and candidates. There was consequently a surprisingly high amount of paid access programming (p 43).

No one party was found to have benefited by the media coverage. It was clear that those candidates and political parties with larger financial resources were able to buy greater exposure. However, the electorate had the opportunity to inform themselves about the candidates, parties, and their platforms. The final determination of the EIM report was that Estonian media could not have been considered a genuine independent source of campaign information. The Estonian population could never be absolutely certain "that they were receiving an objective view from the media (p 43)."

For the Estonian population access to broadcast media expanded considerably since independence. The proliferation of radio stations and the development of private television stations provided Estonians local and easy access. In addition, many radio stations had call-in talk shows providing Estonians an opportunity to voice their concerns, problems, and opinions. Access to Estonian broadcast media for the Russian minority population was a problem. It inhibited their ability to participate in Estonian society to the same extent as the Estonians. Access did exist for interest groups, candidates, and political parties in Estonia, enabling them to participate in the democratic process. However, access was unequal as demonstrated in the EIM (1995) Report. While access to Estonian public broadcasting appeared balanced, it was not equitable in the case of private broadcasting. Money and connections with private broadcasting, whether by employment or ownership, made access inequitable for interest groups, candidates, and political parties who lacked one or both.

Did The Broadcast Media Contribute To Social Cohesion?; And Its Related Question, How Did The New Broadcast Media System Deal With The Contextual Problems Of Newly Democratized Estonia?

The study found that the Estonian broadcast system contributed little to facilitate social cohesion of Estonian society, in terms of integrating the Estonian Russian minority population into its society. The broadcast media provided little except a few Russian language radio stations, and very little in television

programming, which would serve to help integrate the Russian minorities into Estonian society. The major contextual problem that Estonian society confronted in this century has been the integration of minorities into its society. With its independence in 1991, Estonia faced this issue with its 30% Russian minority population.

Social cohesion refers to the feeling of attachment that individuals have toward the wider community and society, sharing in its collective life. The mass media can function to facilitate these feelings and help various groups in a society to connect and bind together (McQuail, 1992). Without this feeling of connection, groups feel disenfranchised from society. Social cohesion necessitates that various groups in a society are united through mutual discussion, activities, and services that facilitate interaction and consensus among them. The issue of the Russian minorities in Estonia went beyond the broadcast media. Joyce Neu (1995) observed in her report to the Carter Center for Democracy that

What we saw this time was a government that knows it must do everything it can to ensure the eventual integration of the Russians, but it is not yet ready to move quickly on the necessary reforms and will not be pushing forward at any break-neck speed. Estonia will take the needed steps, but it will balance European Community requirements with its own need for a slow integration.

She noted that with everything that was going on in Estonia from 1991 to 1996, including the political and economic changes, the Russian minorities did not hold a high priority with the Estonians. Instead, Estonians were primarily concerned with changing their economic and political systems at the time. The minority issue was not a high priority for them.

Holmberg (personal communication, May 1998) noted that the Estonians ignored the presence of the minorities during this period. He said that with very limited resources, the Estonians invested what they had into areas necessary for developing their economy and political system, including their existing broadcast media. However, Holmberg observed that ignoring the Russian minorities resulted in two different worlds and realities in Estonia, one for Estonians and the other for Russians, with neither going into the other's world.

Both social cohesion and Estonia's contextual problems involved the same issue: the Russian minorities. Problems with access to the broadcast media for Russian minorities were discussed above. However, the above discussion also indicated that the Estonian broadcast media were less than adequate in contributing to social cohesion in Estonian society, especially television. The limited available Russian language programming on Estonian television forced the Russian minority population to seek out broadcasts that met their needs. In this case they watched stations out of Moscow through cable television (M. Veskiigämi, personal communication, December 1996).

Radio in Estonia fared better for Russians, both public and private. In 1993, Russian radio had a large share of listenership among Estonian Russians. Since then its share dropped considerably with the development of public radio's Russian language station and some commercial Russian language radio stations in Estonia. It meant that the Estonian Russian minority had found something to listen to on domestic radio (Veskigämi, personal communication, December 1996).

Although Russian language radio stations existed for this group in Estonia, there was very little available for them when compared to that provided to the Estonian speaking population. The issue was that the Estonian broadcast media had not really addressed the issue of social cohesion and the Russian minorities, except to provide them radio stations in their native language and minimal television programming. Single language stations such as the Russian language radio stations in Estonia may have served to isolate the Russian minorities rather than integrate them into Estonian society.

Neu (1995) of the Carter Center For Democracy noted that how to integrate the Russians remains one of the critical issues:

So Russian-speakers in the northeast of the country watch Russian television and those in other parts of Estonia get cable or a satellite so that they can watch Russian-language television. That some people within a country get their news from a neighboring country that is not always friendly is seen as a source of conflict - - the U.S.

Baltics desk officer at State had commented on this several years ago and hoped that the media could become a unifying force within Estonia.

Although the issue of integrating the minorities may not have been an issue or high priority for Estonia during the period of this study, it still remained a problem for Estonian society as a democracy.

The answer to this dilemma was complex and uncertain. What was important was that Estonia was not effectively addressing this issue. Most of the respondents failed to mention it during discussions concerning challenges confronting the Estonian broadcast media, except when directly asked about it. There were a few interviewees that up front indicated that the needs of the Russian minorities were not being met by Estonian broadcasters. They were concerned about Russian minorities turning to Russian television for their information and entertainment needs, rather than to Estonian broadcast media and thus not getting the Estonian perspective nor being integrated into society. However, for the majority of Estonian broadcast media, integrating was a non-issue.

What Was The Overall Effect Of Political And Economic Changes, In Terms Of Public Broadcasting, Private Broadcasting, And Media Pluralism, On Estonia's Broadcasting System?

Estonia made considerable progress in changing its political and economic systems into a democratic free market system. The process by which Estonia

drafted and debated its new broadcast law and policy exemplified democracy at work. The findings suggested that in practice, the democratic status of Estonia's broadcast media was good when compared to other post-communist nations, according to the Baltic Media Centre's Holmberg (personal communication, May 1998). Further, when contrasted with established Western democracies, Estonia made considerable progress in a relatively short period of time toward creating a democratic broadcast media system. However, according to the ideal values provided by McQuail's (1992) Media Performance Analysis' framework, Estonia still had a considerable way to go, as did other democracies, in establishing a democratic broadcast media system. The structural arrangement of this broadcast system inhibited the development of broadcast media pluralism in Estonia, independent from government interference, and inhibited advocating the interests of various groups in Estonia. The democratic nature of Estonia's broadcast system was overshadowed by a structure that the government created and endorsed by its actions and through the provisions of a broadcast law that it enacted.

Public broadcasting in Estonia assumed a role similar to private broadcasting, offering a large dose of entertainment programming and competing for audiences and advertising dollars. Eesti Television and Raadio 2 particularly, resembled and performed like private broadcasters. Public radio's three other stations were more similar to conventional U.S. public broadcasting. It was a role that some respondents, such as Rummo (personal communication, December

1996), suggested should have been more clearly defined and directed to traditional educational and cultural programming. However, at the time of this research it was a role that continued as described and proved to be controversial.

It was obvious that the programming and advertising on public broadcast stations caused considerable friction between private and public broadcasters. In almost every interview, respondents noted that the major issue for Estonian broadcasting was the advertising, and to some extent, the entertainment programming, that Estonian Public Broadcasting aired. Veidemann (personal communication, December 1996) and others acknowledged that this caused friction and strained the relationship between public and private broadcasters.

As explained earlier, the draft of the 1994 Broadcast Law addressed advertising on public broadcasting stations (R. Lang, personal communication, November 1996). However, lobbying efforts by public broadcasters and their advocates influenced The Riigikogu to change the law, permitting public broadcasting to carry commercials. The Riigikogu's action perpetuated and exacerbated the friction between public and private broadcasters.

The overall affect of political and democratic changes on Estonia's broadcast system was to create a public broadcasting system that dominated the private broadcast sector and inhibited its growth. It was a system where the public broadcasters, due to their dependence on government subsidies and the rental of government owned transmissions systems, were potentially exposed to direct or

indirect government interference. This dependence caused concern since public broadcasting in Estonia dominated with large viewing and listening audiences. Thus, Estonian audiences depended on a public broadcasting system whose independence could be jeopardized by government interference.

Furthermore, the changes in Estonia's broadcast system also created a public broadcasting system that directly competed against private broadcasters for audiences and advertising dollars. This was detrimental to, and inhibited, the development of a pluralistic broadcast media system in Estonia.. The size of Estonia alone hindered the growth in the number of media outlets that could serve the various interests and groups. But the prospects for media pluralism would have been better served if Estonian public broadcasting was not financed by both direct government subsidies and advertising revenues.

At the time of independence, public broadcasting already had the advantages of established broadcast facilities and access to national audiences. Its established existence and competition for advertising and audiences impeded independent private broadcasting outlets from developing and establishing themselves in Estonia.. Therefore what occurred was the development of a broadcasting system that was dominated by public broadcasting which was open to government interference. With its current structure, it inhibited the growth of the independent voices of private broadcasters. It was a structure where public broadcasting benefited and enjoyed a competitive edge that included pre-

established broadcast facilities, nationwide coverage, government subsidization, commercialization, and entertainment programming. Developing and growing a private broadcast system against this backdrop proved difficult and challenging.

During the interviews, respondents did not feel that government interference was currently a problem. Examples were cited where the government made some attempts to interfere during the first few years after independence. But in recent times censorship and interference was not a problem. However, respondents did express concern over the system of government financing of public broadcasting, noting its potential for government interference.

Thus, this structure with its domination by public broadcasting suggested that the democratic nature of Estonia's broadcast system was good in the sense of access to information, but structurally uncertain when considering the potential for government interference and the resultant restraint on the development of broadcast media pluralism. This problem was further compounded when the issue of access for Russian minorities was factored into the discussion. A democracy means that all groups and interests in a society have the opportunity to participate in its governance. Without equal access to the broadcast media, particularly television, the Russian minorities did not have the same opportunities to advocate their interests in Estonia society, thus again calling into question the democratic nature of Estonian broadcasting.

Given the magnitude of the political and economic changes that Estonia implemented since independence, it has made phenomenal progress in democratizing its broadcast media. Like other democratic countries, Estonia now faces more challenging issues in further democratizing its broadcast media. The next chapter summarizes the findings of this study and offers conclusions on the insight they provided the researcher. That chapter discusses what this research means in the context of other post-communist nations and for Estonia. The discussion continues concerning the validity of using historical analysis and McQuail's (1992) Media Performance Analysis framework in analyzing a country's broadcast media system, examining the advantages, disadvantages, and the synergy in using both. In addition, the researcher offers suggested areas for additional research concerning the broadcast media in Estonia and other post-communist nations.

CHAPTER SIX

SUMMARY AND CONCLUSION

Introduction

This dissertation examined the political and economic changes of post-Communist broadcast mass media. The fall of Communism in Eastern Europe and the demise of the Soviet Union resulted in a number of nations seeking to democratize their political systems and institutions. At the same time, these countries sought to develop market economies to replace the centrally planned and state-controlled Communist system. To understand the issues and challenges surrounding the changes in post-Communist broadcast mass media, this dissertation studied the transformation of Estonia's broadcast system.

Using a case study approach, the research provided insight into the complexities and the difficulties in democratizing a previously state-owned and operated broadcast system. The researcher used historical analysis to study the first five years of the changes and redirection of Estonia's broadcast media system. In addition, the current state of Estonia's broadcast media system was assessed utilizing McQuail's (1992) Media Performance Analysis framework. The synergies from combining historical analysis and McQuail's (1992) Media Performance Analysis framework with a case study approach produced greater results and understanding than the sum of research than utilizing just one method. This chapter completes this dissertation with a summary, discussion of the

conclusions concerning the results of this study and a section on the research limitations. The chapter concludes with recommendations for future research.

Summary

With the demise of the USSR, Estonia regained its independence in August 1991 after fifty years of Soviet occupation. As it sought to change its political and economic system, Estonia faced formidable challenges, including the democratization and development of its broadcast system. Left with the legacy of five decades of Soviet occupation and Russification, Estonia proceeded to 'restore' its democracy with a new constitution and democratic institutions.

Estonia's new constitution (Appendix A) provided for a modified Westminster form of government, conferring on a 101-member parliamentary assembly decision-making power on all matters except that delegated to other bodies. The Riigikogu (parliament) elects a president who serves as a ceremonial head of state with veto power that is easily overridden. The president appoints a candidate for Prime Minister who must then secure parliamentary approval (Nøgaard et al, 1996).

While the Estonian constitutional assembly worked on the new constitution, the Estonian Supreme Council (ESC) chose to adopt the 1938 Citizenship Law, restoring citizenship to WWII citizens and their descendants. This meant that more than one-third of the Estonian population, primarily Russian immigrants, was stripped of their citizenship. These people were left with three options: 1) return to

Russia, 2) remain 'stateless' residents of Estonia, or 3) go through a rigorous naturalization process to become Estonian citizens. In addition, in 1989, a language law (Appendix C) had been enacted to eventually make Estonian the official language. It required all official government transactions and state business to be conducted in the Estonian language and required all foreign language television programming to be dubbed or subtitled in Estonian (Raun, 1991).

The first parliamentary election, after the ratification of the new constitution, produced a young conservative pro-free market government led by Fatherland party's Mart Laar. It aggressively proceeded with economic changes. Estonia inherited, from the Soviets, an antiquated and bloated industrial sector and an agricultural system in shambles. The new government introduced a national currency, new civil and trade codes, and dramatically liberalized trade and economic life. These actions were pursued to facilitate the development and growth of private enterprise in Estonia. This period of change began with ultra high inflation and unemployment. Five years later, the Estonian economy was stable and growing with relatively low inflation and unemployment (Laar, 1996).

When Estonia gained its independence in 1991, it inherited a broadcast infrastructure and system developed and controlled by the Soviets. During Soviet occupation, documentaries, films, and ideological programming dominated television broadcasts. Radio broadcast music, orchestra and choir concerts, dramas, and news, plus agriculture and ideological programs. The Soviets

attempted to control information that the Estonian population received by jamming Western broadcasts from outside the Soviet borders.

Technical obstacles had to be overcome to provide signals that people could access and receive. People needed to be trained in new skills to manage and operate stations that served the public rather than the state's interest. Legislation was needed to guide the licensing and regulation of broadcasters for society's benefit. In addition, a market economy was needed to finance and sustain a broadcast system's operation; otherwise no stations would survive to serve the public. All these challenges had to be met plus figure out a way for the broadcast system to be independent and free, to provide access for groups, and to contribute to societal cohesion so that democracy would grow and thrive. In the five years since independence, Estonia worked to overcome these challenges and to democratize its broadcast system.

Notwithstanding these challenges, Estonia's broadcast system immediately began to develop. During 1991-1994, Estonia transformed its state owned broadcast media into a public broadcast system. At the same time a parallel private broadcast media system developed. The enactment of the 1994 Broadcast Law to regulate broadcasting in the country contributed to shaping the nature of Estonia's broadcast system as it exists today.

When Estonia gained its independence, it inherited one domestic state-operated television station and three state-owned radio channels. During Soviet

rule, the broadcast system operated as an ideological tool of the state. In 1970, during Soviet rule, Eesti Televisioon and Eesti Raadio began to supplement state funds with advertising from state companies. After gaining independence, Estonia sought to transform both radio and television all into a public broadcast system that would serve the public rather than the state interest.

In 1991, Eesti Raadio consisted of three stations that reached most of the Estonian population. The stations included Eesti Raadio, Vikerraadio, and Stereoraadio. Eesti Raadio employed over 800 employees and was subsidized by state funds, which was supplemented with some advertising revenues. During the early years of independence Eesti Raadio developed into four stations that served almost the entire country. These included Vikerraadio, Raadio 2, Klassikaraadio, and Raadio 4.

Vikerraadio provided traditional public broadcasting fare, including literary adaptations and radio drama, thematic discussions, children's programs and music. Klassikaraadio had programs of classical music, live concerts, and other musical events, nine hours a day. Raadio 2 targeted young people with pop and rock music, talk shows, and news programming. Raadio 4 served Estonia's Russian language population with news and information on Estonian society and cultural life, and music. It was on the air twenty four hours a day.

Eesti Raadio dominated Estonian radio listenership. Its four national stations easily overwhelmed Estonian private radio stations, especially the young

targeted pop station Raadio 2. Eesti Raadio supplemented its government subsidies by selling advertising on Raadio 2 and Raadio 4. However, advertising revenues on Eesti Raadio only made-up about 20% of its budget, while advertising revenue composed 35% of Eesti Televisioon's finances.

At the time of independence, Eesti Televisioon covered almost the entire country, employed over 1000 people, and was subsidized primarily by state funds and consisted primarily of entertainment programming. Both Eesti Televisioon and Eesti Raadio leased transmitters from government owned Eesti Telekom. In addition, Eesti Televisioon and Eesti Raadio supplemented their government subsidies with advertising revenue to support and fund their operations.

The development and growth of private broadcasting in Estonia was initially inhibited by the lack of broadcast regulation and an undeveloped market economy. Estonia lacked legislation to guide the licensing and regulation of broadcast stations. In addition, Estonia's undeveloped market economy provided only limited advertising revenue to financially support the growth of private radio and television. Furthermore, private broadcasters faced competition from government subsidized public broadcasters for advertising dollars.

The first local commercial radio station to go on the air immediately after independence was Raadio Tartu, located in a university city 190 km from Tallinn. The station was a community station founded by the city of Tartu, its County Council, and Eesti Raadio. The first 'private' commercial station began

broadcasting in March 1992, six months after Estonia gained its independence. Owned by AS Trio Ltd., Raadio KUKU broadcast popular western music, talk, news, and news analysis and was dependent on advertising revenue to finance its operations. Eventually AS Trio Ltd. networked Raadio KUKU with other stations it owned in Estonia. Seven months after Raadio KUKU began its broadcast, AS Trio Ltd. developed and placed on the air, with the help of the Soros Foundation, Raadio Tallinn, now Raadio 100, a commercial Russian language station. During Estonia's first five years of independence, radio stations appeared and disappeared. By December 1996, there were approximately thirty radio stations in Estonia.

Television licenses were issued when the Russian and St. Petersburg stations ceased their broadcasts in Estonia, due to the high cost of Eesti Telekom transmission fees. These stations leased Estonian state owned transmitters administered by government owned Eesti Telekom. As private television stations went on the air in Estonia, they also leased transmitters from Eesti Telekom. A major criticism during the 1991-1996 period concerned the numerous rate hikes and high cost that Eesti Telekom charged the public broadcast media and private television broadcasters to lease government owned transmitters.

In May 1993, the Ministry of Culture and Education granted licenses for two channels to three television companies, with two of the companies sharing a channel and its transmission system. RTV and EVTV, sharing the same frequency, operated on twenty transmitters that reached over 90% of the Estonian population.

They went on the air at the end of July and beginning of August 1993. Eventually RTV and EVTV merged, forming TV3. Kanal Kaks was granted the other license and launched its broadcasts in October 1993. Initially, Kanal Kaks had enough staff and programs to broadcast only on the weekends. Eventually it expanded to daily broadcasts. By the end of 1993, there were three private television stations on the air in Estonia. Two of the stations, TV3 and Kanal Kaks, were fairly established, while TV1 had just gone on the air.

From 1991 to 1994, Estonia had no law guiding the regulation of the broadcast media. During this interim, licensing and regulation was handled by the Ministry of Culture and Education. This hindered broadcast system development as no clear policy existed for the transformation of its state owned system and the establishment of a private sector. As political and economic changes in Estonia proceeded, issues arose and tensions grew between public and private broadcasters.

A working group appointed by the Ministry of Culture and Education drafted a broadcast law for consideration by the Riigikogu (Parliament). The draft, favoring the development and growth of private broadcasting, prohibited commercials on public broadcasting, and combined public radio and public television into one organization. However, the legislation that the Riigikogu eventually enacted was significantly different from the working group's draft. A strong lobbying effort by public broadcasters and the EBU's director for legal affairs promoted changes favoring public broadcasting.

The 1994 Broadcast Law permitted public broadcasting to supplement their government subsidies with advertising revenue. The law also established the Broadcast Council to oversee both public radio and public television, and to serve as a buffer against government interference. However, public broadcasting's government subsidies were directly and annually appropriated by Parliament, still exposing public broadcasters to potential government interference.

The Broadcast Law also set-up ambiguous guidelines for the role of public broadcasting in Estonian society. This provided public broadcasters with wide latitude to interpret and determine their role in Estonian society. As a result, public broadcasters, particularly Eesti Televisioon, acted more like private broadcasters, competing with the private sector for listeners/viewers and advertising revenues.

Estonia confronted many challenges and issues in developing its broadcast system. It had to update and change the transmission system. The technical obstacles were slowly confronted because of the investment needed to accomplish this task. In addition, as the economy grew and developed, Estonians were able to afford to purchase receivers capable of receiving broadcasts on the new frequencies.

By 1996, Estonia's new market economy was developing and growing. The new retail market began to provide advertising dollars to finance Estonian broadcast stations. Stations were still struggling and dependent on transnational

advertisers, but the local retail market began emerging as a viable source for advertising dollars.

The new broadcast entrepreneurs were learning the management and skills necessary to operate in a competitive environment. Competition for audiences and advertising dollars was intense in this still developing advertising market. Nonetheless, managers were adapting and confronting competition with skills and practices adopted from the West.

The 1994 Broadcast Law gave Estonia a legislative framework to license and regulate broadcasting. It was a good start, but the law perpetuated problems and issues that existed before its enactment, exacerbating the tensions between public and private broadcasters by ambiguously defining public broadcasting's role in Estonian society and permitting it to carry entertainment and commercial advertising. Private broadcasters were incensed that government-subsidized public broadcasters were directly competing with them, plus their development was inhibited by the lack of a mature market economy.

The democratization of Estonia's broadcast system was evaluated from a Western democratic perspective, utilizing McQuail's (1992) Media Performance Analysis framework. This framework utilizes a set of ideal democratic values to examine a country's mass media system. These values represent the ideals sought in a democratic mass media system. Many democratic countries, including the

United States, have not achieved these ideals, yet they are values that democratic nations or those that pursue democracy hope to or should eventually achieve.

Three elements of McQuail's (1992) Media Performance Analysis, independence, access, and social cohesion, were used to assess the outcome of the democratization of Estonia's broadcast system. Examining Estonia's broadcast system through these three elements not only provided an evaluation of the changes, but also reflected Estonia's democratic nature.

If independence of the broadcast media was assessed solely on performance, then Estonia's system could be considered free and independent. Sinisalu (personal communication, November 1996) and Hunt (personal communication, December 1996) opined that the Estonian public would not tolerate overt government meddling in the media. Haldre (personal communication, December 1996) felt that government control or interference in the broadcast media would be a hot potato. Further examination though, revealed a different assessment concerning the independence of Estonia's broadcast system.

This was reflected in the differences between the public and private broadcaster's coverage and criticism of the government. Public broadcaster's coverage of the government was considered softer than the private radio and television coverage. The obvious cause was the dependence of public broadcasting on annually appropriated direct government subsidies. In addition, public broadcasters also were dependent on the lease of government-owned transmission

systems, exposing them to covert government interference through the manipulation of transmission fees.

This structural arrangement raised questions about the independence of Estonia's broadcast system. The Estonian government, despite oversight by the Broadcast Council, could directly influence public broadcasters by cutting their subsidies or by increasing transmission fees. Private broadcasters struggled to compete with a public broadcasting system that was dominant in both audience size and advertising revenues. However, public broadcasters and its supporters naively influenced the enactment of legislation that left public broadcasting vulnerable to government interference. This legislation created a broadcasting system that inhibited the development and growth of a private broadcasting sector, and made the dominant broadcasters, the public stations, vulnerable to government meddling.

Societal access to broadcasting was examined through two perspectives: the first through political participation; and second, through access afforded the Estonian and Russian minority population to that broadcast system. Access for political parties to public broadcasting was overseen and guided by the Broadcast Council, insuring fairness to all political groups and parties in the electoral process. Due to the Broadcast Council's governance, political parties' access to public broadcasting stations was fair and equitable. Nevertheless, it is questionable how fair and equal access to private broadcast stations was for political groups. The main issues were both money and favoritism, and the political connections that

permitted certain political groups access to private broadcasters. Those political groups and parties with the financial resources could access the private broadcast media while poorer political parties had little or no access. Compounding the problem were the various practices of private broadcasters that gave an enormous amount of access to privileged and favored political participants and parties. This situation was worsened by the failure of private broadcasters to identify to the public the nature of this access. Therefore, the public was unable to discern between political partisan information or legitimate election information coverage. The resulting effect was to favor political parties which had the financial resources and connections to the broadcast media while diminishing access to others.

Ironically, this predicament put into question the desirability of a strong private broadcasting sector. Placing access entirely in the public broadcasting domain, however, would not be so desirable in view of public broadcasting's vulnerability to government interference and control. It was an issue confronting many countries and needed to be addressed by the Estonians. It suggested that marginal political parties would have more difficulty in accessing and getting fair and equitable treatment from private broadcasters. This was not unique for a democracy. Marginal political parties in the United States, and in most of the world, were unlikely to get access to the broadcast media.

For the Estonian population, access to broadcast media had significantly increased since independence. A number of private radio stations had went on the

air in the country, providing Estonians with local programming. In addition, many of these stations had call-in talk shows for Estonians to voice their concerns and problems. Private television stations also had gone on the air, providing Estonians additional opportunities to access broadcast media.

Access for Estonian Russian minorities was considerably limited in domestic television. There were some Russian language radio stations that provided access and service to the Russian minorities. While language was, of course, part of it, it did not reflect the total concept of access. Even if language were the sole barometer for access, Estonian television failed miserably considering the size of the ethnic Russian population in Estonia. The only Russian language programming on Eesti Televisioon was a daily 15-minute newscast and a 1-hour show on Saturday mornings. Private television was even more limited, with only *Santa Barbara* on Kanal Kaks as regular fare for Estonia's Russian minorities.

However, a major element of access to the media has been presenting ideas to other societal groups, besides your own. The opportunity to access and present a group's positions, opinions, etc. into the marketplace of ideas for consideration and deliberation by other groups, has been essential to a healthy democracy.

Differences in language presented a barrier and challenge in providing access to the Estonian broadcast system to various societal groups, especially the Russians.

Access also had to enable various groups to deliver ideas to others in that society, thus providing an opportunity for shared ideas and experience. This

suggested that access for ethnic groups went beyond reaching their own members, but also delivering their ideas, opinions, etc. to other groups in that society. The concept was problematical since groups gravitated to broadcasts in their native tongues. The challenge here was to provide broadcasts that attracted and communicated across languages.

While the government language law required television programming to be in Estonian, either dubbed or subtitled, it made no provisions for the Russian minorities, at least for news and public affairs. There were no clear-cut answers on how to address this problem. However, all groups in a society needed access to each other through the mass media and, in this case, the broadcast media, in order to present, exchange, and deliberate ideas and opinions, creating a shared experience among these groups. Unfortunately, the broadcast system in Estonia provided little or no means for this to be accomplished, inhibiting social cohesion.

Social cohesion, as an element of the Media Performance Analysis framework, examined how the broadcast media contributes to societal order. The development and proliferation of radio stations, plus private television, helped to contribute to the social cohesion of the Estonian population. Considering the challenges that Estonia faced in transforming its political and economic system, this was a significant accomplishment. However, the findings suggested that Estonia's broadcast media did little to contribute to the social cohesion of the Russian minority into Estonian society. In addition, the problem of programming

radio stations in the Russian language or offering a mere fifteen-minute Russian language newscast on public television contributed little to social cohesion.

In many ways, it would have been desirable to attract Russian minorities to Estonian broadcasts and away from Russian and signals outside Estonia, in order for them to get the Estonian perspective. However, Russian language broadcasts only partially addressed social cohesion and may have had the effect of isolating the Russian language minority in Estonian society. Again, this pointed to the need to include the Russian minority in a societal dialogue that was inclusive of their ideas and opinions, and provide a forum for exchange, decision, and deliberation among various groups.

The challenge was to overcome the language barrier and make it possible for the various groups to communicate with each other and share entertainment experiences. With the social and economic environment in mother Russia making it highly unlikely that the Russian minorities would move back to the motherland, it was in Estonia's long-term democratic interests to integrate the Russian minorities in Estonian society. Estonia has accomplished the phenomenal task of transforming its political and economic system. From this achievement, Estonia would build on its democracy and confront the challenge of serving and providing broadcast media access to its Russian minority population.

As of 1996, Estonia had over thirty radio stations on the air with various degrees of coverage. In addition, there were two private television stations on the

air with another one in the early stages of setting-up its programming. By this time, many of Estonia's broadcasters had learned and adopted Western strategies in managing and operating broadcast stations in a competitive environment.

However, the acrimonious relationship between public and private broadcasters continued. Public broadcasting, particularly Eesti Televisioon, competed directly with private broadcasters for audiences and advertising revenues yet continued to receive government subsidies. This infuriated private broadcasters who felt that this arrangement inhibited their ability to grow and develop by unfairly favoring public broadcasting.

Conclusions

The challenges confronting Estonia epitomize those that confront all post-Communist nations seeking to democratize their broadcast media systems. Four conclusions can be drawn from this study's findings.

The political and economic changes of a Communist state-owned and operated broadcast system result in short-term solutions with long-term consequences.

The results of this dissertation reveal the complexities involved in changing post-Communist broadcast media systems. The infrastructure and economic system inherited from their Communist predecessors provide these nations little in the way of resources needed to initiate the changes needed to establish democratic free market systems. Post-Communist countries inherit antiquated broadcasting

infrastructures, requiring tremendous investment to convert to Western frequencies and technologies. The financial resources needed by these governments to accomplish this task are limited during the early stages of these changes. In addition, the population has its own problem needing to purchase new receivers to listen or view broadcasts on the new frequencies. Realistically, few people at the onset of a developing new market economy can afford to buy them.

In addition to renovating a broadcasting infrastructure there is the issue of deciding what to do with state owned and operated broadcast stations and transmitting facilities. The transformation of state broadcast systems into public broadcast media is complicated by the lack of a developed private broadcasting structure to meet the immediate needs of the population. Without established private broadcast media, the previous state-owned, now public broadcasting, system may choose to offer entertainment programming, in addition to educational and cultural material, in order to serve the needs of viewers. Also, since government financial resources are limited during this early period, these public stations are permitted to supplement their budgets with advertising revenues.

The problem with this arrangement is that it is difficult to change once it is established. Public broadcasting stations would find it hard to give up their favored position with audiences and the revenues produced by advertising. In addition, since most public broadcasters are part of the original state broadcast system, they have established influential positions and know where to lobby the parliament and

government to maintain the status quo, especially in the enactment of broadcast legislation.

In transforming state broadcast systems into public broadcast media, post-Communist countries need clearly to determine and define their new role in society. Policymakers in post-Communist countries also need to understand the consequences of supplementing public broadcasting government subsidies with commercial advertising. While these short term solutions address immediate needs for viewers in society and public broadcasters, it creates long-term problems in the development and growth of independent private broadcast media.

The development of a private broadcast system in post-Communist countries, during the institution of political and economic changes, requires more than the marketplace; it requires regulation, training, and understanding of the publics of public and private broadcasting.

In Estonia's case, broadcast entrepreneurs lacked the infrastructure, legislation, expertise, and mature market economy to support the development and growth of a private broadcast system. In addition, Estonian private broadcasters lacked the established franchise that the public system had achieved over the course of time with listeners and viewers.

Unlike public broadcasters, private broadcasters in post-Communist countries do not have an established infrastructure to facilitate their development.

They must build studios and transmission systems, acquire programming, and staff their stations. Unfortunately, this takes money that private broadcasters lack. They therefore rely on foreign investment or partners to assist them. Further, the lack of legislation inhibits the development of private broadcasting since the government needs guidance on the granting of licenses. This exposes prospective broadcast entrepreneurs to the whims of government officials who arbitrarily handout licenses based on their personal guidelines or agendas.

Further complicating the development of private broadcasting in post-Communist countries is the lack of expertise in operating private broadcast media in a competitive environment. Most prospective private broadcasters are educated and trained under the old Communist system of a command economy. Unfamiliar with the workings of a market economy, they lack the skills necessary to manage and operate private stations in a competitive environment. The lack of a mature market economy is a further complication since there are little advertising dollars available to support private broadcasting stations. What little money there is, private broadcasters fiercely compete with others to acquire. Also, private broadcasters lack the skills used to develop advertising revenue by teaching budding businesses how to market by advertising in this new economy.

On top of all this, the growth of private broadcasting is inhibited by competition from an established public broadcasting system. The established public broadcasting system competes with developing private broadcast media for

audiences and advertising dollars. However, public broadcasters compete unfairly since they benefit from an established infrastructure and audience and from government subsidies. Due to this arrangement the development and growth of an independent private broadcast media is inhibited and suffers. Public broadcasting easily dominates the private sector in resources and audiences.

Initial public interest performance of post-Communist broadcast media in Estonia was good; however, problems remain: relationships between the public and private systems, serving the Russian minority, and independence of the media.

Estonia's broadcast system provides an observer with a promising outlook for a broadcast media system responsive to their public's needs. The long-term performance of Estonia's broadcast media, however remains to be seen. At first glance, Estonia's broadcast media have come a long way since their previous ideological and propaganda role for the state. The state no longer oversees and controls their broadcasts and they are no longer subject to censorship of their broadcast for state purposes. Estonian broadcasters exercise their freedom in reporting information and news needed by the public.

Having said that, the long-term perspective for Estonian broadcast media's public interest performance remains to be seen. The structural arrangements existing in Estonia serve to exemplify some of the problems that confront post-

Communist broadcast media performance in the long-term. Estonia's public broadcasting system dominated its broadcast system, inhibiting the growth and development of an independent private broadcast media. Unfortunately, the public system relied heavily on state support and subsidies making it vulnerable to government meddling and interference. An independent broadcast media free from government interference best serves the public interest by providing uncensored news and information necessary for a democracy.

Another long-term performance issue concerns how post-Communist broadcast media provide access to individuals and groups. Estonia's broadcast media performance exemplifies this issue by the access they provided to political groups and parties and to its Russian minorities. While access to political parties was equitable on the public broadcast system, it was unfairly distributed by the private broadcast media, favoring those with money and connections. In addition, while there were some Russian language radio stations, there were barely any Russian language television programming available for Estonia's sizable Russian minority population. Access for them was greatly limited in getting their views and opinions expressed through the broadcast media.

The third long-term performance issue concerns the broadcast media's contribution to social cohesion, an important element in the long-term survival and health of a democracy. In Estonia, the broadcast media did little to help integrate and acclimate the Russian minority population into its society. Certainly,

animosity existed about the Soviet occupation. However, for a democracy to thrive and grow, various groups in a society need to feel that they belong. Their sense of belonging gives them a vested interest in seeing democracy flourish. Unfortunately for Estonia's Russian minority, they were ill served by Estonian broadcast media.

Estonian broadcast media's short-term public interest performance has been positive, especially considering its previous state role. However, as discussed above, the broadcast media in Estonia still has considerable growing to do and a long way to go to serve the public interest needs of Estonian society.

The synergy produced by combining an historical approach with McQuail's (1992) Media Performance Analysis framework enriches research into post-Communist media transformations.

The researcher's use of a historical approach and McQuail's (1992) Media Performance Analysis framework to study Estonia's broadcast media system enriched this study. Each approach on its own can contribute to understanding and explaining phenomena. Historical research provides context to a study, often highlighting issues and challenges concerning a phenomena or events. In the context of comparative broadcast media studies, historical analysis significantly contributes to understanding the factors that influenced the shape and nature of a country's broadcast system.

The historical approach illuminated the issues, motives, goals, and challenges in the political and economic changes of Estonia's broadcast system. It highlighted the limitations and problems confronting the Estonians in democratizing their broadcast media, while identifying those people who influenced its development. In this manner, the historical approach answered why the Estonian broadcast system was structured the way it was by the end of 1996.

While the historical approach showed why the broadcast system existed as it did in 1996, it offered no framework to assess the outcome of the broadcast system's changes. Some comparison was possible. However, the historical approach used by one comparative media researcher often may focus on a different aspect or period of a country's broadcast system, making comparisons between broadcast media systems difficult and challenging.

McQuail's (1992) Media Performance Analysis provides a framework permitting comparisons of different broadcast media systems. In addition, Media Performance Analysis provides the researcher a framework that guides the study. Media Performance Analysis also offers a benchmark for future assessments of the broadcast system, noting any changes or improvements in the system. It permits the researcher to assess and compare a country's broadcast media system at different periods in its history or development.

What this study demonstrated is how rich the results are from the synergies produced by using both the historical approach and the Media Performance

Analysis framework. The historical approach provided the insight and explanation of why Estonia's broadcast system existed as it did in 1996. This, in turn, enhanced the finding's that resulted from using McQuail's Media Performance Analysis. The combination produced a more comprehensive understanding of the 1996 state of Estonia's broadcast system. It provided a greater grasp of both the path the changes took and why, thus explaining the consequences or results of the assessment made.

Limitations

There are three primary limitations to this study. The first involves the use of McQuail's Media Performance Analysis framework and bias resulting from analyzing Estonia's broadcast media system from a Western perspective. The values incorporated in the Media Performance Analysis framework represent an ideal democratic mass media system. The broadcast systems of most democratic countries, including the United States, fail when examined through these values. Yet, they are values that reflect the nature of an ideal democratic broadcast system, one that democracies should desire. An aspect of utilizing Media Performance Analysis is the Western bias inherent in its use. The framework utilizes Western democratic values in examining a country's mass media system. However, if the country under study labels itself democratic or seeks to democratize its system then the use of Media Performance Analysis is appropriate.

The second and third limitations involve the researcher's lack of language skills and the third, the time period examined. The researcher lacked both Estonian and Russian language skills, relying on respondents and interpreters for translation of Estonian government documents, newspaper articles, and relevant documents. Fortunately, key materials were already translated into English and made available to the researcher. As a precaution, when examining Estonian language materials, the researcher had more than one person review and interpret the text and subject of the items. This gave the researcher opportunities to compare interpretations while at the same time probe further with respondents regarding the items contained in the text.

With the help of local Estonian contacts, all respondents were asked in advance about their English language skills, how comfortable they felt about having the interviews conducted in English, and whether an interpreter would be needed. Prior to beginning the interviews with the Estonian respondents, the researcher met with and conducted pilot interviews with American-educated Estonians. Each of those respondents received their Masters degrees in the United States and each exhibited familiarity with the subject of the study. These pilot interviews provided the researcher a cultural grounding in understanding concepts surrounding the subject.

Despite all these steps and precautions, the researcher's language limitations inhibited his ability to gather information freely on Estonia's broadcast

media system. Such freedom possibly could have revealed some additional peripheral relevant issues. However, the precautions and approach taken in conducting this research reinforces the validity of the study's findings and conclusions.

The dissertation's time period limitations are reflected in the period examined for Estonia's broadcast system; the first five years after it gained its independence. It is an immense task to implement immediate political and economic changes in a post-Communist country. What took most Western countries a several hundred years to accomplish, post-Communist states are trying to implement on a crash basis. Five years could be considered too short a period in which to study the development and assess a broadcast media's public interest performance. However, at the speed that most post-Communist countries are pursuing these changes and redirection of their broadcast systems, further research is mandated to assess their progress and to highlight potential problems.

Studies at this time provide findings that can be used as a benchmark and to provide baseline data for future research to assess changes and progress in further developments of Estonia's broadcast system. The research at this juncture will serve the additional function of informing other post-Communist countries of the issues and challenges they will face in changing and redirecting their broadcast system, by setting forth one country's approach to addressing them.

Recommendations for Future Research

The subject of this research, the political and economic changes of post-Communist broadcast media, opens the door for many areas of study. Additional research on Estonia's broadcast system, using McQuail's (1992) Media Performance Analysis, should pursue a content analysis of public and private media, studying such issues as representation, diversity, and objectivity. Surveys of listeners and viewers, both Estonian and Russian, should be conducted to gain their perspective on Estonia's broadcast media's public interest performance. Research also should be conducted on Estonia's public and private broadcast media's Russian service and how they serve the needs of its Russian population.

In addition, research also should be conducted on other post-Communist broadcast systems, using the same approaches, in order to compare and contrast changes, issues, and their transformations. Research on the other Baltic States, Latvia and Lithuania, especially would be relevant since these countries share the same fifty-year experience of Soviet occupation. It would help to contrast how each Baltic State approached the changes and redirection of their broadcast media and to compare their developments. Such research on the other Baltic countries could also serve to contrast each country's political and cultural differences, and what influences these have on the changes and redirection of their respective broadcast systems.

In addition, research on other post-Communist countries could serve to identify additional issues concerning the democratization of the post-Communist broadcast media. It could offer insight into various approaches and alternatives to post-Communist broadcast system changes and the resulting consequences, revealing the advantages and disadvantages of each in terms of democratization.

Finally, further examination and study is needed to explore further the utility of McQuail's (1992) Media Performance Analysis in comparative media research. Additional studies using this framework could serve to explore its utility and offer guides and insights into various methods of study. The newly democratized post-Communist countries offer a wonderful opportunity to build on this framework and to study the transformations that have occurred.

Summary

The implication that can be drawn from this study is that post-Communist broadcast system transformations are complex, especially considering the formidable challenges confronting the country as it revamps both its political and economic system. It is extremely difficult for countries that have scarce resources to implement major change efforts. Policy makers are caught in a very difficult and awkward position of dealing with the present while looking to the long-term

The research also demonstrates the need to study the changes and transformations occurring within the post-Communist broadcast media. The implications are that as these systems are democratized and changed, studies need

to be conducted to assess the results. At no other time in history have so many countries abandoned Communism for the democratic free market form of society. Like other post-Communist countries resulting from the demise of the Soviet Union and the collapse of Communism in Eastern Europe, Estonia went directly from a Communist controlled political and economic system to a democratic free market environment. After decades of Communist domination, Estonia was thrust into an environment that it was inadequately prepared and equipped to handle. Unlike Western democracies, Estonia did not have the luxury of time to evolve and transition itself into a democratized free market environment. Instead, it began its democratic free market endeavor with a fifty-year Communist legacy and baggage. This was particularly complicated since Estonia's political and economic systems were interconnected and interrelated with that of the Soviet Union.

At the time of independence, Estonia found itself with a state owned and operated broadcast system. Like its post-Communist brothers and sisters, Estonia was left to transform and democratize its broadcast media. This included redirecting its state owned broadcast media into a public broadcasting system and providing an environment for the development of private radio and television stations. Estonia began this endeavor with little available resources and sparse democratic experience. From the findings of this study, Estonia made extraordinary progress toward democratizing its broadcast system in a relatively short period of time.

Researchers now have a unique opportunity to study these post-Communist countries as they democratize their broadcast systems. Such research would provide insight into the various issues, challenges, and problems in democratizing a broadcast system. It would also illuminate democratic issues and virtues for developed Western broadcast systems, showcasing values and elements found in such broadcast systems.

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APPENDIX A*Unofficial translation*

**REPUBLIC OF ESTONIA
CONSTITUTION**

With unwavering faith and a steadfast will to strengthen and develop the state,

which is established on the inextinguishable right of the people of Estonia to national self-determination and

which was proclaimed on 24 February 1918,

which is founded on liberty, justice and law,

which shall protect internal and external peace, and is a pledge to present and future generations for their social progress and welfare,

which shall guarantee the preservation of the Estonian nation and culture through the ages,

the people of Estonia, on the basis of Article I of the Constitution which entered into force in 1938, and by a referendum held on 28 June 1992, adopted the following Constitution.

CHAPTER I

General Provisions

Article 1. Estonia is an independent and sovereign democratic republic wherein the supreme power of the state is vested in the people.

The independence and sovereignty of Estonia are timeless and inalienable.

Article 2. The land, territorial waters and airspace of the Estonian state are an inseparable and indivisible whole.

Estonia is politically a unitary state wherein the division of territory into administrative units shall be provided by law,

Article 3. The power of the state shall be exercised solely pursuant to the Constitution and laws which are in conformity therewith. Generally recognized principles and rules of international law are an inseparable part of the Estonian legal system.

Laws shall be published in the prescribed manner. Only published laws have obligatory force.

Article 4. The activities of the Riigikogu (Parliament of Estonia), the President of the Republic, the Government of the Republic, and the courts shall be organized on the principle of separation and balance of powers.

Article 5. The natural wealth and resources of Estonia are national riches which shall be used economically.

Article 6. The official language of Estonia is Estonian.

Article 7. The national colours of Estonia are blue, black and white. The design of the national flag and the national coat of arms shall be provided by law.

CHAPTER II

Fundamental Rights, Liberties and Duties

Article 8. Every child with one parent who is an Estonian citizen shall have the right, by birth, to Estonian citizenship. Everyone who as a minor lost his or her Estonian citizenship shall have the right to have his or her citizenship restored.

No person who has acquired Estonian citizenship by birth may be deprived of it.

No person may be deprived of Estonian citizenship because of his or her beliefs.

Conditions and procedures for the acquisition, loss and restoration of Estonian citizenship shall be determined by the Law on Citizenship.

Article 9. The rights, liberties and duties of everyone and all persons, as listed in the Constitution, shall be equal for Estonian citizens as well as for citizens of foreign states and stateless persons who are present in Estonia.

The rights, liberties and duties listed in the Constitution shall be extended to legal entities, to the extent that this is in accordance with the general aims of the legal entities, and with the nature of such rights, freedoms and duties.

Article 10. The rights, liberties and duties enumerated in this Chapter shall not preclude other rights, liberties or duties which ensue from the spirit of the Constitution or are in accordance therewith and are compatible with human dignity and the principles of a society based on social justice, democracy and the rule of law.

Article 11. Rights and liberties may be restricted only in accordance with the Constitution. Restrictions may be implemented only insofar as they are necessary in a democratic society, and their imposition may not distort the nature of rights and liberties.

Article 12. All individuals shall be equal before the law. No one may be discriminated against on the basis of nationality, race, color, sex, language, origin, creed, political or other persuasions, financial or social status, or other reasons.

The incitement of national, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. The incitement of hatred, violence or discrimination between social strata is equally prohibited and punishable by law.

Article 13. Everyone shall have the right to the protection of the state and the law. The Estonian state shall also protect its citizens abroad.

The law shall protect everyone against arbitrary treatment by state authorities.

Article 14. Guaranteeing rights and liberties shall be the responsibility of the legislative, executive and judicial powers, as well as of local government.

Article 15. Everyone has the right to appeal to a court of law if his or her rights or liberties have been violated. Everyone whose case is being heard by a court of law shall be entitled to demand any relevant law, other legal act or procedure to be declared unconstitutional.

The courts shall observe the Constitution and shall declare as unconstitutional any law, other legal act or procedure which violates the rights and liberties laid down in the Constitution or which is otherwise in conflict with the Constitution.

Article 16. Everyone has the right to life. This right is protected by law. No one shall be arbitrarily deprived of his or her life.

Article 17. No one's honour or good name may be defamed.

Article 18. No one may be subjected to torture or to cruel or degrading treatment or punishment.

No one may be subjected to medical or scientific experiments without his or her freely given consent.

Article 19. Everyone shall have the right to free self-realization.

In exercising their rights and liberties and fulfilling their duties, everyone must respect and consider the rights and liberties of other persons and observe the law.

Article 20. Everyone shall have the right to liberty and security of person.

No one shall be deprived of his or her liberty, except in such cases and procedures as determined by law:

- 1) to execute a conviction or detention ordered by a court;
- 2) in the case of non-compliance with a court order or to ensure the fulfillment of a duty provided by law;
- 3) to prevent a criminal act or the infringement of a civil law, or to bring a person who is justifiably suspect before a competent public authority, or to prevent his or her escape;
- 4) to arrange for a juvenile to be placed under supervision or to bring him or her before a competent public authority to determine whether supervision is required;
- 5) to place a person suffering from an infectious disease, mental illness, alcoholism or drug abuse in custody, if he or she is a danger to themselves or others;
- 6) to bar illegal settlement in Estonia and to enable expulsion from Estonia or extradition to a foreign state.

No one shall be deprived of his or her liberty merely on the grounds of inability to fulfil a contractual obligation.

Article 21. Anyone deprived of his or her liberty shall be informed promptly, and in such a language and manner which he or she understands, of the reason for the arrest, and his or her rights, and shall be given the opportunity to notify his or her family about the arrest. A suspected offender shall also be promptly given the opportunity to choose a legal adviser and to confer with him or her. The right of a suspected offender to notify his or her family of the arrest may only be restricted in such cases and procedures as determined by law, for the purpose of preventing a criminal act or in the interest of establishing facts in a criminal investigation.

No one may be held in custody for more than forty-eight hours without specific permission by a court. Such a decision shall be promptly made known to the person in custody, in such a language and manner which he or she understands.

Article 22. No one may be held guilty of a criminal offence before a guilty verdict by a court has been delivered against that person.

No one shall be required during a criminal investigation to prove his or her innocence.

No one may be compelled to give testimony against themselves, or against those closest to him or her.

Article 23. No one may be pronounced guilty of an act, if that act did not constitute a crime under a law which was in effect at the time the act was committed.

No one may be given a more severe sentence than the one which was applicable at the time the offence was committed. If, subsequent to the offence being committed, a lighter sentence is determined by law, this lighter sentence shall be applied.

No one may be tried or sentenced for a second time for an offence for which he or she has already been finally convicted or acquitted in accordance with the law.

Article 24. No one may be transferred against his or her will from the jurisdiction of a court, which has been determined by law, to the jurisdiction of another court.

Everyone shall have the right to be present during his or her trial.

Court hearings shall be public. The court may, in such cases and procedures as determined by law, decide to hold its hearings, wholly or in part, in closed session, for the protection of state or business secrets, public morals or the family life or privacy of sons, or where the interests of juveniles, the victim or justice per se require.

Court judgements shall be made public, unless the interests of a juvenile, a matrimonial partner or a victim require otherwise.

Everyone shall have the right to appeal to a higher court against a judgement by a court in his or her case, in accordance with procedures determined by law.

Article 25. Everyone shall have the right to compensation for moral and material injuries caused by anyone's unlawful action.

Article 26. Everyone shall have the right to inviolability of family life and privacy. State and local government authorities and their officials may not interfere with any person's family life or privacy, except in such cases and procedures as determined by law for the protection of health or public morals, public order, the rights and liberties of other persons, the prevention of a crime or the apprehension of a criminal.

Article 27. The family being fundamental for the preservation and growth of the nation, and as the basis for society, shall be protected by the state.

Spouses shall have equal rights.

Parents shall have the right and the responsibility for the raising and care of their children.

The protection of parents and children shall be determined by law.

The family shall be responsible for the care of dependent members.

Article 28. Everyone shall have the right to the protection of health. Estonian citizens shall be entitled to state assistance in the case of old age, inability to work, loss of provider, and need. The categories, the extent, and the conditions and procedures for assistance shall be determined by law. Unless otherwise determined by law, this right shall exist equally for Estonian citizens and citizens of foreign states and stateless persons who are present in Estonia.

The state shall encourage voluntary and local government social care.

Families with many children and the disabled shall be entitled to special care by state and local authorities.

Article 29. Estonian citizens shall have the right to freely choose his or her field of activity, profession and place of work. The conditions and procedures for exercising this right may be determined by law. Unless otherwise determined by law, this right shall exist equally for Estonian citizens and citizens of foreign states and stateless persons who are present in Estonia.

No one may be compelled against his or her free will to perform work or service, except military or alternative service, or work required to prevent the spread of infectious diseases, or in cases of natural disasters or catastrophes, or work which by law is required of a person convicted of a crime.

The state shall organize vocational education and assist in finding work for persons seeking employment.

Working conditions shall be under state supervision.

Employers and employees may freely join unions and associations. Unions and associations of employees and employers may for the protection of their rights and

legal interests use any means not prohibited by law. The conditions and procedures for exercising the right to strike shall be determined by law.

Procedures for settling labor disputes shall be determined by law.

Article 30. Positions in state and local government shall be filled by Estonian citizens, in accordance with procedures determined by law. In accordance with the law, such positions may in exceptional cases be filled by foreign citizens or stateless persons.

The law may restrict the right of some categories of civil servants to engage in commercial activities and to form profit-making associations (Article 31), as well as the right to join political parties and some other non-profit associations (Article 48).

Article 31. Estonian citizens shall have the right to engage in commercial activities and to form profit-making associations and leagues. The law may determine conditions and procedures for the exercise of this right. Unless otherwise determined by law, this right shall exist equally for Estonian citizens and citizens of foreign states and stateless persons who are present in Estonia.

Article 32. The property rights of everyone are inviolable and enjoy equal protection. No property shall be expropriated without the consent of the owner except in cases of public interest, in accordance with procedures determined by law, and in exchange for equitable and appropriate compensation. Anyone whose property has been expropriated without his or her consent shall have the right to appeal to a court and to contest the expropriation, and the nature and amount of compensation,

Everyone shall have the right to freely manage, use and command his or her property. Restrictions shall be determined by law. Property may not be used against the public interest.

The law may establish, in the public interest, categories of property in Estonia which are reserved for ownership by Estonian citizens, certain categories of legal entities, local government or the Estonian state.

The right of inheritance is guaranteed.

Article 33. The home is inviolable. No one may forcibly enter or search anyone's dwelling, property or place of work, except in such cases and in accordance with procedures determined by law for the protection of public order or health, or the

rights and liberties of others, or in order to prevent a criminal act, to capture a criminal offender or to establish facts in a criminal investigation.

Article 34. All persons legally present in Estonia shall have the right to freedom of movement and choice of abode. The right to freedom of movement may be restricted only in cases and in accordance with procedures determined by law for the protection of the rights and liberties of others, in the interest of national defense, in the event of a natural disaster or a catastrophe, or in order to prevent the spread of infectious diseases, to protect the environment, to avoid leaving a juvenile or mentally ill person without supervision or to ensure criminal proceedings.

Article 35. Everyone shall have the right to leave Estonia. This right may be restricted in cases and in accordance with procedures determined by law for the purpose of ensuring court or pre-trial proceedings or the execution of a judgement.

Article 36. No Estonian citizen may be expelled from Estonia or prevented from settling in Estonia.

No Estonian citizen may be extradited to a foreign state, except in cases prescribed by a foreign treaty, and in accordance with procedures determined by the applicable treaty and law.

Extradition shall be decided by the Government of the Republic. Anyone whose extradition is sought shall be entitled to contest the extradition in an Estonian court.

Every Estonian shall have the right to settle in Estonia.

Article 37. Everyone shall have the right to an education. Education shall be compulsory for school-age children to the extent specified by law, and free of school fees in state and local government general education schools.

In order to make education available, state and local governments shall maintain the necessary number of educational institutions. As determined by law, other educational institutions may be established, including private schools.

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

Everyone shall have the right to instruction in Estonian. Educational institutions established for national minorities shall choose their own language of instruction.

The provision of education shall be supervised by the state.

Article 38. Science and the arts, and their instruction, shall be able to exist freely.

Universities and research institutions shall be autonomous, within the limits prescribed by law.

Article 39. Authors shall have the inalienable right to their work. The state shall protect intellectual property rights.

Article 40. Everyone shall have freedom of conscience, religion and thought.

Everyone may freely belong to a church or a religious association. There shall be no state church.

Everyone shall have the freedom, either alone or in community with others and in public or private to practice his or her religion unless it endangers public order, health or morals.

Article 41. Everyone shall have the right to hold his or her opinions and persuasions. No one may be coerced to change them.

Persuasions cannot be pleaded as an excuse for a legal offence.

No one may be legally charged because of his or her persuasions.

Article 42. No state or local government authority or their officials may collect or store information on the persuasions of any Estonian citizen against his or her free will.

Article 43. Everyone shall be entitled to confidentiality of messages transmitted by him or to him by post, telegram, telephone or other generally used means. Exceptions may be made on authorization by a court, in cases and in accordance with procedures determined by law in order to prevent a criminal act or for the purpose of establishing facts in a criminal investigation.

Article 44. Everyone shall have the right to freely obtain information circulated for general use.

At the request of Estonian citizens, and to the extent and in accordance with procedures determined by law, all state and local government authorities and their officials shall be obligated to provide information on their work, with the exception of information which is forbidden by law to be divulged, and information which is intended for internal use only.

Estonian citizens shall have the right to become acquainted with information about themselves held by state and local government authorities and in state and local government archives, in accordance with procedures determined by law. This right may be restricted by law in order to protect the rights and liberties of other persons, and the secrecy of children's parentage, as well as to prevent a crime, or in the interests of apprehending a criminal or to clarify the truth for a court case.

Unless otherwise determined by law, the rights specified in paragraphs 2 and 3 of the present Article shall exist equally for Estonian citizens and citizens of other states and stateless persons who are present in Estonia.

Article 45. Everyone shall have the right to freely circulate ideas, opinions, persuasions and other information by word, print, picture and other means. This right may be restricted by law for the purpose of protecting public order or morals, or the rights and liberties, health, honor and reputation of others. The law may likewise restrict this right for state and local government officials, for the purpose of protecting state or business secrets or confidential communication, which due to their service the officials have access to, as well as of protecting the family life and privacy of other persons, and in the interests of justice.

There shall be no censorship.

Article 46. Everyone shall have the right to petition state and local government authorities and their officials with memoranda and applications. Procedures for responding shall be determined by law.

Article 47. Everyone shall have the right, without prior permission, to peacefully assemble and conduct meetings. This right may be restricted in cases and in accordance with procedures determined by law for the purpose of national security, public order or morals, traffic safety and the safety of the participants in such meetings or to prevent the spread of infectious diseases.

Article 48. Everyone shall have the right to form non-profit associations and leagues. Only Estonian citizens may be members of political parties.

The establishment of associations and leagues possessing weapons or organized in a military fashion or conducting military exercises requires a prior permit, the issuing of which shall be in accordance with conditions and procedures determined by law.

Associations, leagues or political parties whose aims or activities are directed towards the violent change of the Estonian constitutional system or otherwise violate a criminal law shall be prohibited.

The termination or suspension of the activities of an association, a league or a political party, and its penalization, may only be invoked by a court in cases where a law has been violated.

Article 49. Everyone shall have the right to preserve his or her ethnic identity.

Article 50. Ethnic minorities shall have the right, in the interests of their national culture, to establish institutions of self-government in accordance with conditions and procedures determined by the Law on Cultural Autonomy for Ethnic Minorities.

Article 51. Everyone shall have the right to address a state or local government authority and their officials in Estonian, and to receive answers in Estonian.

In localities where at least half of the permanent residents belong to an ethnic minority, everyone shall have the right to receive answers from state and local government authorities and their officials in the language of that ethnic minority.

Article 52. The official language of state and local government authorities shall be Estonian.

In localities where the language of the majority of the population is other than Estonian, local government authorities may use the language of the majority of the permanent residents of that locality for internal communication to the extent and in accordance with procedures determined by law.

The use of foreign languages, including the languages of ethnic minorities, by state authorities and in court and pre-trial proceedings shall be determined by law.

Article 53. Everyone shall be obligated to preserve human and natural environment and to compensate for damages caused by him or her to the environment. The procedures for compensation shall be determined by law.

Article 54. It shall be the duty of every Estonian citizen to be loyal to the constitutional system of government and to defend the independence of Estonia.

Where no other means are available, every Estonian citizen shall have the right to take spontaneous action against any forcible change of the constitutional system.

Article 55. Citizens of foreign states and stateless persons present in Estonia are obligated to respect the Estonian constitutional system of government.

CHAPTER III

The People

Article 56. The people shall exercise their supreme power through citizens who have the right to vote by:

- 1) electing the Riigikogu-
- 2) participating in referenda;

Article 57. The right to vote shall belong to every Estonian citizen who has attained the age of eighteen.

An Estonian citizen who has been divested of his or her legal capacity by a court does not have the right to vote.

Article 58. The participation in elections of Estonian citizens who have been convicted by a court of law and who are serving a sentence in a place of detention may be restricted by law.

CHAPTER IV

The Riigikogu

Article 59. Legislative power shall rest with the Riigikogu.

Article 60. The Riigikogu shall be comprised of one hundred and one members. Members of the Riigikogu shall be elected in free elections on the principle of proportionality. Elections shall be general, uniform and direct. Voting shall be secret.

Every citizen entitled to vote who has attained 21 years of age may be a candidate for the Riigikogu.

Regular elections to the Riigikogu shall be held on the first Sunday in March every fourth year following the year of previous elections to the Riigikogu.

Early elections to the Riigikogu shall be held, in the cases prescribed by Articles 89, 97, 105 and 119 of the Constitution, no earlier than twenty, and no later than forty days after elections have been declared.

The procedures for the election of the Riigikogu shall be determined by the Law On the Riigikogu Elections.

Article 61. The authority of the members of the Riigikogu shall commence on the day the results of the elections have been announced. The authority of the previous complement of the Riigikogu shall cease from that same day.

Before beginning to fulfil his or her duties, a member of the Riigikogu shall take an oath of office affirming his or her loyalty to the Republic of Estonia and its constitutional system.

Article 62. A member of the Riigikogu shall not be tied to his or her mandate, nor be held legally responsible for his or her votes or political statements which he or she has made in the Riigikogu or any of its bodies.

Article 63. A member of the Riigikogu may not hold any other state office.

A member of the Riigikogu shall be released from the responsibility to serve in the defense forces for the duration of his or her term.

Article 64. The authority of a member of the Riigikogu shall be suspended on his or her appointment as a member of the Government of the Republic, and shall be restored on his or her being released from the duties as a member of government.

The authority of a member of the Riigikogu shall be prematurely terminated:

- 1) on he or she assuming another public office;
- 2) on a guilty verdict by a court against him or her entering into force;
- 3) on he or she resigning in accordance with procedures determined by law;

4) if the National Court has pronounced him or her to be permanently incapable of fulfilling his or her duties-

5) on his or her death.

When the authority of a member of the Riigikogu has been suspended or prematurely terminated, an alternate member shall assume his or her seat, in accordance with procedures determined by law. The alternate member shall have all the rights and duties of a member of the Riigikogu.

The authority of an alternate member shall cease when a member of the Riigikogu resumes his or her authority.

Article 65. The Riigikogu shall:

- 1) adopt laws and resolutions-,
- 2) decide on the conducting of referenda;
- 3) elect the President of the Republic in accordance with Article 79 of the Constitution;
- 4) ratify and denounce foreign treaties in accordance with Article 121 of the Constitution;
- 5) authorize the candidate for Prime Minister to form the Government of the Republic;
- 6) adopt the national budget and approve the report on its implementation;
- 7) appoint, on proposal by the President of the Republic, the Chairman of the National Court, the Chairman of the Council of the Bank of Estonia, the Auditor-General, the Legal Chancellor and the Commander or Commander-in-Chief of the Defense Forces;
- 8) appoint, on proposal by the Chairman of the National Court, judges for the National Court;
- 9) appoint members of the Board of the Bank of Estonia;
- 10) decide, on proposal by the Government, on the issue of Government loans and the undertaking of other financial obligations by the state;

- 11) present statements, declarations and appeals to the Estonian people, foreign states and international organizations;
- 12) establish national orders of merit and military and diplomatic ranks;
- 13) decide on votes of no-confidence in the Government of the Republic, the Prime Minister or individual ministers;
- 14) declare a state of emergency in the nation in accordance with Article 129 of the Constitution;
- 15) on proposal by the President of the Republic declare a state of war, order mobilization and demobilization.
- 16) resolve all issues of government which, according to the Constitution, are not to be resolved by the President of the Republic, the Government of the Republic, other state bodies or local government.

Article 66. The first session of the complement of the new Riigikogu shall take place within ten days of the announcement of the results of the Riigikogu elections. The first session shall be convened by the President of the Republic.

Article 67. Regular sessions of the Riigikogu shall take place from the second Monday of January to the third Thursday of June, and from the second Monday of September to the third Thursday of December.

Article 68. Extraordinary sessions of the Riigikogu shall be convened by the Speaker of the Riigikogu, on the demand of the President of the Republic, the Government of the Republic or at least one fifth of the complement of the Riigikogu.

Article 69. The Riigikogu shall elect from among its members the Chairman of the Riigikogu (Speaker) and two Deputy Chairmen (Deputy Speakers), who shall direct the work of the Riigikogu, in accordance with the Law On the Riigikogu By-Laws and the Law On the Riigikogu Proceedings.

Article 70. The quorum for the Riigikogu shall be determined by the Law On the Riigikogu By-Laws. In an extraordinary session, the Riigikogu shall have a quorum when over half of its complement is present.

Article 71. The Riigikogu shall establish committees.

Members of the Riigikogu shall have the right to form factions. Procedures for establishing committees and factions, and their powers, shall be determined by the Law On the Riigikogu By-Laws.

Article 72. Riigikogu sessions shall be public, unless the Riigikogu, by a majority of two-thirds, decides otherwise. Voting in the Riigikogu shall be public. Voting by secret ballot shall only be held in cases prescribed by the Constitution or the Riigikogu By-Laws in matters concerning the election or appointment of officials.

Article 73. Legal acts of the Riigikogu shall be adopted with a majority of yes-votes, unless otherwise prescribed by the Constitution.

Article 74. Members of the Riigikogu shall have the right to request explanations from the Government of the Republic and its members, the Chairman of the Board of the Bank of Estonia, the President of the Bank of Estonia, the Auditor General, the Legal Chancellor and the Commander or Commander in-Chief of the Defense Forces.

Requests for explanations must be answered at a session of the Riigikogu within twenty session days.

Article 75. The remuneration of members of the Riigikogu and restrictions on other income shall be determined by law, which may be amended for the next complement of the Riigikogu.

Article 76. A member of the Riigikogu enjoys immunity. Official charges can only be brought against him or her on proposal by the Legal Chancellor and with the consent of the majority of the complement of the Riigikogu.

Chapter V

The President of the Republic

Article 77. The President of the Republic is the Head of State of Estonia.

Article 78. The President of the Republic shall:

- 1) represent the Republic of Estonia in international relations;
- 2) appoint and recall, on proposal by the Government, diplomatic representatives of the Republic of Estonia and accept letters of credence of diplomatic representatives accredited to Estonia;
- 3) declare regular Riigikogu elections, and early elections for the Riigikogu, in accordance with Articles 89, 97, 105 and 119 of the Constitution;
- 4) convene the new complement of the Riigikogu in accordance with Article 66 of the Constitution, and shall open its first session-
- 5) propose to the Speaker of the Riigikogu to convene an extraordinary session of the Riigikogu in accordance with Article 68 of the Constitution;
- 6) proclaim laws in accordance with Articles 105 and 107 of the Constitution and shall sign documents of ratification;
- 7) issue decrees in accordance with Articles 109 and I 10 of the Constitution-,
- 8) initiate amendments to the Constitution;
- 9) determine the candidate for Prime Minister in accordance with Article 89 of the Constitution;
- 10) appoint and to release members of the Government, in accordance with Articles 89, 90 and 92 of the Constitution;
- 11) present proposals to the Riigikogu for appointments to the offices of the Chairman of the National Court, the Chairman of the Board of the Bank of Estonia, the Auditor General, the Legal Chancellor and the Commander or the Commander-in-Chief of the Defense Forces-,
- 12) appoint, on proposal by the Board of the Bank of Estonia, the President of the Bank of Estonia;
- 13) appoint judges on proposal by the National Court;
- 14) appoint and recall from office the Government of the Republic and, on proposal by the Commander of the Defense Forces, officers in the Defense Forces;
- 15) confer civil and military honors and diplomatic ranks-,

- 16) be the Supreme Commander of Estonia's national defense;
- 17) present proposals to the Riigikogu on declarations of a state of war, on orders for mobilization and demobilization and, in accordance with Article 129 of the Constitution, on proclamations of a state of emergency,
- 18) declare, in cases of armed aggression against Estonia, a state of war, shall issue orders for mobilization and shall appoint a Commander-in-Chief of the Defense Forces, in accordance with Article 128 of the Constitution,
- 19) by way of clemency, release or grant commutation to convicted offenders at their request;
- 20) initiate the bringing of criminal charges against the Legal Chancellor, in accordance with Article 145 of the Constitution.

Article 79. The President of the Republic shall be elected by the Riigikogu, or, in the case described in the fourth paragraph of the present Article, by the Electoral Body.

The right to present a candidate for President of the Republic shall rest with at least one-fifth of the complement of the Riigikogu.

Any Estonian citizen by birth, who is at least forty years of age, may be presented as a candidate for President of the Republic.

The President of the Republic shall be elected by secret ballot. Each member of the Riigikogu shall have one vote. A candidate who is supported by a two-thirds majority of the complement of the Riigikogu shall be considered to be elected. Should no candidate receive the required majority, then a new vote shall be organized on the next day. Before the second round of voting, there shall be a new presentation of candidates. Should no candidate receive the required majority in the second round, then a third round of voting shall be organized on the same day between the two candidates who received the most votes in the second round. Should the President of the Republic still not be elected in the third round of voting, the Speaker of the Riigikogu shall convene, within one month, an Electoral Body to elect the President of the Republic.

The Electoral Body shall be comprised of the members of the Riigikogu and representatives of the local government councils. Each local government council shall elect at least one representative, who must be an Estonian citizen, to the Electoral Body.

The Riigikogu shall present to the Electoral Body as candidates for President the two candidates who received the greatest number of votes in the Riigikogu. The right to present a presidential candidate shall also rest with at least twenty-one members of the Electoral Body.

The Electoral Body shall elect the President of the Republic with a majority of those members of the Electoral Body who are present. Should no candidate be elected in the first round, a second round of voting shall be organized on the same day between the two candidates who received the highest number of votes.

Further procedures for the election of the President of the Republic shall be determined by the Law On Electing the President of the Republic.

Article 80. The President of the Republic shall be elected for a term of five years. No person may be elected to the office of President of the Republic for more than two consecutive terms.

The regular election for President of the Republic shall be held no earlier than sixty and no later than ten days before the end of the term of the President of the Republic.

Article 81. The President of the Republic shall assume office by swearing the following oath of office to the Estonian people before the Riigikogu: "In assuming the office of President of the Republic, I (given name and surname) solemnly swear to steadfastly defend the Constitution and the laws of the Republic of Estonia, exercise the power entrusted to me in a just and impartial manner, and faithfully perform my duties with all of my ability and to the best of my understanding, for the benefit of the people of Estonia and the Republic of Estonia."

Article 82. The authority- of the President of the Republic shall terminate upon:

- 1) resigning from office;
- 2) being convicted of an offense;
- 3) his or her death;
- 4) a new President of the Republic assuming office.

Article 83. If the President of the Republic, according to a resolution by the Riigikogu, is continuously unable to fulfil his or her duties due to the state of health, or he or she is unable to fulfil them temporarily, in cases specified by law,

or his or her term has ended prematurely, his or her duties shall temporarily be transferred to the Speaker of the Riigikogu.

During the period when the Speaker of the Riigikogu is fulfilling the duties of the President of the Republic, his or her authority as a member of the Riigikogu shall be suspended.

The Speaker of the Riigikogu as acting President of the Republic shall not have the right to declare early elections for the Riigikogu or to refuse to proclaim laws, without the consent of the National Court.

Should the President of the Republic be unable to fulfil his or her duties for over three consecutive months, or if his or her authority has terminated prematurely, the Riigikogu shall elect a new President of the Republic within fourteen days, in accordance with Article 79 of the Constitution.

Article 84. Upon assuming office, the authority and duties of the President of the Republic in all elected and appointed offices shall cease, and he or she shall suspend his or her membership in political parties.

Article 85. The President of the Republic may be charged with a criminal offence only on proposal by the Legal Chancellor, with the consent of the majority of the complement of the Riigikogu.

CHAPTER VI

The Government of the Republic

Article 86. Executive power is vested in the Government of the Republic.

Article 87. The Government of the Republic shall:

- 1) execute domestic and foreign policies of the state;
- 2) direct and coordinate the activities of government institutions-, 3) organize the implementation of legislation, the resolutions of the Riigikogu, and the legislation of the President of the Republic;

- 4) submit draft legislation to the Riigikogu, as well as foreign treaties for either ratification or denunciation;
- 5) prepare a draft of the national budget and present it to the Riigikogu, administer the implementation of the national budget, and present a report on the implementation of the budget to the Riigikogu;
- 6) issue regulations and orders for of and for the implementation of law-,
- 7) manage relations with foreign states-,
- 8) declare, in the case of natural disasters and catastrophes or in order to impede the spread of infectious diseases, a state of emergency throughout the nation or in parts thereof,
- 9) fulfil other tasks which have been placed under its jurisdiction by the Constitution and laws.

Article 88. The Government of the Republic shall be comprised of the Prime Minister and ministers.

Article 89. The President of the Republic, within fourteen days after the Government of the Republic has resigned, shall nominate a candidate for Prime Minister, who shall be tasked with forming a new government.

The candidate for Prime Minister shall report to the Riigikogu, within fourteen days of being assigned the task of forming a government, the bases for the formation of the new government, after which the Riigikogu shall decide, without negotiation and by an open vote, on giving the candidate for Prime Minister the authority to form a Government.

The candidate for Prime Minister who has received authority from the Riigikogu to form a government, shall present, within seven days, the composition of the Government to the President of the Republic, who shall appoint the Government within three days.

If the candidate for Prime Minister, nominated by the President of the Republic, does not receive the majority of yes-votes in the Riigikogu, or is unable to form a Government, or abstains, the President of the Republic shall have the right to present another candidate for Prime Minister within seven days.

If the President of the Republic does not present another candidate for Prime Minister within seven days, or abstains, or if this candidate is unable to obtain

authority from the Riigikogu, in accordance with the conditions and time restraints in Paragraphs 2 and 3 of the present Article, or is unable to form a Government, or abstains, the right to present a candidate for Prime Minister shall be transferred to the Riigikogu.

The Riigikogu shall present a candidate for Prime Minister, who shall present the composition of the Government to the President of the Republic. If, within fourteen days from the transfer of the right to present a candidate for Prime Minister to the Riigikogu, the composition of the Government has not been presented to the President of the Republic, the President of the Republic shall declare early elections for the Riigikogu.

Article 90. Changes to the composition of those appointed to the Government of the Republic shall be made by the President of the Republic, on proposal by the Prime Minister.

Article 91. The Government shall take office by swearing an oath of office before the Riigikogu.

Article 92. The Government of the Republic shall resign:

1) on the new complement of the Riigikogu convening; 2) on the resignation or death of the Prime Minister;

3) when the Riigikogu expresses no-confidence in the Government or the Prime Minister;

The President of the Republic shall discharge the Government of the Republic when the new Government assumes office.

Article 93. The Prime Minister shall represent the Government of the Republic and shall direct its work.

The Prime Minister shall appoint two Ministers who shall have the right to substitute for the Prime Minister during his or her absence. The procedures for the substitution shall be determined by the Prime Minister.

Article 94. Appropriate ministries shall be established in accordance with the law, for the purpose of executing particular functions of government.

A minister shall head a ministry, organize the handling of issues which belong to the sphere of activity of the ministry, shall issue regulations and directives to be

fulfilled on the basis of the law, and shall fulfil other duties which have been imposed, on the basis and in accordance with procedures determined by law.

Should the minister be temporarily unable to fulfil his or her duties, due to illness or other hindrances, the Prime Minister shall transfer the minister's duties to another minister for that time period.

The President of the Republic may appoint, on proposal by the Prime Minister, other ministers who do not head ministries.

Article 95. A State Chancellery shall be within the Government, and shall be headed by the State Secretary.

The State Secretary shall be appointed and recalled by the Prime Minister.

The State Secretary shall participate in Government sessions, with the right to speak.

The State Secretary shall have the same rights in heading the State Chancellery which are specified by law for a minister in heading a ministry.

Article 96. Sessions of the Government of the Republic shall be closed, unless the Government decides otherwise.

The Government shall make decisions on the proposal of the Prime Minister or by the appropriate minister.

Ordinances by the Government shall be in effect when they carry the signatures of the Prime Minister, the appropriate minister and the State Secretary.

Article 97. The Riigikogu may express no-confidence in either the Government of the Republic, the Prime Minister or a minister by a resolution adopted by the majority of the complement of the Riigikogu.

The issue of no-confidence may be initiated by at least one-fifth of the complement of the Riigikogu by submitting a written motion at a session of the Riigikogu.

The issue of expressing no-confidence may come up for resolution no earlier than two days after its being submitted, unless the Government demands speedier resolution.

In the case of no-confidence being expressed in the Government or the Prime Minister, the President of the Republic may, on proposal by the Government and within three days, declare early elections.

In the case of no-confidence being expressed in a minister, the Speaker of the Riigikogu shall notify the President of the Republic, who shall recall the minister from office.

The expression of no-confidence on the same grounds may be re-initiated no earlier than three months after the previous no-confidence vote.

Article 98. The Government of the Republic may bind the passage of a bill, which it has presented to the Riigikogu, with the issue of no-confidence.

Voting may not take place any earlier than two days after the binding of the bill with the issue of no-confidence. Should the Riigikogu reject the draft, the Government shall resign.

Article 99. Members of the Government of the Republic may not hold any other public office or belong to the leadership or council of a commercial enterprise.

Article 100. Members of the Government of the Republic may participate, with the right to speak, in sessions of the Riigikogu and its committees.

Article 101. A member of the Government of the Republic may be charged with a criminal offence only on proposal by the Legal Chancellor, with the consent of the majority of the complement of the Riigikogu.

The authority of a member of the Government shall terminate when a guilty verdict comes into effect.

CHAPTER VII

Legislation

Article 102. Laws shall be passed in accordance with the Constitution.

Article 103. The right to initiate laws shall rest with:

- 1) members of the Riigikogu;
- 2) factions of the Riigikogu;
- 3) Riigikogu committees,
- 4) the Government of the Republic;
- 5) the President of the Republic for amendments to the Constitution.

The Riigikogu shall have the right, with a resolution adopted by a majority of its complement, to propose to the Government of the Republic that it initiate a draft desired by the Riigikogu.

Article 104. Procedures for the adoption of laws shall be determined by the Law On the Riigikogu By-Laws.

The following laws may be adopted or amended only by a majority of the membership of the Riigikogu:

- 1) Law On Citizenship;
- 2) Law On the Riigikogu Elections;
- 3) Law On Electing the President of the Republic;
- 4) Law On Local Government Elections;
- 5) Referendum Law;
- 6) Law On the Riigikogu By-Laws and Law On the Riigikogu Procedures;
- 7) Law On the Salaries of the President of the Republic and the Members of the Riigikogu;
- 8) Law On the Government of the Republic;
- 9) Law On Court Procedures Against the President of the Republic and the Members of the Government;
- 10) Law On Cultural Autonomy For Ethnic Minorities;
- 11) Law On the National Budget;

- 12) Law On the Bank of Estonia;
- 13) Law On the State Audit Office;
- 14) Law On the Organization of the Courts and On Court Procedures;
- 15) Laws pertaining to external and internal loans, and state asset obligations-;
- 16) Law on a State of Emergency;
- 17) Law on Peacetime National Defense and Wartime National Defense.

Article 105. The Riigikogu shall have the right to put draft legislation or other national issues to a referendum.

The decision of the people shall be determined by the majority of those participating in the referendum.

A law which has been adopted by referendum shall be immediately proclaimed by the President of the Republic. The referendum decision shall be binding on all state bodies.

Should the draft law which has been put to referendum not receive a majority of yes-votes, the President of the Republic shall declare early elections for the Riigikogu.

Article 106. Issues related to the budget, taxes, the financial obligations of the state, the ratification of foreign treaties, and the enactment and ending of a state of emergency may not be put to referendum.

Procedures for referenda shall be determined by the Referendum Law.

Article 107. Laws shall be proclaimed by the President of the Republic.

The President of the Republic shall have the right not to proclaim a law adopted by the Riigikogu, and to return the law to the Riigikogu, within fourteen days of receiving it, together with the reasons for its rejection. If the Riigikogu adopts a law which has been returned by the President of the Republic, without amendments, the President of the Republic shall proclaim the law, or propose to the National Court that it declare the law to be in conflict with the Constitution. If the National Court declares the law to be in accordance with the Constitution, the President of the Republic shall proclaim the law.

Article 108. A law shall come into force on the tenth day after its publication in the "Riigi Teataja", unless the law itself determines otherwise.

Article 109. If the Riigikogu is prevented from convening, the President of the Republic shall have the right, in matters of national interest which cannot be postponed, to issue decrees which have the force of law, and which shall bear the countersignatures of the Speaker of the Riigikogu and the Prime Minister.

When the Riigikogu convenes, the President of the Republic shall present such decrees to the Riigikogu, which shall immediately adopt a law either confirming or repealing the decrees.

Article 110. Neither the Constitution, the laws listed in Article 104 of the Constitution, nor laws determining state taxes or the national budget can be enacted, amended or repealed by decrees issued by the President of the Republic.

CHAPTER VIII

Finance and the National Budget

Article 111. The sole right to issue currency in Estonia shall rest with the Bank of Estonia. The Bank of Estonia shall organize currency circulation, and promote the stability of the national currency.

Article 112. The Bank of Estonia shall operate in accordance with the law, and shall report to the Riigikogu.

Article 113. State taxes, fees, duties, fines and compulsory insurance payments shall be determined by law.

Article 114. Procedures for the control, use and command of national assets shall be determined by law.

Article 115. The Riigikogu shall adopt, as a law, a budget for all state income and expenditure for each year.

The Government of the Republic shall present a draft national budget to the Riigikogu no later than three months before the commencement of the budget year.

On proposal by the Government, the Riigikogu may adopt a supplementary budget during the budget year.

Article 116. If a proposed amendment to the state budget or to its draft has the effect of decreasing estimated revenue, or increasing expenditure or reallocating expenditure, the proponent of the amendment shall append financial calculations to the proposed amendment which demonstrate the sources of revenue necessary to cover the expenditure.

The Riigikogu may not eliminate or reduce in the national budget or its draft those expenditures which have been prescribed by other laws.

Article 117. The procedures for the preparation and adoption of the budget shall be determined by law.

Article 118. The national budget adopted by the Riigikogu shall enter into force from the beginning of the budget year. If the Riigikogu does not adopt the national budget by the beginning of the budget year, it shall be permitted to make expenditures each month up to one-twelfth of the expenditures of the previous budget year.

Article 119. If the Riigikogu has not adopted the budget within two months of the beginning of the budget year, the President of the Republic shall declare early elections for the Riigikogu.

CHAPTER IX

Foreign Relations and International Treaties

Article 120. Procedures for the relations of the Republic of Estonia with other states and with international organizations shall be determined by law.

Article 121. The Riigikogu shall ratify and denounce treaties of the Republic of Estonia:

- 1) which alter state boundaries;
- 2) the implementation of which requires the passage, amendment or repeal of Estonian laws;

- 3) by which the Republic of Estonia joins international organizations or unions;
- 4) by which the Republic of Estonia assumes military or proprietary obligations;
- 5) where ratification is prescribed.

Article 122. The land border of Estonia shall be determined by the Tartu Peace Treaty of 2 February 1920, and other international border treaties. The sea and air borders of Estonia shall be determined on the basis of international conventions.

A two-thirds majority of the complement of the Riigikogu shall be mandatory for the ratification of treaties which alter Estonian state boundaries.

Article 123. The Republic of Estonia shall not conclude international treaties which are in conflict with the Constitution.

If Estonian laws or other acts are in conflict with international treaties ratified by the Riigikogu, the provisions of the international treaty shall be applied.

CHAPTER X

National Defense

Article 124. Citizens of the Republic of Estonia have a duty to participate in national defense, in accordance with the bases and procedures determined by law.

Those who refuse service in the Defense Forces for religious or ethical reasons has a duty to participate in alternative service, in accordance with the procedures prescribed by law.

Persons in the Defense Forces and alternative service have all constitutional rights, freedoms and duties, unless otherwise prescribed by law due to the special interests of the service. The rights and liberties prescribed in Article 8 paragraphs 3 and 4, Articles I I - 1 8, Article 20 paragraph 3, Articles 21-28, Article 32, Article 33, Articles 36-43, Article 44 paragraphs I and 2, Articles 49-51 of the Constitution may not be restricted. The legal status of persons in the Defense Forces and alternative service shall be determined by law.

Article 125. A person in active service may not hold elected or appointed office nor participate in the activities of any political party.

Article 126. The organization of the Estonian Defense Forces and the national defense organizations shall be determined by law.

The organization of national defense shall be determined by the Peacetime National Defense Law and the Wartime National Defense Law.

Article 127. The supreme commander of national defense shall be the President of the Republic.

The National Defense Council shall be an advisory body for the President of the Republic, and its composition and tasks shall be determined by law.

The Estonian defense forces shall be headed by the Commander of the Defense Forces in peacetime, and the Commander-in-Chief of the Defense Forces during a state of war. The Commander and Commander-in-Chief of the Defense Forces shall be appointed and recalled by the Riigikogu, on proposal by the President of the Republic.

Article 128. The Riigikogu shall declare, on proposal by the President of the Republic, a state of war, order mobilization and de-mobilization, and shall decide on the utilization of the Defense Forces to fulfil the international obligations of the Estonian nation.

In the case of aggression directed against the Republic of Estonia, the President of the Republic shall declare a state of war and mobilization, and shall appoint the Commander-in-Chief of the Defense Forces, without waiting for a resolution to be adopted by the Riigikogu.

Article 129. In the case of a threat to the Constitutional system of government, the Riigikogu may declare, on proposal by the President of the Republic or the Government of the Republic and with a majority of its complement, a state of emergency in the whole country, with a duration of no longer than three months.

Regulations for a state of emergency shall be determined by law.

Article 130. During a state of emergency or a state of war, the rights and liberties of persons may be restricted, and obligations placed upon them, in the interests of national security and public order, in the cases, and in accordance with procedures prescribed by law. Rights and liberties determined by Article 8, Articles 11 - 18,

Article 20 paragraph 3, Article 22, Article 23, Article 24 paragraphs 2 and 4, Article 25, Article 27, Article 28, Article 36 paragraph 2, Article 40, Article 41, Article 49 and Article 51 paragraph I of the Constitution may not be restricted.

Article 131. During a state of emergency or a state of war there shall be no elections for the Riigikogu, the President of the Republic or representative bodies of local government, nor can their authority be terminated.

The authority of the Riigikogu, the President of the Republic, and representative bodies of local government shall be extended if they should end during a state of emergency or state of war, or within three months of the end of a state of emergency or state of war. In these cases, new elections shall be declared within three months of the end of a state of emergency or a state of war.

CHAPTER XI

State Audit Office

Article 132. The State Audit Office shall be an independent state institution with responsibility for economic control.

Article 133. The State Audit Office shall audit:

- 1) the economic activity of state agencies, state enterprises and other state organizations;
- 2) the use and preservation of state assets;
- 3) the use and disposal of state assets which have been transferred to the jurisdiction of local governments-,
- 4) the economic activity of enterprises in which the state holds over half of the votes determined by the shares or stocks, or whose loans or contractual obligations are guaranteed by the state.

Article 134. The State Audit Office shall be headed by the Auditor General, who shall be appointed and recalled by the Riigikogu, on proposal by the President of the Republic.

The term of office for the Auditor General shall be five years.

Article 135. The Auditor General shall present to the Riigikogu an annual report on the use and preservation of state assets during the previous budget year at the time of the debate in the Riigikogu on the implementation of the national budget.

Article 136. The Auditor General shall have the right to participate in sessions of the Government of the Republic with the right to speak on issues related to his or her duties.

The Auditor General shall have, in heading his or her office, the same rights which are specified by law for a minister in heading a ministry.

Article 137. The Organization of the State Audit Office shall be determined by law.

Article 138. The Auditor General may be charged with a criminal offence only on proposal by the Legal Chancellor, with the consent of the majority of the membership of the Riigikogu.

CHAPTER XII

The Legal Chancellor

Article 139. The Legal Chancellor shall be, in conducting his or her work, an independent official supervising the accordance with the Constitution and legislation of the legal acts issued by the state legislature and executive, as well as by local government bodies.

The Legal Chancellor shall analyze the proposals made to him or her for amending legislation and adopting new laws, as well as for the work of government institutions, and, if necessary, shall present a report to the Riigikogu.

The Legal Chancellor shall, in the cases referred to in Articles 76, 85, 101, 138, 153 of the Constitution, propose to the Riigikogu to bring criminal charges against a member of the Riigikogu, the President of the Republic, a member of the Government of the Republic, the Auditor General, the Chairman of the National Court or a member of the National Court.

Article 140. The Legal Chancellor shall be appointed by the Riigikogu, on proposal by the President of the Republic, for a term of seven years.

The Legal Chancellor may be removed from office only by a Court decision.

Article 141. The Legal Chancellor, in heading his or her office, shall have all the rights which are accorded to a minister in heading a ministry,

The Legal Chancellor shall have the right to participate in sessions of the Riigikogu and in sessions of the Government of the Republic, with the right to speak.

Article 142. If the Legal Chancellor considers that a legal act issued by the state legislature or executive or by a local government is in conflict with the Constitution or a law, he or she shall propose to the body which has adopted that act to bring the act into accordance with the Constitution or law within twenty days.

If the act is not brought into accordance with the Constitution or law within twenty days, the Legal Chancellor shall apply to the National Court to declare the act null and void.

Article 143. The Legal Chancellor shall present an annual report to the Riigikogu on the accordance with the Constitution and legislation of legal acts issued by the state legislature and executive and by local government.

Article 144. The legal status of the Legal Chancellor and the Organization of his or her office shall be determined by the law.

Article 145. The Legal Chancellor may be charged with a criminal offence only on proposal by the President of the Republic and with the consent of the majority of the membership of the Riigikogu.

CHAPTER XIII

The Courts

Article 146. Justice shall be administered only by the Courts. The Courts shall be independent in their work and shall administer justice in accordance with the Constitution and laws.

Article 147. Judges shall be appointed for life. The bases and procedures for the release of judges from duty shall be determined by law.

Judges may be recalled only by a Court decision.

Judges may not hold any other elected or appointed office, except in cases prescribed by law.

Guarantees for the independence and the legal status of judges shall be determined by law.

Article 148. The court system shall be comprised of.

- 1) county and city courts, as well as administrative courts; 2) circuit courts;
- 3) the National Court.

The creation of special courts to handle some categories of court cases shall be determined by law.

The establishment of emergency courts shall be prohibited,

Article 149. County and city courts, as well as administrative courts shall be first level courts.

Circuit courts shall be second level courts, and they shall examine the decisions of the first level courts as appeal procedures.

The National Court is the highest court in the land, which examines court decisions as appeal procedures. The National Court is also the court for constitutional review.

Rules regarding court administration and rules of court procedure shall be regulated by law.

Article 150. The Chairman of the National Court shall be appointed by the Riigikogu, on proposal by the President of the Republic.

Members of the National Court shall be appointed by the Riigikogu, on proposal by the Chairman of the National Court.

Other judges shall be appointed by the President of the Republic, on proposal by the National Court.

Article 151. The Organization of representation, defense, state prosecution and supervision of legality in Court procedures shall be determined by law.

Article 152. If any law or another legal act is in conflict with the Constitution, it shall not be applied by the Court in trying a case.

If any law or other legal act is in conflict with the provisions and spirit of the Constitution, it shall be declared null and void by the National Court.

Article 153. A judge may be charged with a criminal offence during his or her term of office only on proposal by the National Court and with the consent of the President of the Republic.

The Chairman of the National Court and its members may be charged with a criminal offence only on proposal by the Legal Chancellor and with the consent of the majority of the membership of the Riigikogu.

CHAPTER XIV

Local Government

Article 154. All local issues shall be resolved and regulated by local government, which shall operate independently in accordance with the law.

Obligations may be imposed upon local government only in accordance with the law or in agreement with local government. Expenditures related to the obligations imposed on local government by law shall be covered from the national budget.

Article 155. The units of local government are rural municipalities and towns. Other units of local government may be formed in accordance with the bases and procedures determined by law.

Article 156. The representative body of local government is the council, which shall be elected in free elections for a term of three years. The elections shall be general, uniform and direct. Voting shall be secret.

In the election of the local government council, all persons who have reached the age of eighteen years and who reside permanently on the territory of that local government unit shall have the right to vote, in accordance with conditions determined by law.

Article 157. Local governments have independent budgets, for which the principles of formation and procedures shall be determined by law.

Local governments shall have the right, based on the law, to levy and collect taxes and to impose fees.

Article 158. Borders of local government units may not be altered without taking into consideration the opinion of the respective local governments.

Article 159. Local governments shall have the right to form leagues and joint institutions together with other local governments.

Article 160. The Organization of local government and the supervision of its work shall be determined by law.

CHAPTER XV

Amendments to the Constitution

Article 161. The right to initiate amendments to the Constitution shall rest with at least one-fifth of the membership of the Riigikogu and with the President of the Republic.

Amendments to the Constitution may not be initiated, nor the Constitution amended, during a state of emergency or a state of war.

Article 162. Chapter I 'General Provisions' and Chapter XV 'Amendments to the Constitution of the Constitution may be amended only by referendum.

Article 163. The Constitution may be amended by a law which is adopted by:

- 1) referendum;
- 2) two successive memberships of the Riigikogu; 3) the Riigikogu, in matters of urgency.

A draft law to amend the Constitution shall be considered during three readings in the Riigikogu, whereby the interval between the first and second readings shall be at least three months, and the interval between the second and third readings shall be at least one month. The manner in which the Constitution is amended shall be decided at the third reading.

Article 164. In order to put a proposed amendment to the Constitution to referendum, the approval of a three-fifths majority of the membership of the Riigikogu shall be mandatory. The referendum shall not be held earlier than three months from the time that such a resolution is adopted in the Riigikogu.

Article 165. In order to amend the Constitution by two successive memberships of the Riigikogu, the draft law to amend the Constitution must receive the support of the majority of the membership of the Riigikogu.

If the next membership of the Riigikogu adopts the draft which received the support of the majority of the previous membership, without amendment, on its first reading and with a three-fifths majority of its membership, the law to amend the Constitution shall be adopted.

Article 166. A proposal to consider a proposed amendment to the Constitution as a matter of urgency shall be adopted by the Riigikogu by a four-fifths majority. In such a case the law to amend the Constitution shall be adopted by a two-thirds majority of the membership of the Riigikogu.

Article 167. The law to amend the Constitution shall be proclaimed by the President of the Republic and it shall enter into force on the date determined by the same law, but not earlier than three months after its proclamation.

Article 168. An amendment to the Constitution dealing with the same issue may not be re-introduced within one year of the rejection of the respective draft by referendum or by the Riigikogu.

APPENDIX B

Preliminary and unofficial translation

Republic of Estonia Law on Broadcasting**CHAPTER 1****General Provisions****§1. Task of the Law**

The Law on Broadcasting shall enact:

- 1) the procedures for the transmission of information and the principles of broadcasting activity in broadcasting;
- 2) conditions for the proprietorship and ownership of technical resources (transmitters, transmitter networks) intended for the transfer information in broadcasting;
- 3) the bases for the establishment and operations of the public entities participating in broadcasting, as well as the procedures for the termination of operations;
- 4) the procedures for the operation of private entities in broadcasting, on the basis of broadcasting licenses.

§2. Broadcasting

- 1) Broadcasting shall be the system of transmission of information to the public through electrical communication means (transmitters and transmitter networks), and of making this information available.
- 2) The forms of broadcasting, in the context of the present Law, shall be radio and television.

§3. Broadcasting Transmitters, Transmitter Networks and Frequencies

- 1) A broadcasting transmitter, in the context of the present Law, shall be the collection of technical means, with which the television or radio signal, which is the carrier of broadcasting information, is issued to the open environment.
- 2) A network of broadcasting transmitters shall be a collection of transmitters connected by communication channels, which shall enable the simultaneous transmission of an information carrying signal on a greater territory than the operating area of one broadcasting transmitter.
- 3) A broadcasting frequency shall be the part of the radio frequency spectrum which is allocated, according to determined procedures, for the transmission of a television or radio signal, which can be referred to as a channel.
- 4) The broadcasting channels and frequencies shall be determined by the competent state body, in accordance with the foreign treaties and international agreements of the Republic of Estonia.

§4. Broadcasts and Programs

- 1) A broadcast shall be information of a certain duration, transmitted by the broadcaster as a signal, as well as information received by generally used receptor devices as sound, text, image or a collection of these.
- 2) A program shall be a collection of purposefully sequenced broadcasts, which are transmitted on pre-determined channels or frequencies. A program shall have its own name.
- 3) The volume of a program day must include at least 5 minutes of news broadcasts, excluding Sunday and state holiday programs.

§5. Broadcasting Stations

- 1) A broadcasting station shall be an office (offices) which transmits broadcasts or programs on definite channels or frequencies, which operates as the call sign of the direct legal proprietor (referred to as Proprietor) of the broadcasting station, with a name registered as a trademark of services or goods.

- 2) A broadcasting station shall make public, at least at the beginning and end of each program, its name.
- 3) A broadcasting station, excluding public entities operating on the basis of the present Law, shall not be a subject of civil law.
- 4) The owner or proprietor of a broadcasting station shall be responsible for the legal consequences of the activities of the broadcasting station.
- 5) The proprietor of a broadcasting station shall be freed of responsibility if it is proved that the information was transmitted in the broadcast by violating proprietorship.
- 6) Broadcasts or programs may be transmitted through broadcast by a broadcasting station whose owner or proprietor has a broadcasting license, as determined in §37 of the present Law. A public broadcasting station does not require a broadcasting license.

CHAPTER 2

Operating Principles of Broadcasting

§6. Freedom of Operation

- 1) A broadcasting station shall have the right, while abiding by the law and conditions of the broadcasting license, to freely decide on the content of its broadcasts and programs.
- 2) The restriction of creative freedom, which is guaranteed by law, shall be punishable according to administrative or criminal procedures.
- 3) The courts, on the prescribed bases and according to the procedures in law, may ban the broadcast of a certain program or part of it.

§7. Protection of Information Sources

- 1) A broadcasting station may not make public the details of a person who has passed on information to it, if that person does not wish it.

- 2) A broadcasting station shall not be obligated to make public information received in the course of its operation.
- 3) A broadcasting station, in order to uncover the truth, must present to the courts, according to the prescribed bases and procedures, the data and information noted in Paragraphs 1 and 2 of the present Article.

§8. Right to Register an Objection

- 1) A person, whose rights or legal interests have been violated by a report transmitted in a broadcast, shall have the right to an objection, via the broadcasting station who transmitted the report.
- 2) The presentation of the objection shall be made possible by the broadcasting station, without undue delay, in as similar volume and form as possible as was the report which brought about the objection.
- 3) The presenter of the objection shall not be obligated to compensate the costs associated with the transmission of the objection in the broadcast.

§9. Guaranteeing Morals and Legality

A broadcasting station shall not transmit broadcasts where the content is immoral or in conflict with the Constitution or laws.

§10. Transmission of Emergency Announcements

- 1) In the case of a danger threatening the safety of society or the Constitutional system of government, a broadcasting station shall be obligated to immediately issue, at its own cost, official notices by the Riigikogu (parliament), the President of the Republic or the Government of the Republic.
- 2) A broadcasting station shall transmit, free of charge and immediately, notices which are necessary for avoiding damage or danger to people's lives, health, or property.

§11. Protection of Copyright

- 1) The proprietor of a broadcasting station shall be obligated to pay just royalties for the use of works, which are protected by copyright, in broadcasting.
- 2) A broadcasting station shall follow the requirements of protection of copyright in its operations.

§12. Obligation to Preserve Recordings of Broadcasts

- 1) A broadcasting station shall record transmitted broadcasts.
- 2) The recordings shall be preserved for at least 20 days from the time of their transmission.
- 3) The courts, in cases being handled by them, may order longer periods for the preservation of the recordings of specific broadcasts.

§13. Responsible Editors

- 1) The proprietor of a broadcasting station shall appoint responsible editors, or persons fulfilling their tasks, for the broadcasts and programs being transmitted.
- 2) A responsible editor, in his or her broadcast or program, shall guarantee:
 - 1) following the principle of the freedom of speech;
 - 2) differentiation between facts and commentary;
 - 3) abiding by the requirements of the law;
 - 4) following the standards of morality and human dignity;
 - 5) educated usage of language.
- 3) The list of responsible editors shall be public.
- 4) A broadcasting station shall preserve data on the responsible editors of all transmitted broadcasts for a period of three years.
- 5) A responsible editor shall not be an official, and he or she shall be responsible for his or her activities on the basis of the agreement signed with the proprietor of the broadcasting station.

CHAPTER 3

Advertising and Sponsorship

§14. Advertising

- 1) Advertising shall be a statement, transmitted in broadcasting as sound, image or a collection of sound and image, whose aim is to achieve, in the interests of a person or group of persons, by demonstrating, explaining or evaluating the characteristics of a product or service, a certain behavior for consumers, or the propagation of a person or item or idea.
- 2) The broadcast times which are used for advertising at a broadcasting station are goods which are sold to the advertising purchaser.

§15. Advertising Requirements

- 1) Advertising must be honest and just, and shall not be permitted to mislead the consumer.
- 2) Advertising must not generate negative attitudes regarding some product, service or idea.
- 3) Advertising directed at children, and the use of children in advertising:
 - 1) must take into account their physical and mental special characteristics;
 - 2) must not cause behavior which may create in them inferiority, or encourage aggressiveness;
 - 3) shall be forbidden in the case of products noted in Paragraph I of §19 of the present Law.
- 4) Working news announcers and political commentators must not be used in advertising.

§16. The Position of Advertising in Programs

- 1) Advertising, as sound, image or a collection of sound and image, must be clearly differentiable from the rest of the program.
- 2) Generally, advertising must be placed between programs.

- 3) Advertising may be transmitted by interrupting the broadcast if this does not damage:
 - 1) the unity of the broadcast;
 - 2) the interests of the person who has rights regarding the broadcast.
- 4) Advertising must not be transmitted immediately preceding or following broadcasts which contain church services, or during these broadcasts.
- 5) Children's programs must not be interrupted for the purpose of transmitting advertisements.

§17. Advertising Volume

The volume of advertising in a program must not exceed 20 per .cent of the daily volume of the program, whereas:

- 1) the volume of advertising in a television program 15 per cent of the daily volume of the program, and 12 minutes in any one hour segment of the program;
- 2) the volume of advertising in a television program in the form of direct offer of sale, purchase of goods, or rental or services - one hour per day.

§18. Advertising Purchaser

- 1) An advertising purchaser must not influence the content of the broadcast or the structure of the program.
- 2) The advertising purchaser shall be responsible for the correctness of the facts presented, and the legal consequences of the advertising.
- 3) The right to record objections, according to §8, shall not extend to the statements presented in advertising.

§19. Special Conditions for Advertising Certain Products and Services

- 1) Advertising for alcoholic drinks, tobacco products, firearms and explosives, and prostitution shall not be permitted.

- 2) Medicines, medical products and medical services may be advertised according to the conditions and procedures determined by the Ministry of Social Affairs.
- 3) Pesticides, herbicides and other poisonous products may be advertised according to the conditions and procedures determined by the Ministry of the Environment.

§20. Sponsorship

- 1) Sponsorship shall be the participation of a person, who is not associated with the operation of a broadcasting station, in any direct or indirect financing of its broadcast or program.
- 2) In those broadcasts and programs, which are financed by sponsors, the name of the sponsor must be clearly presented at the beginning or end of the broadcast or program, and promotion regarding their product or services must be avoided during the broadcast.
- 3) A sponsor must not influence the content of the broadcast or program.
- 4) Sponsorship must not be used to finance news broadcasts or broadcasts dealing with current political events or problems.

CHAPTER 4

Ownership Rights to Broadcasting Technical Resources and to Broadcasts and Programs

§21. Ownership of Broadcasting Technical Resources

- 1) Transmitters and transmitter networks which are necessary for the transmission of public programs shall be the co- property of Eesti Raadio (Estonian Radio) and Eesti Televisioon (Estonian Television).
- 2) The establishment of the transmitters and transmitter networks to cover the whole of Estonian territory, and the procedures for their expropriation, shall be determined by the Government of the Republic.

§22. Ownership by Private Entities of Broadcasting Technical Resources

Broadcasting transmitters may be owned by, and have direct proprietorship by:

- 1) Legal entities registered in Estonia where over half of the votes determined according to shares or stocks belong to Estonian citizens;
- 2) Estonian citizens who are permanently resident in Estonia.

§23. Ownership of Broadcasts and Programs

- 1) Everyone may own, create and be intermediary for broadcasting broadcasts and broadcasting programs.
- 2) Broadcasts and programs may be transmitted, via a broadcasting station, broadcasting transmitter or transmitter network, by a private legal entity with a broadcasting license, or public entities who operate according to the present Law.

CHAPTER 5**Public Broadcasting Organizations****§24. Eesti Raadio and Eesti Televisioon**

- 1) Eesti Raadio and Eesti Televisioon shall be public legal entities who shall fulfil, on the basis of the present Law, the tasks of public radio and television organizations.
- 2) Eesti Raadio and Eesti Televisioon shall have the rights of legal entities, to the extent, determined by the present Law and their statutes.
- 3) The statutes of Eesti Raadio and Eesti Televisioon shall be approved by the Broadcasting Council.
- 4) Eesti Raadio and Eesti Televisioon, in the context of the present Law, shall be in the status of both the proprietor of the broadcasting station and the broadcasting station.

- 5) The broadcasting frequencies of Eesti Raadio and Eesti Televisioon shall be determined by the Ministry of Culture and Education.

§25. The Tasks of Eesti Raadio and Eesti Televisioon

- 1) The tasks of Eesti Raadio and Eesti Televisioon shall be:

- 1) fostering, promoting Estonian national culture, and the recording, preservation and introduction of its best achievements;
- 2) being intermediary for the best achievements in world culture;
- 3) creation and transmission of varied and balanced programs, on a high journalistic, artistic and technical level;
- 4) satisfaction of the information need of all national groups, including minorities;
- 5) creation of mainly information, cultural educational, training and entertainment broadcasts.

- 2) Eesti Raadio and Eesti Televisioon shall guarantee:

- 1) the recording of important functions, events, and works from the position of national culture and history, and the preservation of the recordings for the future generations;
- 2) proportion of at least 51 per cent local product in their programs;
- 3) use, in their programs, of literary, musical and audio-visual works commissioned from, and owned by, Estonian authors.

- 3) The reception of programs of Eesti Raadio and Eesti Television must be acceptable in quality on the whole of the territory of Estonia.
- 4) Eesti Raadio and Eesti Televisioon shall fulfil other tasks determined in the present Law and in their statutes.

§26. Basic Requirements for the Broadcasts and Programs of Eesti Raadio and Eesti Televisioon

- 1) In accordance with Chapter 2 of the present Law, the broadcasts and programs of Eesti Raadio and Eesti Televisioon must assist in:
 - 1) preserving and developing Estonian nationality, language and culture;
 - 2) strengthening Estonian statehood;
 - 3) improving Estonia's international reputation.

- 2) The broadcasts and programs of Eesti Raadio and Eesti Televisioon, in considering the moral, political and religious convictions of differing national groups, must influence all in honoring human dignity and in abiding by the law.

§27. Transmission of Notices Issued by Constitutional State Bodies

- 1) Eesti Raadio and Eesti Televisioon shall be obligated, with no undue delay, to transmit through broadcasting all official notices issued by constitutional state bodies.
- 2) Notices by constitutional state bodies shall be transmitted by Eesti Raadio and Eesti Televisioon without being modified by them.
- 3) Eesti Raadio and Eesti Televisioon shall not be obligated to check the correctness of the data presented in the notices noted in Paragraph I of the present Article, or to bear the responsibility for the content transmitted in the notice.

§28. Independence of Eesti Raadio and Eesti Televisioon

Eesti Raadio and Eesti Televisioon, in the creation of their broadcasts and programs, shall be independent, proceeding only from the requirements of the law.

§29. Rights of Eesti Raadio and Eesti Televisioon in Fulfilling Their Tasks

Eesti Raadio and Eesti Televisioon shall have the right to:

- 1) make free of charge direct or recorded broadcasts of functions and events noted in §25, Paragraph 2, Point 1, which are financed from the state or local budgets, unless otherwise prescribed by copyright or agreements;
- 2) make free of charge, with the agreement of the organizer of the function, a no more than 90 second news broadcast of any public cultural and sports function, and to transmit this by broadcasting;
- 3) include into their regular news broadcast a no more than 90 second section of a broadcast of some other Estonian broadcasting station, abiding by copyright and the articles of the agreement which is the basis of the use of the broadcast.

§30. Priority in Transmissions and Recordings

- 1) Eesti Raadio and Eesti Televisioon, other conditions being equal, shall have priority before other entities to sign agreements for the transmissions and recording of functions and events.
- 2) Eesti Raadio and Eesti Televisioon, if they do not intend to use their priority right, shall notify in good time the other competitor entities.

§31. Broadcasting Council

- 1) The body higher than Eesti Raadio and Eesti Televisioon shall be the Broadcasting Council, which shall comprise of nine members.
- 2) The Riigikogu shall appoint, on proposal from the Riigikogu cultural committee, the members to the Broadcasting Council for a term of six years. Every two years, three members of the Broadcasting Council shall be re-appointed.
- 3) The members of the Broadcasting Council must be Estonian citizens. Persons working in Eesti Raadio or Eesti Televisioon or members of the Government of the Republic shall not be appointed as members of the Broadcasting Council.
- 4) A member of the Broadcasting Council may not be the owner or proprietor of any broadcasting station whatsoever, or be employed by a broadcasting station or belong to their managements.
- 5) The authority of a member of the Broadcasting Council shall end on the date of the end of their authority, their resignation, their dismissal, according to the procedures in Paragraph 6 of the present Article, and in the case of death.
- 6) Members of the Broadcasting Council, or the Managing Directors of Eesti Raadio and Eesti Televisioon, shall be dismissed if a guilty verdict by a court comes into effect.
- 7) The chairman of the Broadcasting Council shall be elected by the Council for two years at a Council meeting, which shall occur after the appointment of three new members of the Broadcasting Council by the Riigikogu.
- 8) The chairman of the Broadcasting Council shall organize the activity of the Council, chair the meetings of the Council, check the fulfilling of the decisions by the Council, and represent the Broadcasting Council.

- 9) If the authority of a member of the Broadcasting Council terminates prematurely, the Riigikogu shall not appoint a new member of the Council for the period of authority if the number of members of the Broadcasting Council is at least six.

§32. Competence and Operating Procedures of the Broadcasting Council

- 1) The Broadcasting Council shall carry out supervision over the activities of Eesti Raadio and Eesti Televisioon.
- 2) The sole competency of the Broadcasting Council shall include:
- 1) appointment of the managing directors of Eesti Raadio and Eesti Televisioon (referred to as Managing Directors) for up to five years;
 - 2) appointment and dismissal of the members of the boards of Eesti Raadio and Eesti Televisioon, on proposal of the Managing Directors;
 - 3) confirming the principal directions for the activity of Eesti Raadio and Eesti Televisioon, and supervising their execution;
 - 4) confirming the budgets for Eesti Raadio and Eesti Televisioon, and supervising their execution;
 - 5) deciding the number of programs for Eesti Raadio and Eesti Televisioon;
 - 6) determining the internal controls for the activity of Eesti Raadio and Eesti Televisioon;
 - 7) approving the annual reports of Eesti Raadio and Eesti Televisioon, and presenting them to the Riigikogu;
 - 8) deciding the establishment, re-organization and closure of the structural units of Eesti Raadio and Eesti Televisioon, on proposal of the Managing Directors;
 - 9) examining and approving, in the name of Eesti Raadio and Eesti Televisioon, proposals and other documents presented to state bodies;
 - 10) determining the procedures for the usage and rental of transmitters and transmitter networks under the proprietorship of Eesti Raadio and Eesti Televisioon to private entities with a broadcasting license;
 - 11) determining the procedures for reflecting the campaign for the Riigikogu and local government elections in Eesti Raadio and Eesti Televisioon;
- 3) The resolution of issues dealing with the activity of Eesti Raadio and Eesti Televisioon shall be formulated as decisions of the Broadcasting Council.

- 4) Meetings of the Broadcasting Council shall occur according to need, but at least once every two months.
- 5) Execution of the decisions of the Broadcasting Council shall be the responsibility of the Managing Directors.
- 6) The Broadcasting Council shall be authorized to make decisions when at least five members participate in a meeting. In the absence of the chairman, the meeting shall be chaired by an authorized member of the Council from amongst those present.
- 7) Issued noted in Points 1, 4 and 5, Paragraph 2 of the present Article may be decided only with a majority of votes of the complement of the Council. Other decisions shall be adopted with a majority of votes from the Council members participating in the meeting. If the vote is split, the chairman of the Council shall have the casting vote.

§33. Audit and Control

- 1) The economic activity of Eesti Raadio and Eesti Televisioon shall be controlled by the State Audit Office and the regular and extraordinary audits determined by the Broadcasting Council.
- 2) The State Audit Office, in the control of the economic activity of Eesti Raadio and Eesti Televisioon, shall have the same rights and obligations as has the State Audit office in the control of the economic activity of state institutions.

§34. Status of State Office

- 1) The same responsibilities, as are determined in Articles 26, 30, 42, 44, 45, 51 and 52 of the Constitution regarding state institutions and officials in state institutions, shall be applicable to Eesti Raadio and Eesti Televisioon and officials in Eesti Raadio and Eesti Televisioon.
- 2) All requirements, responsibilities and rights, which are associated with public service and which apply to civil servants, shall be applicable to the employees of Eesti Raadio and Eesti Televisioon, unless the law specifies otherwise.

§35. Budgets of Eesti Raadio and Eesti Televisioon

- 1) Budgets on all income and expenditures of Eesti Raadio and Eesti Televisioon shall be compiled, which must be in balance every year.
- 2) The income for Eesti Raadio and Eesti Televisioon shall be comprised of:
 - 1) taxes determined by law;
 - 2) amounts directly allocated from the state budget;
 - 3) advertising, the procedures, prices, usage and volume of which shall be decided by the Broadcasting Council, whereby the volume of advertising must not exceed 5 per cent of the broadcast volume of the daily program on the one channel for Eesti Televisioon and on the two channels for Eesti Raadio, of which one is in a foreign language;
 - 4) amounts from foundations, sponsorship, rental from transmitter networks and other sources.
- 3) The draft budgets shall be compiled by the Managing Directors of Eesti Raadio and Eesti Televisioon, and the budgets shall be confirmed by the Broadcasting Council.
- 4) The budget incomes receipted for Eesti Raadio and Eesti Televisioon shall be receipted into the budgets of Eesti Raadio and Eesti Televisioon respectively, and shall be distributed from there.
- 5) The budgets of Eesti Raadio and Eesti Televisioon, their execution reports and decisions by the Broadcasting Council which are of general importance shall be published in the Riigi Teataja Lisa (State Gazette Appendix) at the expense of Eesti Raadio and Eesti Televisioon.

§36. Cessation of the Operation of Eesti Raadio and Eesti Televisioon

The operation of Eesti Raadio and Eesti Televisioon shall be terminated on the basis of the law, which shall determine the future ownership of the assets of Eesti Raadio and Eesti Televisioon.

CHAPTER 6

Broadcasting Licenses for Private Entities

§37. Broadcasting Licenses

- 1) A broadcasting license shall be a chargeable state document, which shall be issued on the basis of the present Law, which shall give the person noted on it the right to operate according to the conditions determined by the license. The cost of the broadcasting license shall be determined by the Ministry of Culture and Education.
- 2) A broadcasting license shall replace the state operating license noted in §7, Paragraph 2 of the Law on Communications (RT 1991, 3, 49), if broadcasting technical resources are under the direct legal proprietorship of the entity noted on the license.
- 3) In order to transmit broadcasting broadcasts, five categories of broadcasting licenses shall be issued:
 - 1) local broadcasting license - operating extent of one transmitter;
 - 2) regional broadcasting license - on a part of Estonian territory with one transmitter or transmitter network;
 - 3) nationwide broadcasting license - nationwide transmitter network, or one transmitter which allows the reception of television broadcasts on 80 per cent of Estonian territory;
 - 4) international broadcasting license - with a transmitter network or one transmitter which allows the reception of broadcasts in other countries;
 - 5) temporary broadcasting license - in a certain area, and determined duration of up to three months.
- 4) A broadcasting license, as determined in Points 1-4, Paragraph 3 of the present Article, shall be issued with a duration of up to five years.
- 5) The issuer of a broadcasting license shall have the right to amend the conditions for the extension of the validity time of the license, by notifying the current proprietor of a broadcasting license at least one year before the validity of broadcasting license expires.

§38. Conditions Determined by the Broadcasting Law

- 1) A broadcasting license shall determine:
 - 1) the frequencies, channels used for broadcast operation;
 - 2) basic technical parameters used for broadcast operations, and the maximum permitted radiation;
 - 3) number and names of the programs to be transmitted;
 - 4) volume of all programs daily and weekly;
 - 5) deadline to begin broadcast operations;
 - 6) minimum proportion of Estonian authors in the program.
- 2) Further conditions may be determined in the broadcasting license, which are not in conflict with the law and the generally accepted principles of free speech.

§39. Application for Broadcasting Licenses

- 1) In the application for a broadcasting license, planned program description and data, which may be necessary to decide the issuing of the license, or the basis for determining conditions set in Paragraph 1 of §38 of the present Law, shall be noted.
- 2) To the application for a broadcasting license shall be added, if the applicant is a legal entity:
 - 1) copy of the registration certificate;
 - 2) document showing the distribution of votes determined by shares or stocks, which proves the accordancy of the entity with the requirements determined in §22, Point I of the present Law;
 - 3) balance sheet;
 - 4) investment program, confirmed by the entity, showing the source of monetary resources and guarantees;
 - 5) a technical solutions plan which has been approved;
 - 6) document proving the authority of the representative of the applicant.
- 3) To the application for a broadcasting license shall be added, if the applicant- is a physical entity:
 - 1) documents proving the Estonian citizenship and permanent residency in Estonia of the entity;
 - 2) documents noted in Points 4,5 and 6, Paragraph 2 of the present Article.

- 4) The applicant for a broadcasting license, or the entity noted upon this, shall be obligated to inform the issuer of the license within 10 days of changes in the data of the entity determined in §22 of the present Law.

§40. Issuing Broadcasting Licenses

- 1) The Ministry of Culture and Education shall:

- 1) decide and publicize, in at least one nationwide newspaper, the categories, number and other conditions, of broadcasting licenses to be issued, and deadlines to present applications for licenses;
- 2) determine the forms of license applications;
- 3) examine the applications receipted on time, and decide the issuing of broadcasting licenses, their denial or inaction on the application.

- 2) An application for a broadcasting license shall not be acted upon if the application does not comply with the requirements determined in §39 of the present Law.

- 3) if the application is not acted upon, the applicant shall be informed at the latest within 30 days from the time of presenting the application.

- 4) The Ministry of Culture and Education shall refuse to issue a broadcasting license if:

- 1) the applicant or the planned program does not comply with the requirements determined in the present Law;
- 2) a decision has been made to issue a broadcasting license to another entity who was a competitor for the same license, and who made a better offer;
- 3) there are no means to allocate broadcasting frequencies;
- 4) issuing a broadcasting license would result in the violation of contractual obligations assumed by the Republic of Estonia;
- 5) the operation applied for is illegal;
- 7) the issue of a broadcasting license will create, on the territory planned for broadcast activity, a journalism or information monopoly or cartel, or the broadcasting would fall into the hands of cooperating entities on that territory or part of Estonian territory;
- 7) issuing a broadcasting license would violate, on the territory planned for broadcasting operation or on part of Estonian territory, free competition and the requirements of business based on equal grounds;

- 8) the proprietor of the television or radio station or the responsible publisher of the daily or weekly newspaper would simultaneously become the responsible publisher of television, radio and daily or weekly newspapers on territory planned for the broadcast operations or on part of Estonian territory.
- 5) Applications for broadcasting licenses shall be examined within three months, from the passing of the deadline noted in Point 1, Paragraph I of the present Article.
- 6) The deadline for the issue of a broadcasting license may be extended up to eight months by decision of the Ministry of Culture and Education, by informing the applicant for the broadcasting license of this, if this is due to a need to internationally check the broadcasting frequencies.
- 7) In the case of refusal to issue a broadcasting license, or not acting upon an application, the applicant may refer to the courts.

§41. Validity of Broadcasting Licenses and Declaring the. Invalid

- 1) A broadcasting license shall be valid until the time noted therein.
- 2) in the case of the death of the person noted on the broadcasting license, or the liquidation of the legal entity, the broadcasting license shall lose its validity.
- 3) A broadcasting license may be declared invalid on the bases determined in Paragraph 5 of the present Article, by:
 - 1) the courts;
 - 2) the issuer of the license, the Ministry of Culture and Education.
- 4) Any person whose rights or interests protected by the law have been violated by the person noted on the broadcasting license, or by the broadcasting station under their proprietorship, in transmitting information, may apply to have the broadcasting license of this person declared invalid.
- 5) A broadcasting license shall be declared invalid if the person noted on the license:

- 1) presents such an application;
 - 2) does not systematically fulfil the conditions determined by the operating license;
 - 3) violates in their operations the requirements of the present Law;
 - 4) presented false information in their application for the license;
 - 5) has not fulfilled the requirements in Paragraph 4 of 539 of the present Law;
 - 6) does not comply with the requirements of §22 of the present Law, due to changed circumstances.
- 6) The Ministry of Culture and Education shall declare the broadcasting license to be invalid by a motivated written order, which shows the legal basis for the invalidity declaration.
- 7) The written order declaring a broadcasting license to be invalid may be objected to in court.

CHAPTER 7

Control and Responsibility

§42. Control

- 1) Adherence to the conditions for broadcasting licenses shall be checked by the Government of the Republic, according to determined procedures and conditions.
- 2) An institution appointed by the Government of the Republic shall be obligated, in the case of the violation of the conditions of a broadcasting license, to propose that the proprietor of the broadcasting license be called to account, or to declare the broadcasting license invalid.
- 3) The institution appointed by the Government of the Republic shall have the right, in the case of violating the conditions of a broadcasting law, to issue a warning to the proprietor of the broadcasting license, or to suspend the validity of the broadcasting license, but for no longer than two months.

§43. Responsibility

- 1) The entity noted on the broadcasting license and its officers shall be responsible, administratively and criminally, for the violation of the requirement of the present Law.
- 2) The proprietor of the broadcasting station shall be obligated to compensate damage caused to a person whose rights or legal interests he or she has violated or to whom he or she has caused moral damage.

CHAPTER 8**Final Provisions****§44. Replacement of Operating Licenses with Broadcasting Licenses**

- 1) Television and radio operating licenses which were issued before the present Law came into force shall be replaced by broadcasting licenses, according to the procedures determined in the present Law.
- 2) In order to replace the license with a broadcasting license, the applicant must present, within two months of the Law coming into force, to the Ministry of Culture and Education an application according to the requirements of the present Law. The application shall be examined according to the procedures of the present Law.
- 3) Television and radio operating licenses issued before the present Law came into force shall become invalid:
 - 1) in the case where the application to replace an operating license with a broadcasting license has been satisfied - from the day after the decision to issue the broadcasting license was made;
 - 2) in other cases - within five months of the present Law coming into force.

§45. Organizational Changes

- 1) The assets noted in Paragraph I of §21 of the present Law shall be transferred to Eesti Raadio and Eesti Televisioon by January 1, 1995. Up to this date, the Government of the Republic, on proposal by the Broadcasting Council, shall

decide on transactions associated with the assets used by Eesti Raadio and Eesti Televisioon. Procedures for the transfer of the assets shall be determined by the Government of the Republic.

- 2) On the coming into force of the present Law, the parts of Eesti Raadio and Eesti Televisioon in the joint ownership determined in Paragraph 1 of §21 of the present Law, shall be equal.
- 3) The cultural committee of the Riigikogu shall present to the Riigikogu, within one month at the latest of the Law coming into force, the candidates for members of the Broadcasting Council.
- 4) For the first complement of the Broadcasting Council, the Riigikogu shall appoint three members for two years, and three members for four years.
- 5) The chairman of the Riigikogu cultural committee shall convene, within one month at the latest from the time the Broadcasting Council was formed, the Broadcasting Council, and shall chair the meeting until a chairman is elected.
- 6) §32, Paragraph 2, Point I of the present Law shall be implemented on decision by the Broadcasting Council within one month at the latest. The authority of the Managing Directors of Eesti Raadio and Eesti Televisioon who are in office at the time the Law comes into force shall be valid until new directors are appointed.

§46. Declaring Legal Acts Invalid

- 1) The legal act by the Presidium of the Republic of Estonia Supreme Council of October 29, 1990, "On the Confirmation of the Statutes of Eesti Raadio and Eesti Televisioon" (RT 1990, 19, 224) shall be declared invalid from the day the statutes of Eesti Raadio and Eesti Televisioon are confirmed.
- 2) The Law on Salaries of the Employees of Eesti Televisioon, Eesti Raadio and Eesti Rahvusraamatukogu (Estonian National Library) 11 (RT 1993, 19, 338) shall be declared invalid.

§47. The Law shall come into force on the day following publication in the Riigi Teataja.

Speaker of the Riigikogu

E. Nugis Tallinn, May, 1994

APPENDIX C**1995 Law on Language (unofficial translation)*****Preliminary and unofficial translation*****LAW ON LANGUAGE****CHAPTER I****General Provisions****Article 1. The status of the Estonian language**

- 1) The state language of Estonia shall be the Estonian language. (2) The basis of the official use of the Estonian language, in the context of the present Law, shall be the standard of the Estonian written language according to the procedures determined by the Government of the Republic.

Article 2. A foreign language

- 1) Every other language besides the Estonian language shall be a foreign language in the context of the present Law.
- 2) The language of a national minority shall be a foreign language which Estonian citizens belonging to a national minority have historically used in Estonia as their mother tongue.

Article 3. Language of administration

- 1) The language of administration in a state institution, a local government and in its institutions (referred to as local government), as well as the language of service and command in the Estonian defense forces, shall be the Estonian language. Exceptions shall be determined in Chapters 2, 3 and 4 of the present Law.
- 2) Language use in pre-trial proceedings and trial proceedings shall be determined in applicable laws.

Article 4. The right to use the Estonian language

- 1) Everyone shall have the right to use the Estonian language in dealing with administration in state institutions, local government, cultural autonomy bodies, as well as in institutions, enterprises and organizations.
- 2) All employees of institutions, enterprises and organizations must be guaranteed work-related, Estonian-language information.

Article 5. Requirements for knowledge and usage of the Estonian language

Requirements for the knowledge and usage of the Estonian language by employees of state institutions and local governments, as well as of institutions, enterprises and organizations, in work-related dealings with the public shall be determined by the Government of the Republic.

Article 6. Acquisition of education in the Estonian language and in a foreign language

State institutions and local governments shall guarantee the opportunity to acquire Estonian-language education, according to the procedures prescribed in law, in all the educational institutions belonging to them, as well as the opportunity to acquire a foreign-language education, according to the procedures prescribed by law.

CHAPTER 2**The Use of Foreign Languages In State Institutions and Local Governments****Article 7. Demands made of employees regarding the knowledge and use of the Estonian language**

If the language of a national minority is, together with the Estonian language, the language of internal administration in local government, the employees must have a knowledge of the Estonian language within the requirements determined by the Government of the Republic for the knowledge and usage of the Estonian language.

Article 8. Administration in a foreign language

Persons who do not have knowledge of the Estonian language may also use, in their spoken communication with employees of state institutions and local governments, a foreign language which these employees know, if there is mutual agreement. If there is no mutual agreement, the communication shall be conducted with the mediation of an interpreter, with the expenses being born by the person who lacks the knowledge of the Estonian language.

Article 9. The language of foreign communication

State institutions and local governments, as well as their employees, shall have the right to use in their foreign communications a language which is suitable to both parties.

Article 10. The right to use the language of a national minority

- 1) Everyone in a local government unit, where at least half of the permanent residents are of a national minority, shall have the right to receive replies in the language of this national minority, as well in the Estonian language, from the state institutions which operate on the territory of the applicable local government unit, and from the applicable local government, as well as from their officials.
- 2) A permanent resident of a local government unit shall be a person who is legally in Estonia and who lives in the local government unit for at least 183 days per year, whereby his or her absence from the local government unit must not exceed 90 consecutive days.

Article 11. Use of the language of a national minority as a language of administration

The internal language of administration in a local government unit, where the language of the majority of the permanent residents is not the Estonian language, may be, as well as the Estonian language, the language of the national minority which comprises the majority of the permanent residents of the local government unit, according to a proposal by the council of the applicable local government, and to a decision by the Government of the Republic.

Article 12. The language of correspondence

Correspondence with state institutions and other local governments by local governments shall be conducted in the Estonian language, where the language of internal administration, together with the Estonian language, is the language of the national minority.

Article 13. Language for seals, rubber stamps, letterheads, advertisements, invitations and announcements

- 1) The seals, rubber stamps and letterheads in a local government where, together with the Estonian language, the language of administration is the language of the national minority, must be in the Estonian language.
- 2) The invitations, advertisements and announcements in the local governments noted in Paragraph I of the present Article must be in the Estonian language, to which the local government may add a translation into the applicable language of the national minority.

CHAPTER 3**The Use of the Language of a National Minority in the Cultural Autonomy Bodies of a National Minority****Article 14. The language of the cultural autonomy bodies of a national minority**

- 1) The cultural autonomy bodies of a national minority may use, as the language of internal administration, the language of its national minority.
- 2) Communication by the cultural autonomy bodies, both with state institutions as well as with their local governments where the language of the national minority is not in use as the language of internal administration, shall be conducted in the Estonian language.

Article 15. Language for seals, letterheads, advertisements, announcements and rubber stamps in the cultural autonomy bodies of a national minority

- 1) The seals of the cultural autonomy bodies must be in the Estonian language.
- 2) Official letterheads, advertisements, announcements and rubber stamps must be in the Estonian language, to which the cultural autonomy bodies may add a translation into the language of the applicable national minority.

CHAPTER 4

Use of Language in Other Fields

Article 16. The right of the consumer to Estonian-language information

A consumer of goods and services shall have the right to Estonian-language information and service, in accordance with the Law on Consumer Protection (RT 1 1994, 2, 13).

Article 17. The language of reporting

Reporting by institutions, enterprises and organizations which are registered in Estonia shall be conducted in the Estonian language, according to the procedures prescribed by law.

Article 18. The use of foreign languages in other fields

The use of foreign languages for the transfer of information to the consumers of services and goods, as well as in work-based communication, shall be conducted according to the procedures determined by the Government of the Republic.

CHAPTER 5

Names, Designations and Information

Article 19. The language for a place name

- 1) Estonian place names shall be in the Estonian language. Exceptions which can be justified historically or culturally may be allowed for place names.
- 2) Every Estonian place shall have only one official name. The basic form of an Estonian place name shall be written in the Estonian-Latin script. Estonian place names shall be written in the language of a national minority, which uses a different alphabet, according to transcription rules determined by the standards of the written language.

Article 20. Writing the name of an Estonian citizen

The official form of the name of an Estonian citizen shall be written in Estonian-Latin letters. The names of Estonian citizens shall be written in languages using other alphabets, according to the transcription rules determined by the standards of the written language.

Article 21. The designation of an institution, enterprise or organization

- 1) The designation of an Estonian institution, enterprise or Organization shall be entered into registries in the Estonian language, to which the keeper of the registry may add a translation into a foreign language, according to the determined procedures. The names which are part of these designations shall not be translated.
- 2) The seals, rubber stamps and letterheads of an institution, enterprise of Organization which is registered in Estonia shall be in the Estonian language. In foreign communication, the institution, enterprise or Organization may add a translation into a foreign language.

Article 22. The international form of a name

- 1) The international Latin-letter form of a name of an Estonian place, citizen, item, enterprise, institution or Organization shall be same as the name used in Estonia.
- 2) The writing of names, as determined in paragraph 1 of the present Article, in a language which uses another alphabet, shall implement the transcription rules which are determined in the standards for the written language.

Article 23. The language of information

- 1) Public signs, signposts, advertisements, announcements and advertising shall be in the Estonian language, except in the cases determined in Articles 13, 15 and 18 of the present Law, and except in the Organization of international events.
- 2) The provisions in the present Article shall not apply to the representations of foreign countries.

Article 24. The language of state registration signs

The letter combinations of state registration signs may contain only Latin letters.

Article 25. Translation of the spoken text of a foreign language of an audio-visual work, or a transmission or program transmitted by a broadcasting Organization

- 1) In making public an audio-visual work, an Estonian-language translation must be added to the foreign-language spoken text.
- 2) The foreign-language spoken texts transmitted by radio or television stations, which possess a broadcasting license in Estonia, must be provided with an Estonian-language translation, except for language instruction transmissions, or radio transmissions and programs directed at a foreign language listener.

Article 26. The use of Riigikogu as the name of the Estonian legislative body

- 1) The Riigikogu, as the name of the Estonian legislative body, shall not be translated.
- 2) Riigikogu shall be written, as in the Estonian language, in foreign languages which use the Latin alphabet, and in languages using other alphabets, according to the transcription rules determined in the standards for the written language.
- 3) The term "parliament" may be use instead of, or in addition to, Riigikogu as the unofficial name of the Estonian legislative body, in both the Estonian language and in foreign languages.

CHAPTER 6

Final Provisions

Article 27. Consequences of violating the Law

Violators of the present Law, and other legal acts associated with it, shall be administratively prosecuted, according to the procedures prescribed by law.

Article 28. Checking the fulfillment of the Law

Abidance by the present Law shall be checked according to the procedures determined by the Government of the Republic.

Article 29. Amendments to legal acts

1) The Estonian SSR Law on Language (ENSV Teataja 1989, 4, 60; RT 1 1993, 20, 352; 1994, 49, 804) shall be declared null and void.

2) The following amendments shall be made in the Law on Local Government Organization (RT 1 1993, 37, 558; 1994, 12, 200; 19, 340; 72, 1263; 84, 1475):

1) Paragraph 8 of Article 23 shall be amended and worded as follows:

(8) The ordinances and decisions of the Council, as well as the minutes of the sessions, shall be formulated and made public in the Estonian language. In local government units, where the language of the majority of the permanent residents is not the Estonian language, the minutes of the sessions of the Council may be prepared in the language of the national minority which forms a majority of the permanent residents in the given local government unit, but an Estonian-language translation must be added to these.

2) Paragraph 2 of Article 41 shall be amended and worded as follows:

(2) The use in local governments of foreign languages, including the languages of national minorities, shall be determined by the Law on Language.

Article 30. Coming into force of the Law

1) The present Law shall come into force on April 1, 1995. *Air*

APPENDIX D

ESTONIAN TELEVISION ON GLANCE 1996

ESTONIAN TELEVISION BASICS

ETV launched	July 1955
Channels	1
Number of local studios and correspondent offices of ETV.	6
Percentage of population the ETV channel cover	99,43%
Ownership status	state owned 100%
Organization status	Public service TV broadcaster
Name of TV-regulator	Parliament
Law or statutes in force	Broadcasting Law, 15.06.1994
Statutes of ETV	27.02.1995
Director General named by	Broadcasting Board, 10.10.94
Member of EBU	since January 1993
Broadcasting hours per year (1996)	3250
Broadcasting hours per week	62,5
Broadcast in Estonian	2329h
Broadcast in Russian	255h
Broadcast in English	432h
Broadcast in other languages	18h

Source: Estonian TV on Glance. (1996). Eesti Television [On-Line]. Available:

<http://www.etv.ee/etveng/glance1.html#glal>.

ESTONIAN TELEVISION ON GLANCE 1996

ESTONIAN TELEVISION BASICS (cont.)

Advertising limits (% of broadcasting time)	5%
Hours of advertising per week	1,5
Cost of 30 second advertising spot in primetime	800 USD
Percentage of own programming	62,9%
Percentage of purchased programming	33,1%
Technical standard	SECAM, PAL

ESTONIAN TELEVISION ON GLANCE 1996

TELEVISION IN ESTONIA

Population of Estonian Republic

1.475.000

	<u>Estonians</u>	<u>Non-Estonians</u>
TV households	389.000	214.000
Owners of TV-sets	98,5%	97,1%
Owners of colour TV sets	70,2%	66,0%
Owners of two or more	32,3%	30,8%
Owners of video recorders	12,6%	26,8%
Cable-TV penetration	24%	49,7%
SAT-TV penetration	3,7%	1,2%
Television channels (and programmes) available (approx.)	60	
Domestic public broadcasting channels	1	
Domestic private commercial TV channels and programmes	3	
Foreign terrestrial channels available	7	
SAT-TV channels available (approx.)	49	
Average TV viewing time per week	22h 37m	29h 43m
TV average daily reach	91,1%	93,2%
ETV average weekly reach	93,5%	45,6%
ETV average weekly share	39,4%	5,1%
ETV average viewing time per week	8h 54m	1h 31m

ESTONIAN TELEVISION ON GLANCE 1996

BUDGET (May 17, 1996)

	1994	1995	1996
Budget in national Currency	57.458.000 EEK	106.948.800 EEK	111.570.300 EEK
Budget in USD (approx.)	4.263.000 USD	9.381.000 USD	9.439.400 USD
Funded from			
State budget	65,2%	53,0%	59,4%
Advertising revenues	12,2%	26,3%	34,6%
Publishing income	18,3%	15,1%	--
Technical services	4,3%	4,4%	4,3%
Sponsorship		1,2%	1,7%

Source: Estonian TV on Glance. (1996). Eesti Television [On-Line]. Available:

<http://www.etv.ee/etveng/glance1.html#gl1>.

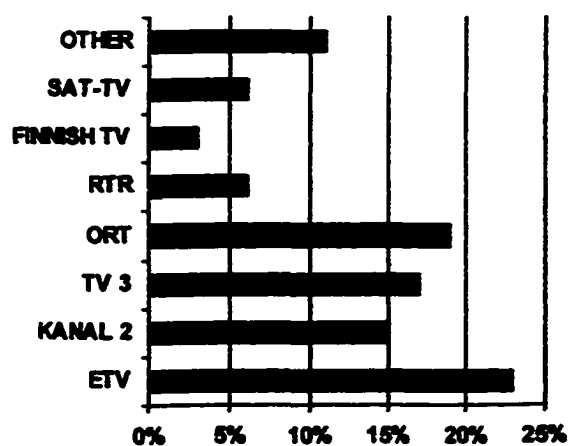
APPENDIX E

Top Ten Recurrent Television Shows in Estonia - Age 12+ (1995)

TV Station	Program	Genre	Rating 12 + (%)
ETV	Reisile Sinuga	game	30.5
ETV	Kodus ja võõrsil	series	26.5
ETV	Kuulus või kummaline?	game	23.0
ETV	Õnne 13	series	21.7
ETV	Aktuaalne kaamera	news	19.3
ETV	Hommiku TV	magazine	19.0
ETV	7 vaprat	music	18.9
TV3	Politseinädal	magazine	17.0
ETV	Laupäevamängud	game	16.6
KANAL 2	Santa Barbara 8:30p	series	15.5

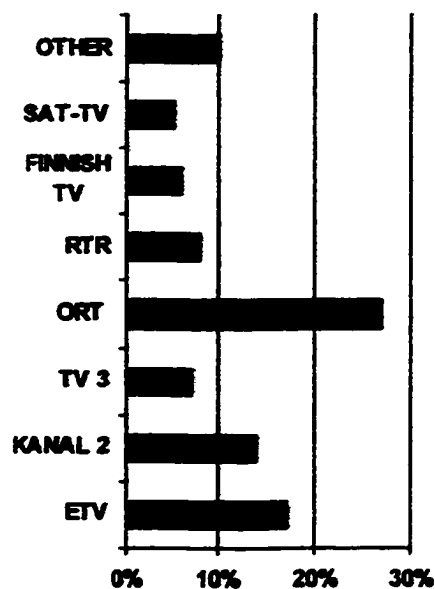
(Baltic Media Book, 1996, p 129)

Weekly Share of TV Channels Estonia (1995)



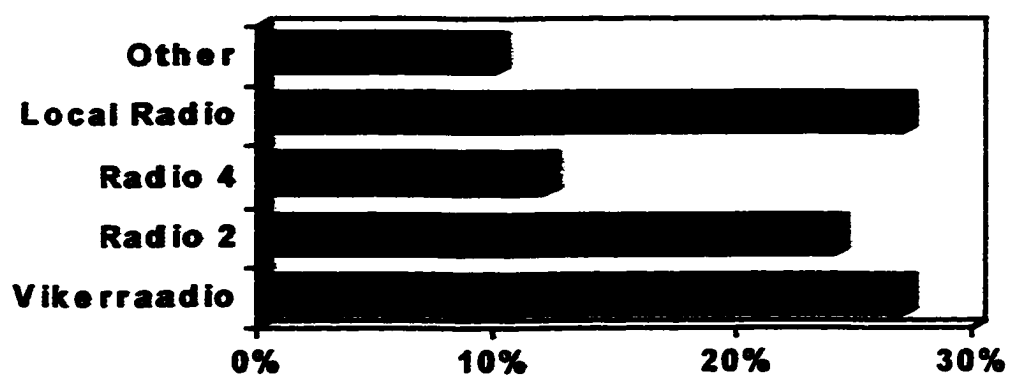
(Source: Baltic Media Book, 1996, p 132)

Weekly Share of TV Channels Tallinn (1995)

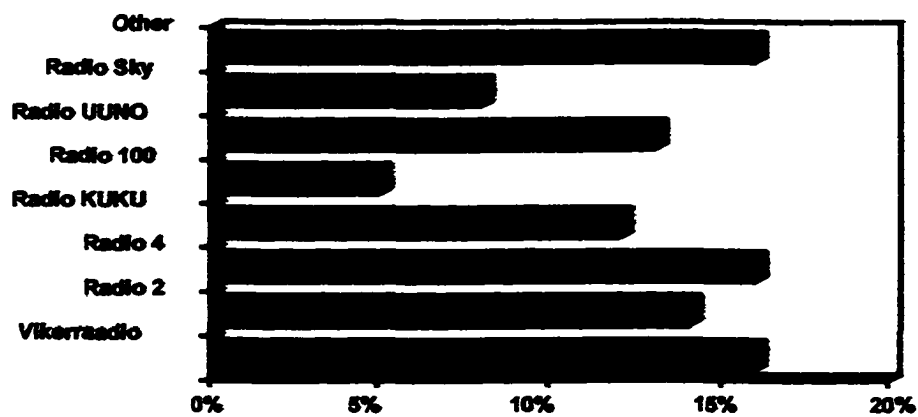


(Source: Baltic Media Book, 1996, p 132)

Weekly Share of Radio Stations Estonia (1995)



(Source: Baltic Media Book, 1996, p 147)

Weekly Share of Radio Stations Tallinn (1995)

(Source: Baltic Media Book, 1996, p 147)

ABSTRACT

**GRUBB, MAX VERNON. Ph.D. June 1999.
Telecommunications**

**Political and Economic Reform of Post-Communist Broadcast Systems: A
Case Study of Estonia. (321 pp.)**

Director of Dissertation: Dr. Charles Clift

The world is witnessing the democratization of Eastern and Central European nations resulting from the Soviet Union's collapse. Many challenges confront these newly democratic countries, and establishing a democratic broadcast media is just one of them. This study examines how the introduction of a pluralistic political system and an open market affect the media system of one such country, Estonia. In the process, issues of the societal role of mass communication are questioned as this newly democratic country struggles to transform its broadcast media system.

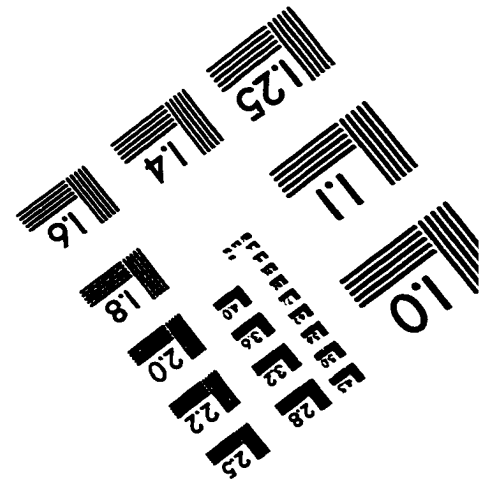
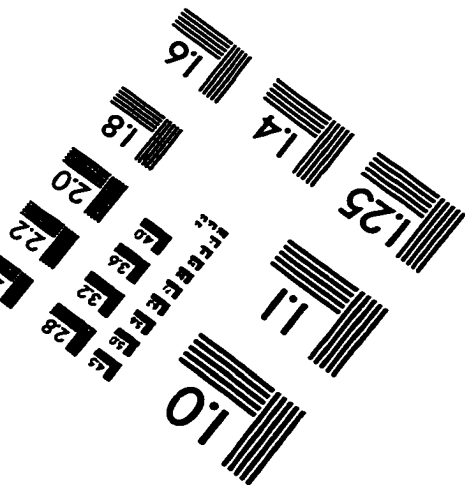
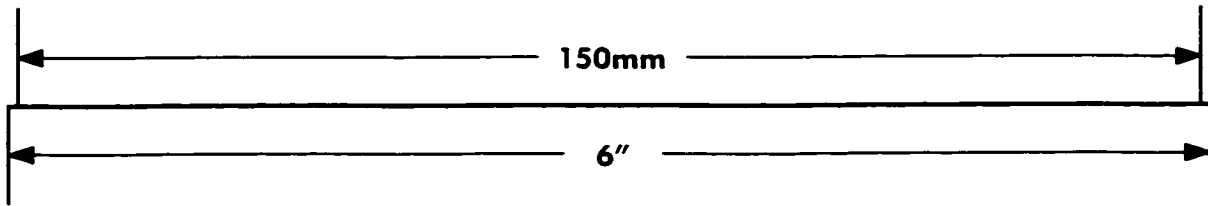
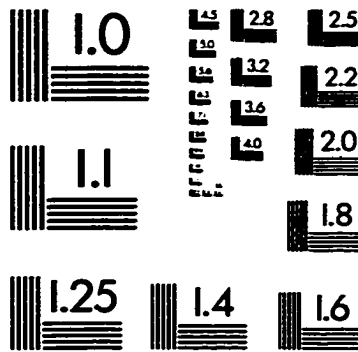
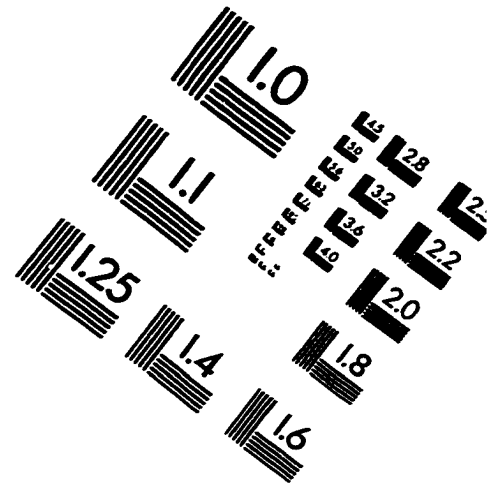
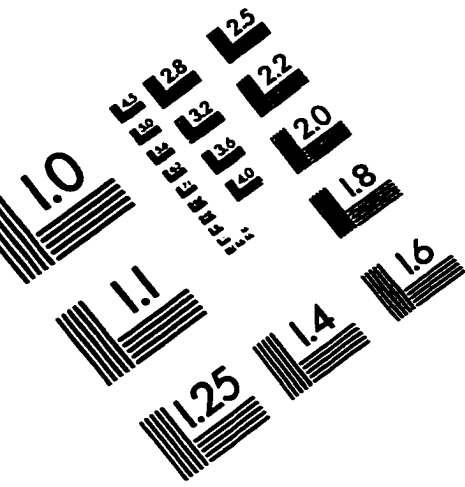
Using a case study approach, the research provided insight into the complexities and the difficulties in democratizing a previously state-owned and operated broadcast system. Historical analysis was used to study the first five years, 1991-1996, of the changes and redirection of Estonia's broadcast media system, and a policy analysis of the drafting and enactment of Estonia's 1994 Broadcast Law was conducted. Documents were gathered and interviews were conducted with key actors involved in the broadcasting system and development of the Broadcast Law. In addition, the current state of Estonia's broadcast media system was assessed utilizing McQuail's (1992) Media Performance Analysis

framework. The synergies from combining the political and historical analysis and McQuail's (1992) Media Performance Analysis framework with a case study approach produced greater results and understanding than utilizing each method separately.

The findings of the research reveal that Estonia is experiencing significant development of a private broadcast system to parallel its state-owned and operated public system of radio and television stations. In redeveloping and democratizing its broadcast system, Estonia is overcoming formidable challenges: overcoming differences in Soviet and Western broadcast technologies, transforming its state command economy into a mature market economy, developing a regulatory system to establish a public service policy and promote private broadcasting, and developing skills and expertise in managing and operating broadcast stations in a democratic free market environment. Estonia is successfully meeting the challenges in democratizing its broadcast system, but it still has hurdles to overcome.

Approved: Charles O'Leary

IMAGE EVALUATION TEST TARGET (QA-3)



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