



Dear Reader,

This issue of *Juridica International* is dedicated to the 15th anniversary of the Constitution of the Republic of Estonia, and it offers reading and thinking not only on the issues of constitutional law that are specific for Estonia, but also those with a broader meaning.

The Constitution of the Republic of Estonia has been in effect in the newly independent Estonia for 15 years, and has ensured the democratic development of the state. It may be said that during those 15 years, no serious political crises have occurred in Estonia, owing to the well-balanced Constitution. At the conference dedicated to the anniversary of the Constitution, entitled “Political Issues in Constitutional Review: Where is the Line between Political Interference and Regular Constitutional Review Proceedings?” President of the Republic of Estonia Toomas Hendrik Ilves said, strikingly: “When looking back at the 15 years of the Constitution, I believe that we can be satisfied, because the Constitution has served as a sound foundation for the pursuit of the goals that we set after the restoration of independence”.

The current Constitution of the Republic of Estonia was adopted at a referendum on 28 June 1992, with 91.1% of the attending voters in favour. The electoral committee’s decision on the results of the referendum was adopted on 2 June 1992, and the Constitution entered into force on 3 July 1992. Both historical experience and modern developments of constitutional law were taken into account in the drafting of the Constitution. There was much to learn from the previous Estonian Constitutions and the problems that occurred upon their implementation.

The first Estonian Constitution was adopted in 1920; it was one of the most democratic constitutions in Europe at the time. However, it had a major shortcoming as it lacked a system of checks and balances. Both this and the fragmentation of the Parliament led to a situation where Estonia had 20 governmental crises over a period of 13 years and six months (1920–1933), an average of one every eight months. This provided a basis for blaming the Constitution and parliamentarism for the lack of stable executive power. The result was a major constitutional amendment in 1932 that liquidated parliamentarism and replaced it with a special form of dualism. Considering the content of the amendments, it may be called a new Constitution. However, the amendments were never fully implemented. On 12 March 1934, the Prime Minister in the capacity of head of state, relying on the relevant provisions of the Constitution Amendment Act, declared a state of emergency that formally lasted till 12 September 1939. The Parliament was dissolved, the activities of political parties and associations were stopped, fundamental rights were restricted, etc. A new Constitution was adopted in 1937 and it entered into force on 1 January 1938. The Constitution provided for measures to balance the competences of the Parliament, government, and President; the President’s discretionary and suspensive vetos were restricted. The Government’s subordination to the President was maintained. The Constitution of 1938 did establish the presidential republic model of government. However, this Constitution was never implemented in practice because of Estonia’s occupation and annexation in 1940. With the current Constitution, the nation chose the form of a parliamentary republic, underpinned by a system of checks and balances. The 1992 Constitution has lasted longer than any of the previous Constitutions — for a period of 15 years; it has ensured the stable development of the state and survived with the changing times. Minor constitutional amendments have been made during this period. For example, the powers of local government councils were extended from three to four years. A major amendment that had an impact on the legal order was the adoption of the Constitution of the Republic of Estonia Amendment Act, via referendum in 2003, in connection with Estonia’s accession to the European Union.

In summary, the constitutional regulations have been drafted in such a flexible manner that they allow for developing public order and legal order following the developments on social and legal theoretical thought.

Pleasant reading and thinking along!

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