



# THE CONSTITUTION OF THE REPUBLIC OF ESTONIA



TALLINN 1993

Miniplast Ltd. wishes to extend thanks to the Department of State Symbols of the State Chancellery, the Department of Leather Art Work of Tallinn Art University, Narva Chrome Leather Factory, Tallinn Book Printers' Office, Baltic Paper Ltd., "Kymmene Baltica" and others for cooperation and their contributions.

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# EESTI VABARIIGI PÕHISEADUS

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# THE HISTORY OF THE ESTONIAN CONSTITUTION

The Constitution, as the legislative foundation of the state, establishes the principles governing the relations between citizens and the state (fundamental rights and duties), the role of the people in exercising state power, the structure, regulations for formation and authority of state bodies, as well as the relations between them. All laws and legal acts must be in accordance with the provisions of the Constitution.

The Republic of Estonia was established by the "Manifesto of the Independence of Estonia", issued by the *Päästekomitee* (Salvation Committee) on February 24, 1918. The 120-member *Asutav Kogu* (Constituent Assembly), elected by the people on April 5–7, 1919, was authorized to draft the Constitution. The Estonian Declaration of Independence was adopted by the Assembly on May 19, 1919 and on June 15, 1920, the first Constitution of the Republic of Estonia was passed. This Constitution entered into force on December 21, 1920, and remained in force for over thirteen years. The Constitution proclaimed Estonia to be a democratic parliamentary republic. The unicameral parliament, called the *Riigikogu* (State Assembly) was composed of one hundred members and was elected for a term of three years. In the Constitution, no provision was made for the office of the Head of State. The executive powers were vested in the *Riigivanem* (Prime Minister) and in the Government which was composed of ministers. As the *Riigikogu* was dominant over the Government, state power was destabilized, and frequent constitutional crises followed.

To ensure stability in society, a new Constitution was drafted to balance state powers. After several failed attempts, a new amended Constitution was adopted by referendum held on October 14–16, 1933, which entered into force on January 24, 1934.

The Constitution established a smaller, 50-member *Riigikogu* with considerably reduced powers, to be balanced by the *Riigivanem* (now, Head of State), who was accorded extended powers and was elected for a term of five years.

The *Riigivanem* was empowered to appoint and dismiss the Government, to dissolve the *Riigikogu*, to exercise the right of suspensive veto in regard to laws adopted by the *Riigikogu*, and to issue decrees of law when the *Riigikogu* was not in session. The Government was to be lead by the Prime Minister. Neither the *Riigikogu* nor the *Riigivanem* were actually elected, as the Prime Minister and acting Head of State, Konstantin Päts, successfully carried out a military coup on March 12, 1934. The fifth *Riigikogu*, elected in 1932, convened for its last session from September 29 to October 2, 1934. The Parliament was disbanded and legislative power was in the hands of the Head of State. The so-called “period of silence” began.

Through the referendum held in February of 1936, the establishment of a bicameral *Rahvuskogu* (National Assembly) was approved. The Assembly prepared the third draft of the Constitution, which was adopted on August 28, 1937 and became law on January 1, 1938. In accordance with the Constitution, both legislative and executive powers were vested in the President, who, as the Head of State, was authorized to assume all political power. A bicameral *Riigikogu* was formed, consisting of an 80-member lower house (*Riigivolikogu*) and a 40-member upper house (*Riiginõukogu*). The lower house was first elected on February 24–25, 1938 and the members of the upper house were appointed *ex officio*, nominated or elected by organizations. The first *Riigikogu* was convened on April 21, 1938, and Konstantin Päts was elected as the first President. The President sustained all the special powers which were proclaimed in the amendments to the 1933 Constitution.

The Red Army's occupation of Estonia forced the President to disband the existing Government on June 21, 1940, and to form a new Government as dictated by Soviet authorities. New, unlawful elections to the *Riigikogu* were staged on July 14–15, 1940, in order to show the people's acceptance of the seemingly legal incorporation into the USSR.

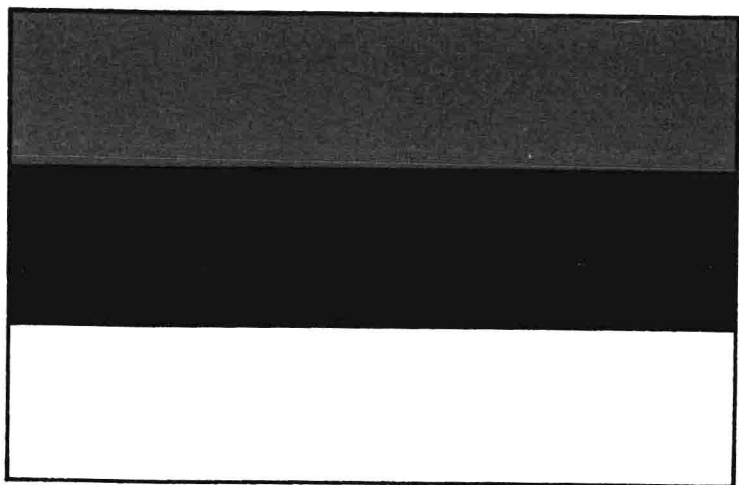
The first task of the new parliament, formed in violation of the Estonian Constitution which was still in force, was to proclaim Estonia as a Soviet Socialist Republic on July 21, 1940 and to send a delegation to Moscow to formalize the incorporation of Estonia into the USSR. The Constitution of the Estonian SSR, based on the Constitution of the USSR, was adopted by State Assembly of the Estonian SSR on August 25, 1940. Since World War II, this Constitution was amended on several occasions.

On the basis of the new USSR Constitution of 1977, the Constitution of the so-called People's Socialist Republic became law in Estonia on April 13, 1978.

On March 30, 1990, the Supreme Soviet of the Estonian SSR adopted a resolution "On the State Status of Estonia", as one of its first acts establishing Estonia's freedom and independence. This act declared Soviet power in Estonia to be illegal from the moment of its establishment in 1940, and expressed the will of Estonian people to restore the independence of the Republic of Estonia and its legitimate state power. A period of transition was declared, which was to end with the formation of new constitutional bodies of the Republic of Estonia.

After the Republic of Estonia Supreme Council adopted its resolution "On the National Independence of Estonia" on August 20, 1991, Estonia was internationally recognized as a sovereign state. Diplomatic relations were restored or established with numerous states, including with the Soviet Union on October 1991.

The foundation for the restoration of the Estonian state is the new Constitution, which was adopted by referendum on June 28, 1992. Based on this Constitution, the Estonian citizenry elected the new *Riigikogu* on September 20, 1992. Estonia's first constitutional parliament since the Second World War. On October 25, 1992, the *Riigikogu* elected Lennart Meri as the second President of the Republic of Estonia. On October 7, 1992, the *Riigikogu* adopted a declaration to proclaim the end of the period of transition and the restoration of constitutional power in the Republic of Estonia.



*The Estonian state flag is also the national flag of the Estonian people. Its design consists of three colours of equal width which form a rectangle: the uppermost width is blue, the middle—black and the lower—white.*

*The ratio of the flag's width to length is 7:11, whereby its standard dimensions are 105×165 cm.*

Originally, blue, black and white were the colours of the student fraternity *Vironia* and the Estonian Student's Society. Their flag, based on the tricolour, was first sanctified in Otepää on June 4, 1884.

In the following decades this blue, black and white flag was gradually adopted as the national flag of Estonia.

The flag was first established as the Estonian state flag by a decree passed by the Provisional Government of Estonia on November 21, 1918.



On June 27, 1922, the Republic of Estonia *Riigikogu* established the official colours and dimensions of the flag with the Law on the State Flag.

Blue, black and white were also established as the national colours in the new Estonian Constitution of 1937.

With the forcible incorporation of Estonia into the USSR in 1940, Estonian state symbols were removed from public display. It was considered a crime by the Soviet authorities to possess or, even more so, to raise the Estonian flag.

Estonia's national colours reappeared in public with the beginning of the restoration of Estonian independence in 1987–1988. The historic flag of free Estonia played an integral role at all meetings and public events, culminating in the pivotal moment on February 24, 1989, when the Estonian flag reappeared at the top of the Tall Hermann Tower.

Gradually, the blue, black and white flag restored its former status.

The Law of the Presidium of the Supreme Council of June 23, 1988, established the blue, black and white combination as the national colours of Estonia. The Statutes on the Application of the National Symbols of Estonia, confirmed on October 20, 1988, referred to the same tricolour Estonian flag, which was permitted to be flown side by side with the flag of the Estonian SSR.

The Estonian SSR Law on Estonia's Symbols, passed on May 8, 1990, abolished the use of the flag and the Coat-of-Arms of the Estonian SSR and the blue, black and white were restored as the sole official colours of Estonia.

The Republic of Estonia Law on the State Flag and Coat-of-Arms, passed on August 7, 1990, officially re-adopted the use of the state flag and of the state Coat-of-Arms, which were in use until August of 1940, as the flag and Coat-of-Arms of the Republic of Estonia.