

“Looking back on the fifteen years that the Constitution has been in force, I think we can be satisfied that the Constitution has provided a secure foundation for fulfilling the goals set after the restoration of statehood,” President Toomas Hendrik Ilves said today in Tallinn at an international scientific conference entitled, “Issues of a Political Nature in Constitutional Review.”

“However, from time to time, one hears the question, ‘Does Estonia need a new Constitution?’” said President Ilves. “If we treat the Constitution primarily as a legislative act, the value of which must be assessed according to purely legal criteria, then one can understand those who think that the Constitution needs extensive repairs. I am not among them. I think that the Constitution belongs not only to lawyers, but to all of us, and when measuring its value, legal perfection is only one, but far from the only, possible scale for assessment.”

The Estonian Constitution has not hindered progress, affirmed the Head of State, adding, “My assessment is that our Constitution is a wisely drafted document that allows the system of government and legal order to develop in conjunction with developments in the society and legal principles.”

Of course, certain changes have been necessary, and there is no doubt that constitutional changes will be necessary in the future, conceded President Ilves. At this point, he mentioned the following examples: the constitutional amendment related to Estonia’s membership in the European Union and the extension of the authorization period for local government councils. The President also mentioned a long-term topic—we need constitutional clarity in issues related to the management of national defence.

The Head of State stressed that all those participating in constitutional review have a key role to play as defenders and interpreters of the Constitution.

“For instance, many of the constitutional principles included in the Constitution Amendment Act that define the bases for Estonia’s membership in the European Union have yet to be clarified and explained to the public,” said President Ilves. “Because the issue is not just the theoretical constitutional construction, but how we perceive the sovereignty of our country, our rights and obligations as a European Union member state and its citizens, and our opportunity to have a say in Europe and in world affairs.”

According to the Head of State, there is also much left to be done in the field of fundamental rights, because, “the future of our country and our citizenry depend on how knowledgeable the citizens are about their fundamental rights and the opportunities to protect them, and how seriously governmental institutions regard the defence of these rights.”

“This is not meant as a criticism, especially not of our Constitution,” President Ilves stressed. “There is room for thinking and action on the part of the institutions that are charged with preserving our Constitution and its meaning. As there is for all others whose function it is to educate their fellow citizens in respect to the fundamental questions regarding the functioning of the state.”

The full text of the speech of the President of the Republic is available at www.president.ee.

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