

I have decided not to promulgate the “Law on the Removal of an Unlawful Structure”, passed today in the Riigikogu. I do so because a number of sections of the law are unconstitutional, first and foremost the principle of separation of powers. After the final text of the law signed by the Chairman of the Riigikogu reaches the Chancery of the President of the Republic, I shall present a detailed explanation of the unconstitutionality of the law.

There is nothing unusual in constitutional disagreements between the Parliament, the Head of State and the Supreme Court. The history of jurisprudence in Estonia in the past fifteen years offers many cases where discussions of the interpretation of laws and the Constitution have found a final decision in the Court. This practice, customary for a country based on the rule of law, improves and consolidates our understanding of our constitutional order.

The case at hand is unfortunately unusual in that the unconstitutionality of parts of the Law on the Removal of an Unlawful Structure were beforehand known to factions of the Riigikogu nor did they disguise their knowledge. This was underscored by the statements by the Chairman of the Justice Committee of the Riigikogu. Similarly the leading legal experts from parties supporting the law admitted to me that the law was unconstitutional.

Thus, the members of the Riigikogu who voted for this law did so in full knowledge of the fact that the President cannot, by his oath of office, promulgate the law. Therefore, some politicians were driven by a desire to use the so-called „Bronze Soldier“ issue merely to draw attention to themselves, not by a wish to find an effective solution.

I consider such behaviour irresponsible. We all know that the most fateful mistakes of Estonia’s history in the 20th Century had their beginnings when politicians decided to consciously ignore the constitution in order to achieve their own goals.

I believe that today’s unconstitutional decision in the Riigikogu was a result of the tense pre-election atmosphere, not the desire to challenge the legal order of the Republic of Estonia. Nonetheless, domestic political expediency can in no way justify playing with the Constitution.