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TRANSFORMATION OF THE INSTITUTE OF PARLIAMENTARISM IN UKRAINE AND THE BALTIC COUNTRIES (1990-2004): A COMPARATIVE ANALYSIS

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Abstract. The article shows that the parliaments of Ukraine and the Baltic countries were the main platform for state-building decisions in the specified period, which changed not only the existing system, but also themselves. In general, this article attempts to consider the transformation of the institution of parliamentarism in Ukraine and the Baltic countries by the method of comparative analysis. The article contains an overview of the process of transformation of the institution of parliamentarism in the studied countries in historical, political and legal contexts. It reflects the correlation between the constitutions adopted at national referenda, in particular in Lithuania and Estonia, which did not undergo significant amendments in the future in terms of the functioning of the institution of parliamentarism. The adopted constitutions at the legislative level in Ukraine and Latvia, in particular regarding the activities of the parliaments, were subsequently changed under certain conditions. If in Ukraine such changes regarding the powers and status of the parliament were due to political considerations during the revolution of 2004, then in Latvia such changes were in the context of the requirements of the latest period, because this country restored its statehood together with its 1922 Constitution.

Key words: parliament, constitution, independence, deputies, elections, referendum.

Introduction. As a result of the failed coup attempt in Moscow in 1991, Ukraine and the Baltic states (Lithuania, Latvia, Estonia) became independent. In the first transit period, in particular before the development and approval of the main «rules of the game» according to the new constitutions, these countries continued to be parliamentary republics in which the highest legislative body played a key role in the formation of the government and the entire executive vertical of power.

On the eve of the adoption of the Act on State Independence in August 1991, the Ukrainian Parliament, the absolute majority of which was made up of representatives of the Communist Party, had serious discussions between the center-right and the left regarding this decision. In the Baltic countries, everything was more clearly in favor of the course of their own independent state building. The majority of the political elite and the public of the Baltic countries believed that their statehood was interrupted by the occupation by the USSR back in June 1940. Therefore, having restored their independence, they began to revive the elements of the political system that was formed and operated in them even before the loss of their statehood (ie in the interwar period). In connection with the proclamation of the restoration of independence, such actions of the political elite of the Baltic countries gave reason to believe that their state-building process was forcibly interrupted by the Soviet Union (June 17, 1940). Given the statist aspirations of both the majority of the political elite and the public of the Baltic countries, which began to actively manifest themselves at the end of the 1980s, they could not lose the historic chance that appeared in August 1991. At the same time, it is also worth considering the fact that independence was proclaimed in August 1991 by parliamentarians elected during the elections in the USSR on an alternative basis in February-March 1990.

According to usual practice, the parliaments of these and other Soviet countries still under the USSR were called Verkhovna Rada of the corresponding Soviet Socialist Republic. Taking into account the fact that with the declaration of restored independence in these countries, their names

changed (getting rid of «sovietness» and «socialism»), the parliaments, in the first period, began to be called the Verkhovna Rada, respectively: of Ukraine, the Republic of Lithuania, the Republic of Latvia and the Republic of Estonia. Subsequently, both the names themselves, as well as their status and powers, underwent a certain transformation.

The purpose of the article is to carry out a comparative analysis of the transformation of the institution of parliamentarism in Ukraine and the Baltic States in the period from 1990 to 2004.

The task of the article is to highlight the evolution of the legislative power as a socio-political institution in Ukraine and the Baltic States from 1990 to 2004 in comparison.

Research methods are: historically comparativistic, in particular in the part of comparison of socio-political and legal processes, as well as phenomena in Ukraine related to the institution of parliamentarism in the conditions of its formation, functioning and evolution; statistical, which was used to determine the proportion of representativeness of parliament representatives in each of the studied countries in relation to the population (as of 1991).

Ukrainian experience of parliamentary transformation. The last convocation of the Verkhovna Rada of the Ukrainian SSR was elected on March 18, 1990. It was this term of parliament that adopted the Declaration on State Sovereignty of Ukraine on July 16, 1990, and the Act of Proclamation of Independence of Ukraine on August 24, 1991. In the aforementioned Act, the Ukrainian parliament is positioned for the first time under the name Verkhovna Rada of Ukraine (Akt, 1991), despite the fact that the Resolution on the Declaration of Independence itself was still under the old name (Verkhovna Rada of the Ukrainian SSR) (Postanova, 1991). It should be noted that since the Resolution of the Verkhovna Rada of the Ukrainian SSR On the Proclamation of Ukraine's Independence of August 24, 1991 stated that a national referendum on independence should be held on December 1, 1991 (Postanova, 1991), it was held simultaneously with the election of the first President of Ukraine, who became the Speaker of the Parliament L. Kravchuk (Visnyk, 2012).

If we take the size of the full membership of the Verkhovna Rada (450 people's deputies) and the number of the existing population of Ukraine that lived in 1991 (according to the State Statistics Service – 51.944 million people (Naselennia, 1991), then in the ratio per 1 deputy, the proportion of representativeness of the population was 1:115,431.

During the first term of the Verkhovna Rada of Ukraine, attempts were made to establish a system of balance of power and to form a constitutional model of the Commission created in the parliament (Ukraina, 2007: 954), however, early elections (parliamentary and presidential) in 1994 moved this process to the next convocation.

As a result of early parliamentary elections in 1994, the elected second convocation of the Verkhovna Rada and newly elected President L. Kuchma created a new joint Constitutional Commission to draft the text of the Basic Law. On June 8, 1995, the main participants in the political process concluded the «Constitutional Treaty» (Konstytutsiinyi, 1995) for one year. According to the powers specified in this Treaty, Ukraine becomes a presidential republic (under which the government is formed and reports to the president) during the year.

Already on June 28, 1996, the parliament adopts the Constitution of Ukraine, which states: «The only body of legislative power in Ukraine is the parliament - Verkhovna Rada of Ukraine» (Article 75) (Konstytutsiia, 1996). According to the constitutional model of 1996, the Verkhovna Rada of Ukraine consists of 450 people's deputies, starting at the age of 21, who are elected for four years (Konstytutsiia, 1996). That is, the form of government in Ukraine, according to the Constitution adopted in 1996, becomes parliamentary-presidential.

The powers of the Verkhovna Rada changed somewhat after the adoption of amendments to the Constitution of Ukraine during the presidential elections and the «Orange Revolution» of 2004. Thus, on December 8, 2004, the Verkhovna Rada of Ukraine adopted the Law of Ukraine «On Amendments to the Constitution of Ukraine» (Zakon, 2004), according to which: The term of office of the Verkhovna

Rada is five years (instead of four); In the Verkhovna Rada, based on the results of the elections, a coalition of parliamentary factions is created, which includes the majority of deputies from the constitutional composition, which makes proposals to the President of Ukraine regarding the candidacy of the Prime Minister of Ukraine, as well as regarding candidacies for the Cabinet of Ministers of Ukraine; «The powers of the Verkhovna Rada include... the appointment by the President of Ukraine of the Prime Minister of Ukraine, the Minister of Defense of Ukraine, the Minister of Foreign Affairs of Ukraine, the appointment of other members of the Cabinet of Ministers of Ukraine, the Chairman of the Antimonopoly Committee of Ukraine, the Chairman of the State the Committee of Television and Radio Broadcasting of Ukraine, the Chairman of the State Property Fund of Ukraine, the dismissal of the specified persons from their positions, the resolution of the issue of the resignation of the Prime Minister of Ukraine, members of the Cabinet of Ministers of Ukraine» (Zakon, 2004). It is worth noting that after the adoption of these changes, the Verkhovna Rada was elected for a term of four years; the institution of a parliamentary coalition did not exist (on the contrary, a situational majority was formed during the consideration and voting of draft laws); The Verkhovna Rada approved the candidate for the position of head of government on the proposal of the President (without making such a proposal to the President on the part of the parliamentary coalition). These changes will finally enter into force on January 1, 2006. That is, in Ukraine in 2004 there was a legal transformation of the form of state government from a presidential-parliamentary republic to a parliamentary-presidential one, according to which the Verkhovna Rada will play a much more important role in the part of forming and controlling the Cabinet of Ministers of Ukraine and its head – the Prime Minister.

During the specified period, there were four convocations of the Verkhovna Rada of Ukraine (1st convocation: 1990–1994; 2nd convocation – 1994–1998; 3rd convocation – 1998–2002; 4th convocation – 2002–2006).

Consequently, Ukraine was able to finally establish and approve its political and legal system in 1996, adopting its own Constitution on June 28. The Verkhovna Rada shared powers with the president regarding the executive vertical and other state authorities, which underwent a certain transformation as a result of the 2004 constitutional reform.

Lithuanian practice of parliamentary construction. In Lithuania, during the proclamation of the Act on the Restoration of its Statehood (March 11, 1990), the Verkhovna Rada of the Lithuanian SSR was renamed the Verkhovna Rada of the Republic of Lithuania (Istoriia, 2018: 370), which was elected on February 24, 1990. Already on July 7, 1992, this Verkhovna Rada The Council renamed the parliament the Sejm (in historical terms it is also called «Restored» or «Reviving» (Istoriia, 2018: 371)). Simultaneously with the elections of the first round to the parliament on October 25, 1992, a national referendum on the new Constitution of Lithuania was held, during which the Basic Law of this state was approved. It is worth noting that before the appearance of this Constitution, the newly elected parliament first restored the Constitution of 1938 and immediately replaced it with the Temporary Basic Law (Istoriia, 2018: 372), which was in effect during the transition period (from March 11, 1990 to October 25, 1992). In this way, the pre-occupation political and legal model of Lithuania was restored and the Constitution and laws of the USSR were abolished on its territory. Already in the new Constitution of 1992, the status and powers of the supreme legislative body were established. Thus, in Chapter 5 of the Constitution of Lithuania, it is determined that the Seimas consists of 141 representatives of the people, who are elected for four years (under a mixed election system) not earlier than 25 years of age (Konstytutsiia, 1992). In general, the Constitution of Lithuania of 1992, in terms of the status and activity of the Seimas, did not undergo significant changes during the studied period. This makes it possible to assume that the Basic Law of this state was drawn up professionally from the very beginning and approved according to the requirements of the time.

If we consider the level of representativeness of the deputies of their constituents, in particular in terms of the ratio of the number of one representative in the Parliament of Lithuania to the population

that lived in this country in 1991 (3.704 million people (Population, 1991), then according to calculations, the ratio is 1:26, 269.

During the specified period, there were four convocations of the parliament of the Republic of Lithuania (1st convocation: 1990–1992; 2nd convocation – 1992–1996; 3rd convocation – 1996–2000; 4th convocation – 2000–2004).

In general, the parliament of the Republic of Lithuania, especially during the first transition period (1990–1992), had a significant patriotic potential and became the main center of state-making decisions in the country. At the constitutional level, his status and powers and, having restored the office of the president, acted in the political and legal field of the presidential-parliamentary republic.

Latvian variant of parliamentary transformation. In Latvia, after the elections on March 18, 1990, the Verkhovna Rada of the Latvian SSR was active in the number of 201 deputies (History, 1990). After its proclamation on May 4, 1990, of the Declaration «On the restoration of the independence of the Republic of Latvia», the name of the state, and therefore the parliament, was changed (to the Verkhovna Rada of the Republic of Latvia). This was the status of the Latvian parliament at the time of the declaration of independence on August 21, 1991. On the same day (August 21), he adopted the Constitutional Law «On the State Status of the Republic of Latvia» (Istoriia, 2005: 412). At the same time, in fact, the Constitution of Latvia (Satversme) of the 1922 model was restored, to which certain amendments were subsequently made. From that time until the autumn of 1992, there were discussions on the adoption of the Constitution. The final decision on the Constitution was adopted by the newly elected Parliament of Latvia, the first since the restoration of independence (June 6, 1993), which began its work on July 6, 1993. The restored Constitution of Latvia also reflected the institution of the President of this country, who is elected by the Sejm.

The Parliament of Latvia, according to the restored Constitution, began to be called the Seimas. Section 2 of this Constitution stated that the Sejm consists of 100 representatives of the people, who are elected from the age of 21 by the proportional voting system, for a term of four years (Latvijas, 1922).

It is appropriate to note that if we take into account the number of members of the Parliament of Latvia (which became 100 with the Constitution of 1922) and the population of Latvia (as of 1991 – 2.658 million people (Statistical, 1991), then one representative accounted for 26,580 inhabitants.

During the specified period, there were five convocations of the parliament of the Republic of Latvia (1st convocation: 1990–1993; 2nd convocation – 1993–1995; 3rd convocation – 1995–1998; 4th convocation – 1998–2002; 5th convocation – 2002–2006).

In the first period of Latvia's restored independence, due to the creation of a significant number of acts in the legislative base, even the deputies themselves did not know which laws should be adopted first (Istoriia, 2005: 424). Subsequently, amendments to the Constitution of the Republic of Latvia, which related to the work of the Seimas, were introduced and supported. Thus, on January 27, 1994, a separate law (entered into force on February 26, 1994) changed the provision of Clause 8 of the Constitution of Latvia, according to which citizens who have reached 18 (instead of 21) years of age can be elected in parliamentary elections (Latvijas, 1922).

On December 4, 1997, the Parliament adopted a number of amendments to the Constitution regarding the activities of the Seimas, which entered into force on December 31, 1997. In particular, these changes state that: the Seimas are elected for four (not three) years; elections to it must be held on the first Saturday in October; If, in the event of the dissolution of the Parliament, elections to the Seimas take place in another period of the year, then such Seimas shall meet no later than one month after its election and its powers shall expire after three years on the first Tuesday of the following November, simultaneously with the opening of the newly elected Seimas; No criminal prosecution or administrative fine may be imposed against a member of the Seimas without the consent of the Seimas; Amnesty is carried out by the Diet (Latvijas, 1922).

On April 30, 2002, the parliament adopted a law (entered into force on November 5, 2002), which changed the provisions of the Constitution of Latvia regarding the declaration of the solemn oath of a member of the Sejm to strengthen Latvian as the only state language, and also defined Latvian as the working language of the Sejm (Latvijas, 1922). Therefore, although Latvia renewed the validity of its first Constitution of 1922, in particular in the part of the functioning of the Sejm, the Basic Law required some adjustment to the new circumstances of the modern period.

Estonian model of parliamentarism. This country elected its last Soviet parliament (the Supreme Council of the Estonian SSR) on March 18, 1990, which consisted of 105 deputies, who on March 30, 1990 adopted the Resolution «On the State Status of Estonia» (Verkhovna, 1990). On May 8, 1990, the parliament passed a law invalidating the name of the state (Estonian SSR) and its symbols and restored its previous name – the Republic of Estonia, its symbols and articles of the 1938 Constitution (Zakon, 1990). Accordingly, the name of the legislative body changed to the Verkhovna Rada of the Republic of Estonia.

The events of August 1991 in Moscow contributed to the fact that on August 20, the Estonian Parliament promulgated the Resolution «On the State Independence of Estonia» (Postanovlenye, 1990). On June 28, 1992, a national referendum adopted the Constitution of Estonia, according to which the legislative power belongs to the Riigikogu (the name of the parliament), which consists of 101 deputies, who are elected according to the proportional system, starting from the age of 21 (Konstytutsiia, 2015). In general, during the first decade, the Estonian constitution did not undergo significant changes, in particular in terms of regulating the status and activities of its legislative body.

If we take into account the proportional composition of the population of Estonia as of 1991 (1.567 million people (Statistics, 1991) and the number of members of parliament (101), then the ratio of representativeness of each people's representative in proportion is 1:15,522.

During the specified period, there were five convocations of the parliament of the Republic of Estonia (1st convocation: 1990–1992; 2nd convocation – 1992–1995; 3rd convocation – 1995–1999; 4th convocation – 1999–2003; 5th convocation – 2003–2007).

Therefore, the Estonian model of the formation and functioning of the legislative body (Rijgikogu) was close to the interwar period, especially according to the constitutional model of 1938, and embodied the modern parliamentary republic according to the 1992 Constitution.

Results and their discussion. The Baltic countries, having restored their states, put the main emphasis on decision-making precisely on the parliaments, which became the main centers of political life in these countries. It was in the parliaments that representatives of the people adjusted social and economic life in the post-Soviet period. In addition, the parliaments themselves, as the central and only bodies of legislative power, were institutionalized in the political and legal field of the mentioned countries. According to their constitutions (Lithuania and Estonia adopted them in referendums and did not change them, and Latvia restored the constitutional model of 1922, which was amended during the first decade of restored independence). Although Latvia made a number of changes to its constitutional model of 1922 during the mentioned period, in particular in the part concerning the Seimas, this did not change its status in the political system of this country. Ukraine, with the election of its first president on December 1, 1991, had significant discussions about the form of state government and the place of parliament in it. This issue was resolved after the election of the second term of the Verkhovna Rada and the new president in 1994. They, through compromises, adopted and approved the Constitution of Ukraine in 1996, defining the status and functions of the parliament, the president, and other bodies of state power and local self-government. In connection with the confrontation during the so-called During the «Orange Revolution», in the context of the 2004 presidential elections, it was for political reasons that a compromise was reached between the participants in the process regarding the increase in the powers of the Ukrainian parliament and their reduction in the power of the president. That is, in Ukrainian practice, the status and powers of the highest institutions of power, in particular the parliament, the president, the government, etc., were changed for political reasons (for the benefit of the interested parties), and not for philosophical and legal expediency. This made it possible to believe that during the transit period in Ukraine there was an advantage of political expediency over the constitution, which became «flexible» depending on the interests of certain power groups.

As for the **discussion**, it will be interesting to analyze: how important it is to search for the form of government during independence and change it in their Constitutions; Should the Constitutions be «firm» or «flexible», both during the period of transition to democracy and the market economy, and in general; Should separate laws regarding the status and activities of state authorities and local self-government bodies, which do not affect the constitutional provisions of these institutions, be amended, and should the powers of these institutions be changed in the Basic Law; What should be the most optimal indicator of the representation of one deputy in relation to the number of individual people (in particular, voters); Should it be a universal proportion for all, or should it be separate for each country.

Conclusions. Thus, in Ukraine in the period from 1991 to 2004, a political and legal transformation of the form of state government took place, according to which the «rules of the game» were changed in terms of powers between the parliament, the president and the government. If in the first years of independence the political model of Ukraine was only being formed and the Verkhovna Rada with 450 deputies retained a decisive place in the system of state power, then with the adoption of the 1996 Constitution, it shared this status with the president. Already with the constitutional reform of 2004, the status and powers of the Verkhovna Rada increased, which allows it to have a much greater influence on the formation and activity of the Cabinet of Ministers of Ukraine and the political-rights process as a whole.

The Baltic countries, having formed constitutional models in the first years of regained independence, continued to retain the status and powers of parliaments. Thus, in 1992, Lithuania and Estonia held referendums on the constitutions of their states, which reflect the status and powers of parliaments. It was these constitutions that were popularly supported by the majority of votes in the mentioned countries, which made it possible to have a more legitimate and resistant text of Basic Laws. However, among the Baltic states, it was Lithuania that formed a more numerous parliament (Sejm) with 141 members and granted significantly greater powers to the president, who is elected by the people. It is the presidential-parliamentary form of government in Lithuania that is quite similar to Ukraine in the specified historical period. In addition, another similarity between the Lithuanian practice and the Ukrainian practice is the simultaneous holding of elections and a referendum. It was Ukraine that held a referendum on independence on December 1, 1991, simultaneously with the presidential elections, and Lithuania, together with parliamentary elections on October 25, 1992, held a referendum on its Constitution. Estonia, on the other hand, formed its own parliament (Riijikogu) with 101 deputies, who are supposed to elect both the president of the republic and approve the government. That is, the Riigikogu is the highest body of state power in Estonia, which forms all other branches, and therefore this country is a parliamentary republic. Latvia, unlike its «Baltic sisters» (Lithuania and Estonia), with the declaration of restoration of independence, fully preserved the Constitution of the 1922 model, which defines the status of the parliament (Sejm). However, since the new period requires different approaches, amendments were made to this constitution that did not fundamentally change the system of state administration and the status and powers of the parliament. Since in Latvia (as in Estonia) the supreme legislative body determines other bodies of state power, in particular, elects the president and approves the government, that is why this country is a parliamentary republic.

As for the representation of their people by members of parliament, in 1991 it was 1:115,431 in Ukraine, 1:26,580 in Latvia, 1:26,269 in Lithuania, and 1:15,522 in Estonia.

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