

Today the President of Estonia submitted the draft of a law to amend the Constitution and presented a statement to the Riigikogu.

“I am initiating the amendment of the Constitution in order to organize the management of national defence and strengthen civil control,” said President Toomas Hendrik Ilves, making a proposal to the parliament to amend the provisions of the Constitution that refer to the Commander of the Defence Forces and Commander-in-Chief of the Defence Forces, and that determine the procedure for the appointment of the Commander of the Defence Forces and Commander-in-Chief of the Defence Forces.

Currently, the Commander of the Defence Forces is appointed by the Riigikogu upon the proposal of the President of the Republic. According to the proposal of the Head of State, the Constitution would not include references to the Commander of the Defence Forces or the Commander-in-Chief of the Defence Forces. The procedure for appointing the Commander of the Defence Forces is established by the Riigikogu.

“I believe that some of the provisions of the Constitution in respect to national security hinder the development of national security and cause discord. Apparently, I do not exaggerate when I state that all former Defence Ministers have had conflicts with the Commanders of the Defence Forces.” said President Ilves to the Riigikogu. “Therefore, the issue is not specific people and their relations, but the fact that the disagreements are programmed into the Constitution.”

He recalled that the Estonian Constitution of 1992 is a constitution of a parliamentary republic, while the national security chapter is compiled on the example of the Estonian Constitution of 1937 or the constitution of a presidential state.

“The result is a hybrid, which allows the concerned parties to have different and contrary conceptions of their roles and positions in the organization of national security. The result is deficient civil management and deficient civil control,” said the Head of State. “In a parliamentary state, the defence forces cannot be subordinated to anyone other than the government. Only in this way is it subordinated to democracy, including parliamentary control.”

President Ilves confirmed his conviction that the provisions of the Constitution that pertain to national security issues require the greatest possible consensus among the political parties represented in the Riigikogu. "At the same time, the amendments that I propose are quite urgent in nature. Therefore, I would like to see the Riigikogu amend the Constitution by the urgent procedure based on § 166 of the Constitution. However, this would require the most comprehensive agreement in the Riigikogu," said the Head of State.

"I understand and support the opinion that the Riigikogu members should have a complete overview of the legal circumstances that will exist after the amendment of the Constitution," said President Ilves, who announced that the Ministry of Defence would present an outline of the corresponding amendments to the members of parliament. "These should indicate how the Commander of the Defence Forces will be appointed and released from office after the amendment of the Constitution. In order to prevent the politicizing of the position, the law must also establish precise and strict criteria for the Commander of the Defence Forces."

In order to achieve the necessary consensus for amending the Constitution, President Ilves has met with the representatives of the all the Riigikogu factions, as well as the National Security and Constitutional Committees, and heard the positions of the National Defence Council, which were unanimously supportive.

"I appeal, honorable parliament, for a serious and statesmanlike attitude toward the draft of the law to amend the Constitution initiated by me today," said the Head of State.

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