

President Toomas Hendrik Ilves participated yesterday in the plenary session of the Riigikogu and presented a speech at the first reading of the draft to amend the Constitution of the Republic of Estonia which was initiated by him on May 15th of this year.

Following is the text of the speech by the Head of State in the Riigikogu:

Honorable Chairman of the Session!  
Respected Members of the Riigikogu!

Before I proceed to the discussion of the proposal to amend the Constitution, I want to say a few words about the procedure.

Surely there are not many procedures foreseen by our Constitution that we have only started to test 15 years after the Constitution came into force. The Constitution states that the President of the Republic has the right to initiate changes to the Constitution, but the Constitution is silent about how to proceed from there. It's true that President Lennart Meri presented a draft to amend the Constitution to the Riigikogu on the last day of his term, but I repeat—he did so on the last day of his term. Therefore, we could not test the possible procedural practices.

Today we are doing so. And how we—you, respected representatives, and me, the President of the Republic—handle this draft today will become a precedent for similar cases in the future.

On May 15th of this year, I initiated a law to amend the Constitution of the Republic of Estonia with the goal of regulating the management of national defence and strengthening civil control

over the military.

I have spoken to you about the reasons for presenting the draft, its content and the principles for its processing when opening the first session of the new Riigikogu on April 2nd, as well as when the draft was delivered to the Riigikogu on May 15th. I have also met with representatives of all the parliamentary factions, and the members of the Constitutional Committee and National Defence Committee.

Therefore, I would prefer not to repeat everything that has already been said. I will just confine myself to a few keywords.

Firstly. With this draft, I wish to change those provisions of the Constitution that deal with the Commander and Supreme Commander of the Defence Forces. After the amendments are made, the Constitution will not longer contain references to the Commander or Supreme Commander of the Defence Forces.

Secondly. The amendments will concretize the competency of the constitutional institutions in the field of national defence:

\* National defence will be organized by the executive power—the Government and Minister of Defence—which will also be responsible for its functioning.

\* The Riigikogu, as the representative of the people, will make the most important national defence decisions, establish the laws that regulate national defence, and control the activity of the government in the field of national defence.

\* The President as the top leader of national defence will primarily have a symbolic and ceremonial, but also balancing, role. The President will execute his general political right of regulation only in cases precisely fixed by the Constitution.

Thirdly. With these amendments, the status of the Commander of the Defence Forces and the procedure for his appointment will be brought into compliance with the governance of a parliamentary country. I emphasize that in a parliamentary country, the Commander of the Defence Forces cannot be subordinated to anyone other than the government. Only in this way is he subordinated to democratic control, including that of the parliament.

Fourthly. The procedure for appointing the Commander of the Defence Forces and releasing him from service will be prescribed by law. After the amendment of the Constitution, the Riigikogu itself will have to find the most appropriate way to appoint the Commander of the Defence Forces. To prevent the politicizing of the position, the law must fix the precise and strict criteria that the Commander of the Defence Forces must meet.

Dear representatives, I hope that after a thorough discussion in the Riigikogu, my initiative will receive the support of the Riigikogu. I am convinced that with this step we will create the constitutional preconditions for a more effective development of our national defence.

Thank you!

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