

Yesterday President Toomas Hendrik Ilves signed a resolution promulgating the Temporary Provision for Payment of Salaries Tied to the Average Wage in Estonia Act that the Riigikogu passed on 19 November, 2008.

The Head of State also signed a resolution not to promulgate the Temporary Provision for Riigikogu Member Salary Act that the Riigikogu passed on 19 November, 2008.

Justifying the resolutions, President Ilves said:

“I have signed two resolutions today. The first of the two is to promulgate the act passed by the Riigikogu aimed at changing the payment to many officials of salaries tied to the average wage.

I understand the will of the legislature to update the salary payment arrangements as I share the conviction that these arrangements are currently neither fair nor expedient.

I am pleased that the Riigikogu initiated a draft act to introduce a new salary computation system. I also deem correct the intention to bring the new system into force when the next Riigikogu membership term begins. It is because of this that I do not understand why this temporary provisory act is to remain in force only until 28 February, 2010, and not until the current Riigikogu membership term expires. This temporary measure thus has too short a time span and this is not in accordance with the viewpoints formulated during the draft act proceedings, causing considerable confusion.

It is also difficult to understand why the Riigikogu intends to change the salary computation procedure so as to definitely reduce the salary of the gender equality commissioner and probably to reduce the salaries of the Government members, the Auditor-General and the Chancellor of Justice, at the same time freezing the salaries of our judges, the Commander of the Defence Forces and the President of the Republic of Estonia on their current level.

Yet, as such a decision is within the sphere of competence of the Riigikogu and the parliament

did not exceed its constitutional limits, I have promulgated the act.

At the same time I have refused to promulgate the act passed by the Riigikogu in which the parliament wishes to change the salary payment procedure for its own members. I have done so in compliance with my duty to protect the Constitution of the Republic of Estonia. Section 75 of the Constitution stipulates: "The remuneration of members of the Riigikogu and restrictions on the receipt of other employment income shall be provided by law, which may be amended for the next membership of the Riigikogu."

This constitutional prohibition is explicit.

I have read assertions that the opinion of the majority of our nation supports the case for ignoring the Constitution in this particular instance. These views that the Constitution can be disregarded when some of our people support such actions pose a danger to the Estonian state.

The Constitution is the basis of our statehood. It cannot be sacrificed under any pretext. Ignoring the Constitution, sneaking around it or not taking it seriously threatens the principles of the rule of law on which our country relies. A state based on the rule of law must be constantly strengthened, and not weakened.

My duty is to adhere to my oath of office and protect the Constitution.

If the Riigikogu deems it necessary to change how its members are paid, it undoubtedly has the right to do so. But this must be done in accordance with the Constitution. The Riigikogu can in the prescribed manner alter section 75 of the Constitution or pass a similar act that will enter into force with the commencement of the next Riigikogu membership term."

Office of the President
Public Relations Department
Phone +372 631 6229