

President Ilves at the Opening Session of the Riigikogu Respected Chairman of the Riigikogu, honourable members of the Estonian Parliament, Prime Minister and members of the Cabinet, my ladies and gentlemen.

Even in the good times, so many deep and worried words were spoken from this lectern that it is very difficult for me to choose the appropriate words today.

Words, which both inspire and fend off the concerns caused by the current economic turmoil, while still acknowledging the harsh reality that our country has not experienced for some time.

This is why my speech today conveys deep concern for the Estonian democracy, its functioning and current status. On the other hand, its carried by the faith that even in complicated times we can pull ourselves together and turn a new page. Briskly, with passion, selflessly – and what is most important – with hope.

It would not be hard for a president to direct some harsh criticism towards the Parliament and the Government. No doubt, this would do wonders for the popularity of the President. But popularity is definitely not something we should strive for during these difficult times. It is quite the opposite: the distance between seeking popularity and populism is far, far too short during difficult times.

I ask you to rise above your short-term interests and not to be distressed by the current state of our economy. A sensible action plan to match the current situation and abandoning wishful thinking is one step. It is inevitable. Hopelessness and quitting is something different altogether – and absolutely out of the question.

A country we call our own, an independent and democratic Estonia, is a value we all share. The state of Estonia is the best possible tool and the most appropriate method for adopting the decisions that are most useful for the Estonian nation. Both in good and bad times.

Therefore, let us do everything possible now to make Estonia a safe, secure and good place to live. Where one can grow, learn and work. To be young and grow old. The survival of a free and democratic society and everybody's efforts to make Estonia a better place will all contribute to us achieving this objective.

It is still a common viewpoint that all the problems Estonia is facing today have been caused by the Riigikogu and our parliamentary system for the administration of state.

This is a dangerous tendency, as the public order we chose ourselves years ago as the most suitable, is, in my opinion, not to be blamed. If we were to take a look into history or to other countries, we will see the threats caused by doubting parliamentarism.

However, both many others and myself still feel that the Riigikogu has not done enough to merit a clean reputation and give meaning to its renewed role. I am not going to discuss the expenses or receipts and lease payments. All this should be clear without any words.

The problem has a fundamental nature. If our state budget is based on wishful thinking and pre-election promises that are devoid of reality, this is a failure not just on the part of the Government, but also the Riigikogu.

It would be fundamentally wrong to promise benefits, based on incorrect estimates, as we will run out of money in just a couple of years. We have made the same mistake for years. This is how people have been encouraged to live above their means.

According to the Constitution, the Parliament has to supervise the work done by the Government. This is a liability, extended to all members of the Parliament, whose support the Government is relying on when adopting decisions. I do not understand how, at the same time, one can both vote for a bill and support the President's decision not to sign it into law.

Any member of the Riigikogu who pushes the button to vote is accountable to the people of Estonia.

Economic turbulence has pushed the Government and the Parliament, as well as the President, into a state of war – in a sense – where a long silence may be replaced overnight with close attacks on all fronts. There is no other way to describe a situation where legislation, taxation rates and support systems are changed in only a week or two, while it has taken years to develop and balance them.

As long as we are not in a real state of war or emergency, but just in a situation different from the one we had before, in an economic sense, the Riigikogu cannot afford to rush.

Considering the two-month summer break in legislative drafting, such a rush – and furthermore, justifying the poor quality of the adopted legislation with the need to make haste – can be considered a failure of the Riigikogu to honour its commitment to our people.

The Riigikogu will soon be discussing the state budget for 2010. The state budget is not just a conglomeration of numbers that is communicated to the Riigikogu by the Government, and accompanied by either a plea or a request to have it adopted – fast. The finances in the state budget represent the finances of the taxpayers, collected and re-allocated to achieve shared objectives. This money does not belong to any political party or local government.

The lives of people – security, education, health care, social security, culture – are behind the figures.

Whining and attempts to find someone to blame will not contribute to better governance. We should think of rectifying the mistakes instead and sticking to the standards, which are established with the Constitution and are within the framework of the values that form the foundation of our society.

Lately, there has been a lot of talk of the principle of justified expectations. No one could have justified expectations in regard to sustaining all wages, subsidies, benefits and other financial

allocations, or even their infinite growth. As the revenues of the state are declining, the state is required to cut back on some expenses or find some ways to increase income. This is absolutely natural, and everyone must learn to live with the inevitable.

However, well-considered implementing provisions must support every law, either narrowing the rights or magnifying the obligations. If we do not have them, there will be problems in compliance with the Constitution, as our latest experience with increasing the value added tax rate has demonstrated.

I have observed, with deep concern, the erroneous and even populist nature of budget disputes. Some say that a drastic reduction in the number of civil servants and their wages would contribute to diminishing the budget deficit and paving our way to the adoption of the euro.

Naturally, fictitious and ineffective positions should be made redundant. This is a job, which has largely been done by now. Inevitably, the public sector is also required to reduce wages and maintenance expenses, which had blown out of proportion over the last couple of years, exactly as in the private sector. This is also done. Should the downfall continue, some more cuts are in order. Among many other features, this would be a gesture appreciating society's sense of justice.

But one more thing is quite obvious. There are limits to diminishing the state apparatus. If not only money but also brains will start leaving the state apparatus, the setback will be inevitable in these very spheres that give the biggest headache today: social welfare, health care, education and security. The quality of our legislation will also suffer.

I do compliment the Parliament for applying a uniform cut to the wages of all the civil servants of higher rank. However, I also consider the speed at which the Parliament un-pegged the wages of the very same high-ranking officials, including the President, from the so-called average wage, quite illicitly slow. This procedure is not fair and has run its course.

On 16th October of last year, a draft was initiated for changing the wages of the members of the Riigikogu, the President, the Government, judges and officials of other constitutional institutions. This is the only way, prescribed by the Constitution, for changing the remuneration of the members of the Parliament.

Regrettably, for almost a year now, this draft has not made it to this hall for discussion. Should the process continue at the same speed, the issue of the remuneration of members of the Riigikogu will not even be settled for the next composition of the Riigikogu. Let me remind you: according to the Constitution, the amount of remuneration payable to the members of the Riigikogu can only be changed for the next composition of the Riigikogu.

I do not expect you to spend a material part of your working time discussing your own wages. However, such an unenthusiastic approach to this issue will also diminish the Parliament's moral right to adopt decisions regarding wages and the other income of thousands of your countrymen.

One of the central functions of the Riigikogu is to act as a buffer between the public and reorganisation efforts, conducted at different legal levels. The public discussion of changes is your function, as you heed the views of experts and especially the voices of people whose lives will be affected immediately by these changes. Only then can the Parliament weigh what the consequences of a new law or standard would be, prior to decisions being adopted.

A law must be amended, if required, by the outcome of analysis of implementing practice. If the law is found not to be just. Or if there is a so-called “loophole” in the law. But it is definitely not very wise to process new, substantial bodies of legislation under a rush order. Amending or replacing of a law, which meets its objective, must always be well considered.

Therefore, acknowledged jurists have directed our attention to the fact that the Law of Succession Act was replaced for no reason. When inspecting the schedule for legislative drafting, I suspect there will be some more new acts, which have only been drafted to enjoy the contentment in creating a new law – while the further legislative proceeding of the extremely necessary Maintenance of Law and Order Act has stopped for some reason.

A law cannot be treated as an independent object. Should the Government fail to consider this fact, the Riigikogu should be the one to pull the brake. It is time to allow the legal order of Estonia settle and stabilise, focusing on the analysis of existing legislation, instead of adopting more and more legal texts.

This is exactly what the Riigikogu should demand of the Government. And investigate the work of the officials, court judgments and talk with the people. Only then can it be ascertained what is wrong and what is lacking. Only after that can we begin to amend the old laws or write some new ones.

Let us consider the people who are required to understand and acknowledge the consequences of their acts within a judicial space. Let us see whether and to what extent this will bring out the need to re-train state and local authority officials. New laws will often result in rendering the former judicial practice useless.

Legal clarity and legal certainty are cogent and precious values. The stability of the legal order is one of the pre-requisites for economic success.

I emphasise that the time for the rapid reconstruction of the legal order of the Republic of the Estonia, primarily, and, secondly, for conducting legal proceedings on a huge bulk of legislation required to access the European Union is a time long passed.

Amongst other things it is the time to break an old – and I do hope you agree – bad habit. Casting a number of law amendments, related either indirectly or not at all, into a single package cannot be construed as being a good practice. Besides, there is no substantiation for that whatsoever.

It gives the impression that cynical calculation and the intent to avoid any questions and opposing votes is the only reason for the consolidation of dozens of laws.

Why is first the Government and then the Riigikogu contributing to situations where a legal provision, which has limited or no importance for the integrity of a legal act, will raise suspicions considering the legitimacy of another legal act that is highly important for the state?

A practice where amendments of a principle nature and often regarding a completely different sphere are inserted into draft acts immediately before voting does also not observe the substance of the Constitution.

How is the election of a local council related with mainstreaming? Why is the Parliament deprived of the opportunity of three readings, as provided by law?

In such cases, the Head of State must consider very thoroughly whether to proclaim the law concerned or not.

A situation where the adopted law will only reach Kadriorg when the period available for the intended enforcement of the law concerned will be shorter than the 14 day period, prescribed by the Constitution, can also be seen as an infringement on the constitutional rights of the President. This is exactly what happened with the last law amendment package, communicated with the adoption of a negative supplementary budget.

The Constitution gives the President two weeks to proclaim a law, to allow all those people, who feel infringed by any legal provision, to notify the President of the fact. Or, more explicitly – these fourteen days are not just the privilege of the President, but the right of the people to have one more say. Consequently, not just the rights of the President, but the Estonian public in general are infringed upon by ignoring the deadline, prescribed by law.

I have observed and experienced all these steps with concern over the last year. Neither the speed, convenience nor desire to make opponents recognise their place should supersede the purport of the Constitution. Representing one of the institutions, which conducts constitutional supervision, I have both the right and the obligation to disapprove of such practices by both word and act.

As is characteristic in difficult times, Estonia is currently facing a choice: whether to be toughened by difficulties or shrug its shoulders and just give up.

We have the chance to make the economic recession work in our favour, if we are capable of reorganising our economy, and adjusting the budget, taxation and social politics. Should we succeed, we will emerge from the crisis stronger than ever and with another experience to our credit.

But there is also the risk of stumbling into the web of single problems, conflicts and personal comfort zones.

We can also throw in the towel as there is not enough money. We can always hide before a statement that one or another regulation is already effective in some other country.

If we always come up with a precedent that has occurred in some other European Union Member State to justify a bad, useless or senseless course of action, we will soon end up being the conglomeration of the worst possible practice.

Estonia does not have to be equal with others in the number of mistakes. Estonia has to be better, Estonia can be better. Estonia could be a country where institutions do things they are meant to do – making the lives of Estonian people better, developing a fairer and more stable business environment – instead of indulging in stupid bureaucracy.

Estonia is small enough and people are wise to do everything in the best possible way. Everything. Also, the best laws and the most fair politics.

This is what you have been elected for. This is exactly what the people have given you four mandates for.

It is time to stick together. Stick together in every possible meaning of the word: as a nation, spare time, nature and money. Safekeep each other nerves and the will of doing things together. If we can do all this, our faith in a better future will remain intact.

Thank you.