

European  
Elections monitor

# President of the Republic Toomas Hendrik Ilves is running for re-election as Head of Estonia

from **Corinne Deloy**

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**ANALYSIS**  
1 month before  
the poll

The presidential election will take place on 29<sup>th</sup> and 30<sup>th</sup> August next in Estonia. The 101 members of the Riigikogu, the only chamber in Parliament, are being invited to appoint the new Head of State. Toomas Hendrik Ilves, the Head of State in office, announced last December that he would be running for re-election. He has the support of the Reform Party (ER) led by Prime Minister Andrus Ansip, the Pro Patria Union-Res Publica (IRL), member of the government coalition and the Social Democratic Party (SDE), T. Ilves's party.

The 23 MPs of the Pro Patria Union-Res Publica have already signed a document expressing their support to the outgoing Head of State. "From our point of view, thanks to his work, Toomas Hendrik Ilves, has helped towards the development of civil society and has encouraged debate over problems that Estonia has to face. The President of the Republic also succeeded in taking firm decisions during the crises that the country experienced, such as for example, the Bronze Night (a night of disruption in April 2007), or during the financial scandal within the Centre Party (Vladimir Yakunin affair)," declared the leader of the parliamentary group of the Pro Patria Union-Res Publica, Urmas Reinsalu. The 19 MPs of the Social Democratic Party also signed a document to provide their support to the outgoing Head of State. "The Social Democrats supported Toomas Hendrik Ilves five years ago. We acknowledge the quality of his work as head of State and we are convinced that he deserves the people's and parliament's confidence for another term in office," declared the party's leader, Sven Mikser, who said that the conditions were right for the parliament to do its work and elect the president of the Republic.

With the 33 MPs of the Reform Party, Toomas Hendrik Ilves should therefore enjoy the support of 75 MPs i.e. +7 in terms of the 2/3 majority that is necessary to be elected (68). The outgoing President believes however that his second term in office is far from guaranteed and minimises what Sven Mikser, the Social Democratic leader says about being sure that Toomas Hendrik Ilves will be appointed by the Riigikogu.

In his bid for the supreme office the outgoing Head of State will be facing independent MEP Indrek Tarand, who was elected by a secret ballot (94 votes against 7) by the main opposition party, the Centre Party (KE), on 18<sup>th</sup> June last. Indrek Tarand is the son of former

Prime Minister (1994-1995) and former MEP (2004-2009), Social Democrat, Andres Tarand. In the last European elections on 4<sup>th</sup>-7<sup>th</sup> June 2009 he stood as an independent and came second with 25.81% of the vote, i.e. just behind the Centre Party (26.07%) rallying a great number of protest votes to his name.

Indrek Tarand says that the entire country will benefit from his candidacy, meaning society via debate. Because of its choice of candidate the Centre Party will be strengthening Estonia and also Toomas Hendrik Ilves's position, who does not deserve to be qualified as a backstage president, which would be the case if the outgoing head of state runs alone. "Personally I do not like elections in which there is only one candidate. Even Russia puts two candidates forward in its Presidential election," repeats Indrek Tarand.

Centre Party leader, Edgar Savisaar has said that Indrek Tarand's independence will enable the political parties to re-create links with the population. He hopes that MPs will succeed in rising above the demands made by their parties and will dare to vote as they feel. Indrek Tarand's choice can also be explained by the Centre Party's desire to win back voter confidence, which was destroyed after the so-called Vladimir Yakunin affair that was revealed by the daily Postimees on 21<sup>st</sup> December 2010; according to a Kaitsepolitsei (security police, the Estonian secret service) report, Edgar Savisaar solicited funds from the chair of the Russian railway system and former KGB officer Vladimir Yakunin on the latter's visit to Tallinn. According to the secret services, Yakunin is said to have paid 1.5 million euro for the Centre Party's electoral campaign in the general elections of 3<sup>rd</sup> March 2011 and an equivalent sum for the construction of an Orthodox church in Lasnamäe, a town where the Centre Party leader is mayor. But Edgar Savisaar is possibly pursuing another goal

by supporting Indrek Tarand's candidacy. Indeed if the latter is elected head of Estonia he will have to give up his seat in the European Parliament and this would then go to Juri Ratas, deputy leader of the parliament and former Mayor of Tallinn (2005-2007). This manoeuvre would enable the Centre Party to take half of the six seats held by Estonia in the European Parliament, and above all, Edgar Savisaar will be rid of Juri Ratas, the present candidate to succeed as head of the Centre Party. The party's future leader will indeed be appointed by the 1,831 delegates during a congress that will take place in Tallinn on 27th August next. Edgar Savisaar has said that he would stand for another term in office as head of the party. When interviewed on the subject just a few days ago Juri Ratas closed the debate by stating that Indrek Tarand had no chance of being elected as President of the Republic.

The 26 MPs of the main opposition party have not signed any documents expressing their official support to Indrek Tarand to date. The candidates for the presidential election can declare their intentions up to four days before the vote, i.e. until 25th August next. The leader of the Centre Party's group in parliament, Kadri Simson also said that the hurry in which the other groups in the Riigikogu had decided to support Toomas Hendrik Ilves revealed their "lack of confidence". "Their goal is to put pressure on their MPs to the benefit of Toomas Hendrik Ilves," she said.

### **The Presidential Function and the Election Method**

The function of Head of State in Estonia is mainly of an honorary and highly symbolic nature. The President of the Republic is elected by indirect suffrage. Anyone over 40 can run for the supreme office. To take part in the election all candidates have to be elected by at least 1/5 of the 101 members of the Riigikogu, i.e. a minimum of 21 MPs.

Elected for five years, the President of the Republic cannot aspire to more than two consecutive terms in office. Head of the armed forces, he represents Estonia in the international arena, concludes treaties with foreign States, accredits and receives diplomatic representatives. The Head of State also has the right to write amendments to the Constitution.

At first the presidential election takes place within the parliament. In the first round the candidate who wins at least 2/3 of the votes of the 101 MPs (i.e. 68 votes) is declared elected. If none of the candidates manages to win this number of votes, a second round of voting is organised the next day, followed by a third round if necessary. If after these three rounds none of the candidates manages to win enough votes to enter the supreme office, the leader of the Riigikogu convenes an Electoral College (Valimiskogu) which is responsible for electing the future head of State.

The Electoral College rallies the 101 MPs and the members of the representative assemblies of the 227

town councils in Estonia (10 representatives for Tallinn, 7 for Tartu, 2 for Pärnu, Narva, Kohtla-Järve, Viljandi, Rakvere, Kuresaare and Võru and one for the 218 other communities). Their number can vary depending on the year because of the changes made during territorial-administrative reforms. In 1996 the Electoral College comprised 374 members (of whom 273 local representatives), in 2001, there were 376 (of whom 266 were local representatives) and in 2006, 347 people (of whom 246 were local representatives). During the Electoral College vote new personalities can step forward as candidates in the presidential election, (any group rallying at least 21 members of the Electoral College can put a candidate forward). Anyone winning the simple majority is declared elected. If no majority is achieved a second round is organised on the same day and the candidate winning the majority of votes is then declared elected.

If those voting do not succeed in appointing the next President of the Republic – an unlikely scenario however – the role then returns to the 101 members of the Riigikogu. The election takes place fourteen days after the announcement of the failure of the second round of voting.

On 23rd September 2006, Toomas Hendrik Ilves was elected by 174 votes in favour, 162 against for the outgoing head of State Arnold Rüütel in the first round, (since the town councils of Lihula and Vihula were unable to appoint their representatives of the Electoral College the number of voters was 345 instead of the initial 347).

### **The Complicated Issue of the Election of the President of the Republic by Direct Universal Suffrage**

Since 1996, the year when the present system to appoint the Head of State in Estonia was established, not one President has been elected by Parliament. Planned for on several occasions over the last few years and approved by a majority of the population according to all polls, the revision of the Constitution to establish direct universal suffrage has been put off many times. Indeed many people want to see the present means of election modified. The debate over the election of the Head of State by direct universal suffrage is not new. It goes back to the writing of the Constitution in 1992 and has continued since then. Proposals and draft laws aiming to revise the Fundamental law, an obligatory procedure to change the means of electing the Head of State, have been put forward to parliament but always in vain. A few years ago the government coalition, rallying the Res Publica Party, the Reform Party and the People's Union committed to submitting to referendum, on the same day as the European Parliament elections (13th June 2004), a draft law that would have replaced the present system by direct universal suffrage. Due to differences over the means of reform it was decided to delay the referendum date until the organisation

of local elections on 16th October 2005. The project was then abandoned. Indeed the Reform Party wanted to change the way the President of the Republic was elected and also to reduce his powers, which its two government partners refused.

Without going as far as changing the system completely, some believe that it would be possible to improve the voting method in parliament. Hence political expert Rein Toomla, a university professor in Tartu suggested that during the first round of voting, only a simple majority of the votes cast would be required to elect the Head of State instead of the present 2/3. In order to force the Riigikogu to take its share of responsibility in the presidential election process some suggest that it should be dissolved in the event of a negative result, as is the case when the budget is being voted on. Others suggest a mixed vote of direct suffrage and parliamentary suffrage, as in the first presidential election that took place in Estonia in 1992. Although there are many choices, for the time being none have been successful.

Outgoing head of State Toomas Hendrik Ilves said

he was against the election of the President of the Republic by direct universal suffrage. He said that he wanted Estonia to remain a parliamentary democracy and that he saw a threat in concentrating power in the hands of a directly elected Head of State.

According to a poll by Emor half of the Estonians (49%) support the election of outgoing President Toomas Hendrik Ilves for a second term in office; less than one quarter (23%) would prefer Indrek Tarand to succeed him. Responses differ according to the ethnic group : hence nearly 2/3 of "Estonians" support the outgoing Head of State against 21% of "non-Estonians" (the country has 1.3 million inhabitants of whom 387,500 are not Estonians – most of whom are Russian speaking i.e. 29.8% of the population).

The next head of State will not however be appointed by the population but by the 101 MPs in the Riigikogu on 29th and 30th August. If Toomas Hendrik Ilves is appointed (which seems impossible for Indrek Tarand) he would be the first president of the Republic to be elected in this way.

#### Reminder of the Presidential Election Results on 23rd September 2006 in Estonia

Candidates	No. of votes won in the Electoral College
Toomas Hendrik Ilves	174
Arnold Rüütel	162

Source: Electoral Commission of the Republic of Estonia.

## Will Toomas Hendrik Ilves be the first president of the Republic to be elected by parliament in Estonia?

In one week's time, on 29th and 30th August next the 101 members of the Riigikogu, the only chamber in the Estonian parliament, are being called to elect the next president of the Republic of Estonia. Toomas Hendrik Ilves, the present head of State announced in December that he would be running again. He will face independent MEP, Indrek Tarand (Greens/EFA, EE). Candidates for the presidential election can however come forward for registration up to four days before the vote, i.e. Thursday 25th August next.

**D-7**  
7 days before  
the poll

For the first time in the country's history the head of State may be elected by the Riigikogu. In Estonia the first stage of the presidential election takes place in Parliament. In the first round the candidate winning

at least two thirds of the votes of the 101 MPs (i.e. 68 votes) is declared elected. If no candidate manages to win this number of votes a second round of voting is organised the next day, followed by a third round if

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necessary. After these three rounds of voting if there are still no candidate with a sufficient number of votes to win the supreme office the leader of the Riigikogu convenes an Electoral College (Valimiskogu) which is responsible for electing the next head of State.

The Electoral College rallies the hundred MPs and the members of the representative assemblies of the 227 town councils in Estonia. When the Electoral College votes new people can come forward as candidates (any group rallying at least 21 members of the Valimiskogu can put a candidate forward). Anyone winning the simple majority of the vote is declared elected. If this majority is not achieved a second round of voting is organised on the same day and the candidate winning the majority of votes is then declared elected.

If the grand electors do not succeed in appointing the next president of the Republic, which is highly unlikely, responsibility for doing this is handed back to the members of the Riigikogu. The election takes place within 14 days after the announcement of the negative results of the second round of voting in the Valimiskogu.

Outgoing President Toomas Hendrik Ilves has the support of the Reform Party (ER) led by Prime Minister Andrus Ansip, the Pro-Patria Union-Res Publica (IRL), led by Tunne Kelam and the Reform Party's partner in the government coalition, together with the Social Democratic Party (SDE), the party from which Toomas Hendrik Ilves came and which is chaired today by Sven Mikser, i.e. a total of 75 MPs, seven more than the obligatory two-thirds majority to be elected as head of State. As his priorities for the next five year term in office, President Ilves quoted the defence of the Constitution and of parliamentary democracy, the development of civil society and the continuation of a foreign policy that takes care of Estonia's interests.

For his part Indrek Tarand was appointed as an official candidate on 18th June after a secret ballot (94 votes in support and 7 against) by the country's main opposition party, the Centre Party (KE) led by Edgar Savisaar. Although the candidate should enjoy the support of most of the 26 centrist MPs in the Riigikogu, the KE will not campaign for Indrek Tarand. "Of course we shall help him if he asks us for advice but the Centre Party will not undertake a campaign to support him," declared the party's Secretary General Priit Toobal.

Indrek Tarand hopes that MPs will succeed in rising above their partisan feelings and vote freely. "My nomination has led to some interesting developments within the Centre Party and also the Pro-Patria Union-Res Publica," declared Indrek Tarand. The candidate says he trusts the Social Democrats, who in his opinion, elected their leader quite democratically on 16th October 2010. Finally he said that he had gained the support of ten MPs who belong to parties that are officially supporting the outgoing head of State!

The choice of Indrek Tarand by the Centre Party can be explained by its desire to win back "Estonian" voter confidence, that was eroded somewhat after the so-called Vladimir Yakunin affair that was published by the daily Postimees – which revealed on 21st December 2010 that according to a Kaitsepolitsei report (the security police, the Estonian secret service), Edgar Savisaar had solicited funds from the chairman of the Russian railway company and former KGB officer, Vladimir Yakunin on the occasion of the latter's visit to Tallinn. According to the secret services Mr Yakunin is said to have paid 1.5 million euros for the Centre Party's electoral campaign in the general elections on 3rd March 2011 and a similar sum for the construction of an Orthodox church in Lasnamäe, the town of which the Centre Party leader is mayor.

Moreover the centrist leader Edgar Savisaar would like to prevent the new president of the republic from being elected by the Electoral College. By supporting Indrek Tarand he is counting on the confusion that his candidacy may cause and hopes that the MPs' independence will prevent the re-election of the outgoing Head of State, Toomas Hendrik Ilves in the vote at the Riigikogu on 29th and 30th August next.

Indrek Tarand has suggested organising a referendum on the means of electing the president of the Republic. He supports the appointment of the Head of State by direct universal suffrage. The Social Democratic Party said it was against this initiative which it has qualified as "pseudo democracy". "The Social Democrats believe that governance should be democratic and not just appear to be democratic. The rights and obligations that the Constitution gives to the president of the Republic are linked to the fact that he is not elected by the people. It would be unfair to make voters believe that the head of State has more power than those

given to him by the Fundamental Law," declared Eiki Nestor, head of the Social Democratic Party at the Riigikogu. Outgoing head of State Toomas Hendrik Ilves has often said that he is against the election of the president by direct universal suffrage. Indeed he sees a direct threat to democracy via the concentration of power in the hands of a directly elected Head of State. "It would create conflict between the government and the President of the Republic. The latter would find it hard to resist the fact that he has the people's mandate whilst the head of government is appointed by the parliament alone. We might hope for the election of the Head of State by the people whereby he maintains his present powers. But that is impossible."

The Estonian political landscape will experience another high point over the next few days when it elects its leader on 27th August. Edgar Savisaar, who is running

favourite, would like to be re-elected. He will be facing Juri Ratas, the parliament's deputy leader and former mayor of Tallinn (2005-2007). He has the support of 27 districts, with only three declaring themselves in support of his challenger.

This election raises a vital question about the political future of the KE. Indeed since the Yakunin Affair the Centre Party has been ostracised by the other parties to the point that it seems impossible for it to join any government coalition.

Toomas Hendrik Ilves and Indrek Tarand will face each other on 27th August next on the TV for a two hour debate.

The latest poll by Emor for TV channel ERR on the presidential election reveals that nearly half of the Estonians (48%) want Toomas Hendrik Ilves to win whilst 20% preferred Indrek Tarand.

## Toomas Hendrik Ilves is re-elected as head of Estonia in the 1st round of voting : a first in the country's history.

The outgoing President of the Republic Toomas Hendrik Ilves was re-elected as President of the Republic of Estonia on 29th August last in the 1st round of voting that took place in the Riigikogu, the only chamber in parliament. Toomas Hendrik Ilves is the first president of the Republic of Estonia to be elected by Parliament since 1996, the year in which the present system to appoint the head of State was established.

The Head of State won 73 i.e. 5 votes more than the minimum of 68 required to be elected by Parliament. He had the support of the Reform Party (ER) led by Prime Minister Andrus Ansip, the Pro-Patria Union-Res Publica (IRL), led by Mart Laar and the ER's partner in the government coalition and the Social Democratic Party (SDE), chaired by Sven Mikser. His rival Indrek Tarand, supported by the main opposition party, the Centre Party (KE) led by Edgar Savisaar, won 25 votes.

"I am ready to serve the Estonian state and all of those living in Estonia, whatever their view of the world and their mother tongue," declared T.H Ilves after he was re-elected. He also said that "little by little, Estonia is drawing closer to becoming what might be called a boring Nordic state" referring to the prosperous countries, which on the other side of the Baltic, have become a model for Tallinn. Contrary to his predecessors the Head of State does not speak Russian. He recently said he supported Moscow's exclusion from the G8.

Aged 57 Toomas Hendrik Ilves was born in Stockholm, Sweden and spent a part of his life in the USA (New Jersey) where his parents were in exile, escaping Estonia's occupation by Soviet troops in 1940. A qualified lawyer, he also has a degree in psychology from the University of Columbia (New York City) and the University of Pennsylvania. Toomas Hendrik Ilves also lived in Munich where he managed the Estonian department of Radio Free Europe from 1988 to 1993. In the same year he gave up his American citizenship to become

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the Estonian Ambassador in the USA. He then took office in Mexico and Canada. In December 1996, he became Foreign Minister, a post he occupied until September 1998. He was then elected chair of the People's Party. He again became head of diplomacy after the general elections of March 1999 and stayed in office until 2002. From 2001-2002 he led the Moderate People's Party which he left after its defeat in the local elections of October 2002 (the party then became the Social Democratic Party, SDE). In 2003 Mr Ilves became an MEP, a post he was elected to in the first European elections

in which his country took part on 13th June 2004 and which the SDE easily won (36.79% of the vote). In Strasbourg, he became the Vice-President of the Foreign Affairs Committee. Another event in Estonian political life: Edgar Savisaar was re-elected on 27th August last as the head of the Centre Party with 945 votes, i.e. 59.5% of the vote, against 642 (40.4%) for his rival Juri Ratas, deputy leader of the Riigikogu and former Mayor of Tallinn (2005-2007). Mr Ilves's second term in office as head of State will start on 10th October next. It will end in the summer of 2016.

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