

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 3rd 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.

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