

# Duties, Powers, and Rights of the President of Latvia

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## The powers of the President conferred to them by the Constitution of the Republic of Latvia

The President represents Latvia in international relations, appoints the diplomatic representatives of Latvia, and also receives diplomatic representatives of other countries. The President implements the decisions of the Saeima concerning the ratification of international agreements (Article 41 of the Constitution of the Republic of Latvia).

The President is the Commander-in-Chief of the Armed Forces of Latvia. During wartime, the President appoints a Supreme Commander (Article 42 of the Constitution of the Republic of Latvia).

The President shall declare war by a decision of the Saeima. (Article 43 of the Constitution of the Republic of Latvia).

The President has the right to take whatever steps are necessary for the military defence of the State should another state declare war on Latvia or an enemy invade its borders. Concurrently and immediately, the President shall convene the Saeima, which shall decide as to the declaration and commencement of the war. (Article 44 of the Constitution of the Republic of Latvia).

The President has the right to grant clemency to criminals against whom the judgment of the court has come into legal effect. The extent of, and procedures for, the utilisation of this right shall be set out in a specific law (Article 45 of the Constitution of the Republic of Latvia).

The President has the right to convene and preside over extraordinary meetings of the Cabinet of Ministers and to determine the agenda of such meetings. (Article 46 of the Constitution of the Republic of Latvia).

The President as well as the Prime Minister, or not less than one-third of the Members of the Saeima may request that the Presidium convene sittings of the Saeima (Article 20 of the Constitution of the Republic of Latvia).

At the request of the President, ten Members of the Saeima, the Prime Minister, or a Minister, the Saeima may decide by a majority vote of not less than two-thirds of the Members present to sit in closed session (Article 22 of the Constitution of the Republic of Latvia).

The President is entitled to propose the dissolution of the Saeima. Following this proposal, a national referendum is to be held. If in the referendum more than half of the votes are cast in favour of dissolution, the Saeima is to be considered dissolved, new elections called, and such elections held no later than two months after the date of the dissolution of the Saeima (Article 48 of the Constitution of the Republic of Latvia).

If the Saeima has been dissolved, the mandate of the Members of the Saeima continues to be in effect until the newly elected Saeima has convened, but the dissolved Saeima may only hold sittings at the request of the President. The President shall determine the agenda of such sittings (Article 49 of the Constitution of the Republic of Latvia).

The President does not bear political responsibility for the fulfilment of presidential duties. All orders of the President are to be jointly signed by the Prime Minister or by the appropriate Minister, who thus assumes full responsibility for such orders except the order on the dissolution of the Saeima (Article 48 of the Constitution of the Republic of Latvia) and invitation of the candidate for the office of the Prime Minister (Article 56 of the Constitution of the Republic of Latvia).

Membership of the Cabinet of Ministers is determined by the person who is asked to do so by the President (Article 56 of the Constitution of the Republic of Latvia).

Powers of the President in the area of legislation:

The President has the right to initiate legislation. (Article 47 of the Constitution of the Republic of Latvia).

The President proclaims laws passed by the Saeima not earlier than the tenth day and not later than the twenty-first day after the law has been adopted. The law comes into force fourteen days after its proclamation unless a different term has been specified in the law (Article 69 of the Constitution of the Republic of Latvia).

Within ten days of the adoption of the law by the Saeima, the President may require that a law is reconsidered using a written and reasoned request to the Chairperson of the Saeima. If the Saeima does not amend the law, then the President may not raise objections for a second time (Article 71 of the Constitution of the Republic of Latvia).

The President has the right to suspend the proclamation of law for two months.

The President shall suspend the proclamation of law if so requested by not less than one-third of the Members of the Saeima. This right may be exercised by the President, or by one-third of the Members of the Saeima, within ten days of the adoption of the law by the Saeima. The law thus suspended shall be put to a national referendum if so requested by not less than one-tenth of the electorate. If no such request is received during the aforementioned two-month period, the law shall then be proclaimed after the expiration of such period. A national referendum shall not take place, however, if the Saeima votes on the law again and not less than three-quarters of all Members of the Saeima vote for the adoption of the law (Article 72 of the Constitution of the Republic of Latvia).

Should the Saeima, by not less than a two-thirds majority vote, determine a law to be urgent, the President may not request reconsideration of such law, it may not be submitted to national referendum and the adopted law shall be proclaimed no later than the third day after the President has received it (Article 75 of the Constitution of the Republic of Latvia).

Electors, in number comprising not less than one-tenth of the electorate, have the right to submit a fully elaborated draft of an amendment to the Constitution or of law to the President, who shall present it to the Saeima (Article 78 of the Constitution of the Republic of Latvia).

## The powers of the President provided for in other legislation of the Republic of Latvia

Article 45 of the Constitution of Latvia provides for the exclusive right of the President to grant clemency to criminals. The extent of, and procedures for, the utilisation of this right are set out in a specific law subjected to the Constitution, the Law on Clemency.

Based on the general principles of the Constitution the duties and rights of the President are also envisaged in other laws not particularly specified in the Constitution of the Republic of Latvia. They are as follows:

1. The Law on the Power of Courts – the President must attend to the oath of judges (Section 68, paragraph 2).
2. The Law on State Security – the President, chairs the National Security Council.
3. The Law on the State Secret provides for the President's rights to receive the information containing the state secret, as well as which information is to be considered state secret relating to the highest authorities of the state.
4. The Law on the National Armed Forces – after the President's proposal the Saeima approves of as well as dismisses the Commander of the National Armed Forces (Section 14).
5. The Law on the Diplomatic and Consular Service – the President appoints and dismisses the extraordinary and plenipotentiary ambassadors by a joint recommendation of the Foreign Minister and the Commission of Foreign Affairs of the Saeima (Section 10).
6. The Law on the National Referendum and Initiation of Legislation – specifies the regulations of the Constitution of the Republic of Latvia and the President's role in the process.

7. The Law on the Order of Proclaiming, Publishing, Coming, and Being in Force of the Laws and Other Regulatory Enactments Passed by the Saeima, President, and the Cabinet of Ministers specifies the norms of the Constitution of the Republic of Latvia and the President's role in the legislation process.

8. The Law on Military Service: The President awards officer ranks by recommendations from the minister of defence, if the relevant soldier's correspondence to requirements stated in relevant laws has been examined by the Higher Attestation Commission (Section 32.2.1). The President takes away the rank of a soldier if the soldier has been convicted of a serious or particularly serious crime (Section 34). The President has the right to relieve a soldier of active military duty during times of peace (Section 44).

9. The Law on National Security: The President is the commander-in-chief of the National Armed Forces, chairs the National Security Council, appoints the senior commander of the National Armed Forces during times of war, establishes the President's Military Council, recommends candidates to become commanders of the National Armed Forces to Parliament, and asks Parliament to decide on a proclamation or launch of war (Section 8.1).

The President has the right, at his request, to receive information that is at the disposal of government institutions and offices, taking into account the regulations on the use of information that are stated in the law (Section 8.2).

The President is a member of the National Security Council (Section 19).

The President summons meetings of the National Security Council (Section 21).

Upon the proclamation of war against the state or a military invasion, the President must immediately act in accordance with the regulations of the National Defence Plan, issue instructions and orders to the National Armed Forces, as well as to state and local government institutions and the people of Latvia, summon a meeting of Parliament to take a decision on the proclamation and launching of war, and appoint the senior commander of the National Armed Forces (Section 24.1).

If the President should find that Parliament could not assemble to take a decision on a proclamation of war, he must order the commander of the National Armed Forces to take full control over the functions of the senior commander (Section 24.2).

10. The competence of the President in awarding state awards is defined in the Law on State Awards (valid since 7 April 2004).

### The Law on the Provision of Functioning of the President of Latvia provides that:

The President is subjected to the same limitations of the conflict of interests as the law provides regarding other state authorities (Section 13),

The person, who has been elected President, may not join the military or specific service of other countries after leaving the office of President (Section 14),

The President's office management is executed by the Chancery of the President of Latvia, which settles the matters connected with the President. The Chancery of the President of Latvia is a legal entity, and it possesses a seal with an image of the big coat-of-arms of the state.

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