

## CAUSES, DEVELOPMENT AND RESULTS OF THE SEMI-PRESIDENTIAL SYSTEM IN LITHUANIA

### *Abstract*

*In 1992, Lithuania, similar to many European post-communist countries, and differently from its Baltic neighbours, Estonia and Latvia, chose a typical semi-presidential system of government. A logical question arises, why did Lithuania take a different path in relation to Latvia and Estonia? In other words, it is necessary to investigate the causes of this decision of the Lithuanian constitution-maker, which can help us to realize why and when such solutions are being pursued. Secondly, when that path was already chosen, almost thirty years ago, it is scientifically justified to investigate how this system of government works in practice. The answer to these questions shows us the origin of this choice, and the degree of its justification, as well as the elements on which its positive and negative sides depend.*

**Keywords:** *Lithuania, semi-presidential system of government, directly elected president, government, relations between the president and the government, political elites, political culture.*

### **1. The Notion of a Semi-Presidential System – Arguments *pro et contra***

Robert Elgie (2007b, p. 2) points out that the meaning of semi-presidentialism is highly contested among scholars. According to him, the original definition of semi-presidentialism was provided by Maurice Duverger, who stated out that a political regime is considered semi-presidential if the constitution which established it combines three elements. First, the president is elected by universal suffrage. Second, he possesses quite considerable powers. Finally, third, he has opposite him a government with executive and governmental power and can stay in office only if the parliament does not show its opposition to them. In the years that followed, most people adopted the basics of Duverger's understanding of semi-presidentialism. For example, a similar definition of the semi-presidential system in our literature is proposed by Professor Darko Simović (Simović, 2008, p. 358).

Bearing in mind the fact that it is a highly contested issue, it was expected that some writers propose a slightly modified version of the definition. Regarding that Elgie (2007b,

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pp. 2-3) cites as an example Giovanni Sartori (1997, pp. 131-132), who wrote that a system is semi-presidential if it encompasses five characteristics. First, the president is elected by popular vote for a fixed term of office. Second, the head of state shares the executive power with a government. Third, the president is independent from parliament but is not entitled to govern alone or directly and therefore his will must be conveyed and processed via his government. Fourth, at the same time government is president-independent and parliament-dependent and need the support of a parliamentary majority. Fifth, the dual authority structure of semi-presidentialism allows for different balances and also for shifting prevalences of power within the executive. Consistent with this, Arent Lijphart (2004, p. 102) has argued that sometimes, of course not always, semi-presidential systems actually make it possible for the president to be even more powerful than in most pure presidential systems.

It must be emphasized that not only the notion of a semi-presidential system is disputable, but also its practical value. There are arguments *pro and contra*. The main argument in favour of semi-presidentialism is that the dual executive can allow for a degree of power-sharing between competing forces, while the second is that the direct election of a fixed-term president can provide the system with political stability and legitimacy, even if we have highly fractionalized parliament and therefore unstable governments (Elgie, 2007a, p. 55). Oleh Protsyk (2005, pp. 721-748; Matsuzato, 2006, p. 320) claims that popular presidential elections significantly affect the formation of a cabinet, always with the possibility of cohabitation (Elgie & McMennamin, 2011, p. 3). There are two main arguments against semi-presidentialism (Elgie, 2007a, pp. 56-57). First is the personalization of the political process as a result of the direct election of the president which could encourage the president to disregard the rule of law because s/he feels above the normal political process. Second, during the cohabitation periods, there is always the possibility of political instability. Anyway, the fact is that this system of government has become an increasingly popular form of government worldwide and has emerged as the most common regime type in Central and Eastern European countries (Sedelius & Mashtaler, 2013, p. 109). Lithuania is one of those countries and bearing this in mind, it is interesting after almost thirty years to examine the Lithuanian case, both in the paper and in the practice, as well as the social circumstances that led to such solutions.

## 2. History of the Adoption of the Lithuanian Constitution

In the early 1990s after gaining independence the majority of the Lithuanian population, mainly Lithuanians recalled the times when the country had been independent before the Second World War (Urbanavicius, 1999, p. 151). It was a period of the Lithuanian history when the constitutional order was marked by Antanas Smetona widely regarded as a president who created a strong Lithuanian state and there was a desire to restore once again a regime built on such stability (Sedelius, 2006, p. 106; Urbanavicius, 1999, p. 151), under a form of government that may be called super-presidentialism (Norkus, 2013, p. 10). As a matter of fact, proposals of full presidential systems in the constitutional history of post-

communist countries are extremely rare (Matsuzato, 2006, p. 321).<sup>1</sup> Also, the reputation of the constitutions of 1938 was low (Norkus, 2013, p. 11) and as a consequence the main political factors simply stood against the idea of just re-adopting the clearly undemocratic 1938 constitution (Sedelius, 2006, p. 106; Urbanavicius, 1999, p. 151).

We have to have in mind that Lithuanian political culture is rather personality centred (Raunio & Sedelius, 2019b, p. 3). That is the reason, as Sedelius & Urbanavicius (2006, p. 106; 1999, p. 151) describe it, why the demands on a strong presidency prevailed, especially within the popular front movement, *Sajudis*, and its leader, Vytautas Landsbergis. They leaned towards presidentialism, envisioning a president in charge of the government, and with the right to appoint and dismiss cabinets without parliamentary support. However, the former communists in the Lithuanian Labour Party (LDLP), who initially outlined a pure parliamentary system, heavily opposed Landsbergis proposals. It was more than clear in the context of conflict between the main political forces that the only solution was a balance (Urbanavicius, 1999, p. 151). Hence, the more important is that the elites reached the firm conviction that the constitution should be adopted through consensus (Matsuzato, 2006, p. 325), sought after some middle ground between the super-parliamentarism of the early 1920s and the super-presidentialism of the late 1930s (Norkus, 2013, pp. 10-11). In the end, “the semi-presidential constitution in Lithuania was a compromise with the intention of combining the prospects of legitimacy derived from the parliament with a dual executive structure, adopted in 1992 under the post-Soviet context of deep ideological cleavages, weak parties, and personally based politics” (Raunio & Sedelius, 2019a, p. 48).

### 3. The Election and the Competencies of the President of Lithuania

The Lithuanian constitution, adopted in 1992, “provides for a directly elected president with limited but more than marginal formal powers” (Raunio & Sedelius, 2019b, p. 3). The President of the Republic shall be Head of State. He shall represent the State of Lithuania and shall perform everything with which he is charged by the Constitution and laws (Constitution of the Republic of Lithuania, Art. 77). A Lithuanian citizen by descent, who has lived in Lithuania for not less than the last three years, if he has reached the age of not less than 40 prior to the election day, and if he may stand for election as a Member of the Seimas, may stand for election as President of the Republic. The President of the Republic shall be elected by the citizens of the Republic of Lithuania for a five-year term by universal, equal, and direct suffrage by secret ballot. The same person may not be elected President of the Republic for more than two consecutive terms (Constitution of the Republic of Lithuania, Art. 78). The candidate for the post of the President of the Republic who, during the first voting in which not less than half of all the voters participate, receives the votes of more than half of all the voters who participated in the election, shall be deemed elected. If less than half of all the voters participate in the election, the candidate who receives the greatest number of votes, but not less than 1/3 of the votes of all the

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<sup>1</sup> For some considerations on the position of president in post-communist countries see Višekruna & Stanić, 2015, pp. 189-190.

voters, shall be deemed elected. If during the first voting round no single candidate gets the requisite number of votes, a repeat voting shall be held after two weeks pitting the two candidates who received the greatest number of votes against each other. The candidate who receives more votes thereafter shall be deemed elected (Constitution of the Republic of Lithuania, Art. 81).

The President decides the basic issues of foreign policy and, together with the Government, conducts foreign policy (President of the Republic of Lithuania. Official page; Constitution of the Republic of Lithuania, Art. 84). He signs international treaties and submits them to the Seimas for ratification. The President appoints and recalls, upon the submission of the Government, diplomatic representatives of the Republic of Lithuania to foreign states and international organizations. He receives letters of credence and recall of diplomatic representatives of foreign states; confers the highest diplomatic ranks and special titles. Also, the president performs significant functions in domestic policy. Therefore, the President is the Commander-in-Chief of the Armed Forces of the State. He heads the State Defense Council and he confers the highest military ranks. The President appoints and dismisses, upon the assent of the Seimas, the Commander of the Armed Forces and the Head of the Security Service. He holds the right of a legislative initiative at the Seimas and also the right to veto the laws passed by the Seimas. The President appoints and dismisses, upon the assent of the Seimas, the Prime Minister. He charges him to form the Government and approves its composition. The President has the right to apply to the Constitutional Court. In cases provided for by the Constitution, the President may dissolve the Seimas. President Acts as Major Guarantor of Effective Judiciary and submits candidatures of the Supreme Court justices and a candidature for the President of the Supreme Court to the Seimas. He appoints judges and the President of the Court of Appeal. The President appoints judges and presidents of regional and local courts. He submits to the Seimas the candidatures for three judges of the Constitutional Court and a candidature for the President of the Constitutional Court. The President grants citizenship of the Republic of Lithuania, grants pardons to convicted persons, and confers State decorations.

#### **4. Functioning of the Semi-Presidential System in Lithuania in Practice**

##### *4.1. Algirdas Brazauskas (1993-1998)*

From 1993 to 1996 Algirdas Brazauskas was president and he was from the Lithuanian Democratic Labour Party (LDLP), with an absolute majority in the Parliament during that legislative period. Regardless of that fact, the president decided to distance himself from governing (Sedelius, 2006, p. 147). Maybe, his attitude was caused by the fact that he was not a good public speaker and he created an image of a technocratic politician (Urbanavicius, 1999, p. 167). An indication of his rather passive position was the rarely use of his right to veto parliamentary decisions (Elgie & McMamin, 2011, p. 5). Still, we should not think that Brazauskas was just a weak president because from time to time

he tried to intervene decisively in government matters, notably in foreign affairs, or in the appointment of certain ministers under the two governments (Frison-Roche, 2007, p. 70).

Especially, during the Lithuanian bank crisis in 1995, Brazauskas to some extent stepped in and tried to stabilise the government situation, although rather carefully (Elgie & McMenamin, 2011, p. 5). His central role, as Norkus says (Norkus, 2013, p. 23), in the LDLP government was demonstrated impressively early in 1996 when he replaced the ex-communist prime minister Adolfas Šleževičius by another ex-communist Mindaugas Stankevičius against the former's will. However, this crisis showed that the president was a bit stronger than the constitutional situation would suggest (Urbanavicius, 1999, p. 162). According to Raunio & Sedelius (2019a, p. 100) Brazauskas "was careful not to antagonize the government or the Seimas, and hence had regular meetings with the other main political leaders. He was referred to as a 'housekeeper' who wanted to ensure that his country was functioning properly. He noted that as the constitutional powers of the president are limited, he tried to influence the Seimas and the government with his political authority and support of the people. Obviously his contacts were more frequent with LDDP, the party he had chaired before winning the presidency. However, following the 1996 Seimas elections things got more difficult for Brazauskas under the center-right coalition of Homeland Union and Christian Democrats (TS-LKD), and the president essentially limited his actions to the sphere of foreign affairs."

#### 4.2. *Valdas Adamkus (1998-2003)*

The relations between the president and the government changed rather significantly during the following presidential era of the American-Lithuanian Valdas Adamkus "who was elected on an independent ticket both in the 1998 and in the 2004 presidential elections. He wrote that he needed to 'create traditions' for the institution of the president and that he wanted to act as a 'counterweight' to the government and not let parties impose their own will on him" (Raunio & Sedelius, 2019a, p. 100). He was the most popular politician in Lithuania with a support rating of 81 per cent and was not afraid to confront the majority in the Seimas (Urbanavicius, 1999, p. 167). Shortly after Adamkus' victory, "the Lithuanian Constitutional Court proclaimed its interpretation of Lithuania as a parliamentary system. However, neither this ruling nor the heterogeneity of his electorate stopped Adamkus from interpreting and using his presidential powers in his own ways. He was congenial to the idea of presidency in the American political culture and from the beginning worked to drive Lithuanian semi-presidentialism back to its presidential phase" (Norkus, 2013, p. 16). Already early in his period, "Adamkus showed his ambition to have a say in policy matters as well as commenting on the government's performance, and at the beginning of 1999, the relation between the president and Prime Minister Vagnorius began to deteriorate" (Sedelius, 2006, p. 148) and Adamkus chose to confront the second but not the first cabinet formed by Prime Minister Vagnorius (Protsyk, 2006, p. 234). The president "openly criticized Vagnorius about economic reform. As the president had no friendly majority in the Seimas, he leaned on his popular support" (Raunio & Sedelius, 2019a, p. 101).

#### *4.3. Rolandas Paksas (2003-2004)*

After the mandate of president Adamkus, “the Lithuanian semi-presidentialism reverted to its parliamentary phase until it was interrupted by the (in)famous Paksasgate story in 2003–2004” (Norkus, 2013, p. 23), the short presidency of Rolandas Paksas which ended with his impeachment from office in 2003 (Raunio & Sedelius, 2019a, p. 64). This process is in detail described by Sedelius (2006, p. 150). He writes that various disputes accompanied the first few months of the Paksas presidency. First of all, he was accused of not respecting the division of power with the government within the foreign policy sector, and he had to defend himself against allegations that the presidential office, in collusion with the LDLP, had attempted to oust Arturas Zuokas, the popular Mayor of Vilnius. That was not all and Paksas faced more serious troubles. However, everything started in October 2003 when the whole country was shaken by accusations that the president, his top advisers, and his biggest campaign contributor – the Russian-born businessman Yuri Borisov – had links with organised crime and Russian foreign intelligence service. The scandal (widely referred to as the ‘Paksasgate’) emerged as the security chief, Mecys Laurinkus, who had earlier been dismissed from the president’s office, submitted a report revealing these allegations to the parliament.

Hence (Sedelius, 2006, p. 150), “the first parliamentary commission was established to investigate possible threats to national security. The commission endorsed a first report concluding that ‘the President has been and is still vulnerable’ and found that Paksas had violated the constitution and the presidential oath on six counts. This was sufficient for the parliament to initiate impeachment proceedings against Paksas on charges of having revealed state secrets, illegally influenced privatisation, and jeopardised national security. The constitutional court as well as a special impeachment commission of parliamentarians and lawyers investigated the matter further. The court’s ruling of March 31, 2004, concluded that Paksas had violated the constitution and his presidential oath by granting citizenship to Borisov (who had lost citizenship one year before, after receiving Russian citizenship) and by leaking classified information to him. One week later, on April 6, Paksas as the first European president in history was voted out of office by slightly more than the required two-thirds of the parliamentarians.” Sedelius (2006, p. 150) cites (Mite, 2004a; 2004b; Nations in Transit, 2004) that as a consequence, by an amendment to the Lithuanian election law on May 25, stating that nobody who has been impeached should again be allowed to run for president, the parliament prevented Paksas from reappearing in future presidential races. Also, “the Lithuanian Constitutional Court on 25 May 2004 stated that an individual who had been removed from office through the process of impeachment for breaking his oath of office may never seek office requiring an oath” (Norkus, 2013, p. 17).

#### *4.4. Valdas Adamkus (2004-2009)*

Sidelius writes (2006, pp. 104-106) that during his second term Adamkus adopted overall a less assertive stance, with the balance of power more in favour of the prime minister even during the minority government of Kirgilas (2006–2008). Adamkus faced

prime ministers and cabinets from opposing political camps most of the period. In addition, it was to some extent expected, because the political scandal surrounding Paksas' impeachment called for a less confrontational approach in order to rebuild confidence in the political system in general and in the presidency in particular. The priorities were a little bit different than during his first tenure of office. It seemed so only at first glance and we should be aware of the fact that he took a less assertive stance towards the government, but did not completely abandon it.

As an example, president Adamkus used high-profile television speeches to force prime ministers and members of the Government to resign. For example, in 2005 Adamkus had intervened in the conflicts between Viktor Uspaskich, the leader of the Labour Party and the minister of economic affairs, and Artūras Zuokas, the mayor of Vilnius and the chairman of the Liberal and Centre Union. In a television appearance, Adamkus requested that the quarrelling politicians should resign from their public offices, with Uspaskich indeed deciding to leave his ministerial post. Another example was in 2006 when Adamkus again resorted to a statement on national television questioning whether the government still enjoyed the confidence of the Seimas, with Prime Minister Brazauskas resigning afterwards.

#### 4.5. *Dalia Grybauskaitė (2009-2019)*

President Dalia Grybauskaitė was also elected as an independent candidate in both the 2009 and the 2014 elections. In order to be more precise, we should mention that in 2009 she was supported by the center-right parties the Homeland Union-Lithuanian Christian Democrats and the Liberal Movement. Throughout her tenure in office her leadership style was characterized as assertive and confrontational and she became more powerful than her predecessors (Raunio & Sedelius, 2019a, p. 102). Many Lithuanian observers point out her speeches and self-presentation style (Norkus, 2013, p. 19). Grybauskaitė has shared power with premiers from opposing camps, and this has no doubt influenced her behavioural strategies (Raunio & Sedelius, 2019a, p. 102), and met them almost weekly (Raunio & Sedelius, 2020, p. 63). The exception was the 2009–2012 period (Raunio & Sedelius, 2019a, p. 102).

As Zenonas Norkus says, “at the beginning of the first tenure of office, she abstained from any steps that could undermine the rather fragile Right-to-Center coalition supporting the government pressed by the outbreak of the economic crisis late in 2008 to pursue its unpopular policy. The exorbitantly strong performance at the election and the weakness of the governing coalition under the Homeland Union leader Andrius Kubilius provided a good background for the presidentialization of the Lithuanian semi-presidentialism. Using the weakness of Kubilius' government, Grybauskaitė took steps to take under her personal control the Lithuanian foreign policy and made new appointments in the secret services and law enforcement agencies. Her behaviour during the building of the new government in late 2012 was a series of strategic manipulations in pursuit of this goal. She prevented the appointment as members of the new government of some experienced politicians by using their allegedly weak knowledge of Western languages as a formal pretext for disqualification. As a result, the Lithuanian government is one of the weakest in all post-communist times, with most members of the Cabinet representing the so to say ‘second choice’ of the governing

parties” (Norkus, 2013, pp. 18-19). After the 2016 elections, “Grybauskaitė made it clear that she intends to shape the selection of ministers. In the spring of 2018, she enforced the resignation of the minister of agriculture Bronius Markauskas and rejected Prime Minister Skvernelis’ candidate for the minister of justice” (Raunio & Sedelius, 2019a, p. 105).

## 5. Conclusion

It is obvious that thinking about a semi-presidential system as an ideal form of organization of state power that could be recommended to all newly established and young democratic systems should be rejected (Simović, 2008, p. 361). As a matter of fact, “the semi-presidential system became an ultimate compromise and a result of negotiations between ex-communists favouring parliamentary models, and the opposition advocating stronger presidential solutions” (Sedelius, 2006, p. 109). The democratic reputation of Lithuania helped them in drafting constitutions that were relatively free from international influence and to concentrate on institutional design because of the lack of regional conflicts and serious ethno-identical cleavages in society. As a result, Lithuanians promulgated a viable semi-presidential constitution (Matsuzato, 2006, p. 327).

Speaking about legal solutions we have to underline that Lithuania belongs to a semi-presidential group in Europe with medium-strong presidencies (Raunio & Sedelius, 2019a, p. 56). On one hand, as Matsuzato notes (Matsuzato, 2006, p. 331), “despite the elite’s attempt to interpret the semi-presidential constitutions in a maximally parliamentary manner, the presidents of Lithuania never turned into passive executors of parliamentary will”. As Raunio & Sedelius write (2020, p. 64), in Lithuania it is certainly legitimate and appropriate for the president to both “go public” and to interfere in matters that constitutionally belong to the competence of the government. On the other hand, the Lithuanian political system has come to be regarded as comparatively stable throughout the politically, socially and economically turbulent 1990s (Sedelius, 2006, p. 147) and this country is among the European countries with the lowest frequency of intra-executive conflict (Protsyk, 2006; Sedelius & Mashtaler, 2013; Raunio & Sedelius, 2019a, p. 8). Lithuania experienced an almost rapid democratisation process during the 1990s and is today considered as consolidated democracy (Sedelius, 2006, p. 119). We will conclude that all this tells us that the solutions of the Lithuanian constitution-maker have been appropriate and that, within the rules of the semi-presidential system of government, it has contributed to further stabilization and democratization of the Lithuanian state.

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## UZROCI, RAZVOJ I ISHODIŠTE POLUPREDSIEDNIČKOG SISTEMA VLASTI U LITVANIJU

### Sažetak

Litvanija je 1992. godine slično brojnim evropskim postkomunističkim zemljama, a različito od svojih baltičkih suseda Estonije i Letonije, izabrala tipičan polupredsednički sistem vlasti. Postavlja se logično pitanje – zbog čega je Litvanija pošla različitim putem u odnosu na Letoniju i Estoniju? Drugim rečima, neophodno je istražiti uzroke ovakve odluke litvanskog ustavotvorca, što nam može pomoći da odgonetnemo zašto i kada se ide ka ovakvim rešenjima. Kada je već, pre skoro trideset godina, odabran taj put, naučno je opravdano istražiti kako ovaj sistem vlasti u praksi funkcioniše. Odgovor na ova pitanja nam pokazuje ishodište ovakvog izbora, te stepen njegove opravdanosti, kao i elemente od kojih zavise njegove pozitivne i negativne strane.

**Ključne reči:** Litvanija, polupredsednički sistem vlasti, neposredno izabrani predsednik, vlada, odnosi predsednika i vlade, političke elite, politička kultura.

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