

LITHUANIAN POLITICAL SYSTEM AND FOREIGN POLICY DECISION MAKING

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The political system of a state encompass all the institutions and organizations involved in politics. Thus, for example, pressure groups may be regarded as a rather important part of the political system. This article will examine Lithuania's political system thoroughly. Its main purpose is to determine by whom and how the foreign policy decisions in this country are made. A necessary precondition for a proper understanding of the foreign policy making process in Lithuania is a review of Lithuania's political system and the changes that took place in it. Some important changes occurred in this system during the new period of independence. They affected the roles which different branches of government and their representatives play in the process of shaping and implementing foreign policy decisions. Of special importance are the changes in the distribution of political power at the governmental level and, thus, the article will begin with a very brief review of the development of the party system in Lithuania..

Lithuania's progress on the road to democracy was directly linked with the development of the multiparty system. The first steps toward reestablishing a multiparty system were made in the years 1988-1989 with the founding of the Lithuanian Restructuring Movement *Sąjūdis*, the establishment or reestablishment of non-communist parties and the elimination of the article proclaiming the leading role of the Communist Party from the Constitution of the Lithuanian Soviet Socialist Republic by the Supreme Council of Soviet Lithuania. At the end of 1989 three of the five most important current political parties in Lithuania already functioned: the Social-Democratic Party, established at the end of the 19th century, the Christian Democratic Party, founded in the 1910s, and the independent Lithuanian Communist Party which severed its ties with the Communist Party of the Soviet Union in December 1989 and later changed its name to the Lithuanian Democratic Labor Party (LDDP). Two other, now very popular and influential parties: the Center Union and the Homeland Union, also called the Lithuanian Conservatives, were established in the early nineties.

In the first years of independence, parties (except for the LDDP) were weak. The parliament which proclaimed the restoration of independence in 1990 and ruled until 1992, was not organized on a party basis. Yet the electoral law it passed, distributing 50 percent of the seats in the parliament according to a proportional system among parties overcoming a minimum threshold, together with the reduced role of *Sąjūdis* which dominated Lithuania's political life in 1990-1991, created favorable conditions for strengthening political parties. The fixed threshold was intended to limit the number of parties which could play an active role in Lithuania's political life.

Until March 11, 1990 Lithuania's basic law was the Constitution of the Lithuanian Soviet Socialist Republic. That day immediately after the restoration of the statehood of Lithuania, the pre-war Constitution of the Republic of Lithuania was put into force (more exactly, not the whole Constitution but an essential part of it). This move was primarily a symbolic act to insure the continuity of Lithuanian statehood, broken by Soviet occupation and annexation in 1940. Later that day, the 1938 Constitution was replaced by the newly adopted Provisional Basic Law of the Republic of Lithuania.

The Provisional Basic Law determined that the Lithuanian state would be an independent and democratic parliamentary republic, but the very law was designed on the basis of the Constitution of the Lithuanian Soviet Socialist Republic. In fact, the

constitution was simply rewritten, eliminating outdated articles (especially those related to the Republic's subordination to Moscow) and introducing new ones only out of necessity. The Provisional Basic Law was not a masterpiece of legal work.

According to it, practically all political power was concentrated in the hands of the Lithuanian parliament then called the Supreme Council and the legal situation was characterized by an almost total lack of checks and balances. The powers of the parliament and its chairman were not clearly defined. Although his main function, supposedly, was to be the speaker of the Parliament, Vytautas Landsbergis, acted practically as the Head of State. Combining these two functions is not very typical, to put it mildly, for modern democracies. In general, the Lithuanian Parliament in 1990-1992 was a bit like the Convention of the French Revolution. Being quite suspicious of other institutions, their staff, and even of its own members, the parliament wanted to decide everything. Accordingly, the Cabinet did not play an important role in policy making: it did not make major political decisions. The third branch of government - the court system - was also weak. In this respect Lithuania simply continued bad Soviet traditions.

The similarity of the Lithuanian Supreme Council to the French Convention was also shown by the coming of the moment, at the end of 1991, when its chairman and leader lost the Council's support. A so-called "New Majority" emerged in the Supreme Council which did not support Landsbergis or his Prime Minister, Gediminas Vagnorius. New elections were the only possible solution. It was clear to everyone that the Provisional Basic Law was a bad constitution for Lithuania. With great efforts and after overcoming many political difficulties, a compromise project for a permanent Constitution was prepared by the Supreme Council. It was presented to the people for approval in a referendum on the same day (October 25, 1992) as the elections to the parliament (now called the Seimas).

The elections brought defeat to the political forces led by Landsbergis and Vagnorius, but the Constitution was approved and came into force a week later. The new Constitution made important changes in the distribution of political power among the different branches of government. A system of checks and balances was created. The powers of the Seimas were diminished. Two new important institutions: the Presidency and the Constitutional Court were established.

According to the Constitution, the President is the Head of State. Of the 24 special powers and areas of responsibility mentioned in article 84 of the Constitution, the most important one is probably his power to settle basic foreign policy issues and, together with the Government, to implement foreign policy. The President may (in two specified cases) dissolve the Parliament. He is the Commander in Chief of the Armed Forces and is the head of the State Defense Council. In general, according to the Constitution he is in charge of the country's foreign, defense, and security policies. He, however, has very limited powers in domestic policy. Thus, there is a great degree of asymmetry between the presidential powers in domestic and international policy making.

The President's executive powers and his election by a popular vote make Lithuania a semi-presidential republic. Scholars who want to emphasize that the powers of the Lithuanian president are more limited than, say, those of the president of France and that in exercising most of them he needs the consent of the Seimas or the Prime Minister, use the term parliamentary-presidential republic.¹

¹ Alvydas Lukođaitis, "Prezidentas Lietuvos politinėje sistemoje: vietos ir galių paieðkos" [The President in the Political System of Lithuania: Seeking His Place and Powers], *Politologija*, 2, 1998.

The second basic innovation introduced by the Constitution was the establishment of a Constitutional Court for the first time in Lithuania's history. The third branch of government was seriously strengthened, and the constitutional mechanism for solving disputes between the Parliament, Cabinet, and President was created.

With the election of the President in February 1993, who was sworn into office later that month, and the beginning of the activities of the Constitutional Court a bit later, the legal framework for the political system of present day Lithuania was created. There were few legal innovations in the subsequent years. The stability of the constitutional framework of the political system strengthened the system's stability.

The functioning of this system depends, however, not only upon its legal basis but also upon the political color of its elements, on the character and political strength of the individuals in key positions and their personal relations. Due to this and depending upon formal or informal decisions made by key political players, Lithuania's political system gradually changed.

In a semi-presidential republic the smooth functioning of the political system depends upon the close cooperation among the Parliament, Cabinet, and President. Between the Seimas elections of 1992 and 1996, all political power centers were under the control of the Democratic Labor Party. In accordance with the Constitution, President Algirdas Brazauskas suspended his membership in the party, which he was then leading, but this did not change his political sympathies. His authority in the Party was really great and the cooperation between the power centers initially proceeded smoothly. Yet after some time the Prime Minister and later new leader of the Party, Adolfas Šleževičius and his cabinet began to act more independently, ignoring the opinion of the President, not to speak that of the party's rank-and-file members in the Seimas. Gradually it became clear that the Prime Minister and not the Chairman of the Parliament or the President was politically the most powerful person in Lithuania. With the support of the absolute majority in the Seimas, he is able to implement major decisions with the President having no real power to block them. It should be mentioned that the President in Lithuania has only rather weak powers to veto legislation: the Seimas can overturn the President's veto by a repeated vote of more than half of *all* its members. It was only the scandal caused by the revelation that Šleževičius withdrew his personal savings from the Lithuanian Joint-Stock Innovation Bank before the decision to suspend its operations was announced allowed Brazauskas and the opponents of Šleževičius in the ruling party to oust him in early 1996. For a short while, Brazauskas reestablished the prevailing position in political life which he had held in 1993, but he lost it after the parliamentary elections at the end of 1996. The elections were won by the Conservatives who formed a coalition Cabinet with the Christian Democrats. Since the coalition had an absolute majority, Brazauskas had to face a politically rather hostile Parliament. His relations with it were not good, his vetoes were repeatedly overturned. This was probably one of the reasons why he did not seek a second term.

The election of Valdas Adamkus as president at the beginning of 1998 considerably changed the political configuration in Lithuania. First of all, he did not have the political burden (i.e. Communist past) which restricted the activities of Brazauskas, especially during his last year in office. In 1998 Adamkus managed to do much more politically than most of his supporters expected. Yet the majority of his political actions, especially in shaping the cabinet, required the cooperation of the prime minister. And on the crucial question: does the president have the right to nominate a new prime minister after presidential (and not parliamentary) elections, the Constitutional Court answered *no*. This was the first time that a decision of the

Constitutional Court was criticized by a number of lawyers, politicians, and political analysts. This controversial decision further strengthened the already strong position of Prime Minister Vagnorius, who was serving his second term as premier. In many respects, his position in Lithuania's political system was similar to that of a prime minister in a parliamentary republic. In 1998 Vagnorius strengthened his position in the Conservative Party at the expense of Party and Seimas Chairman Vytautas Landsbergis.

At the beginning of 1999, it became clear, however, that the political weight of the prime minister and his role in Lithuania's political system depended upon his ability to control the ruling party and, especially, its parliamentary faction. Prime Minister Vagnorius was for some time the powerful Chairman of the Board of the Homeland Union and this position assured him - as it seemed then - the unconditional support of the Seimas. Yet when the economic situation in Lithuania worsened, his position in the Homeland Union became more shaky. Probably already at the very beginning of 1999, Vagnorius decided to step down as prime minister. His relationship with the President and the Seimas Chairman became tense and he left office in the spring of 1999.

His successor as prime minister, Rolandas Paksas did not have the great support in the Homeland Union which Vagnorius had gathered during his long political career. Although he replaced Vagnorius not only as prime minister, but also as the chairman of the board of the ruling party, he did not have its unconditional support. Thus, he was forced to resign from both posts when his opinion on an important economic and foreign policy issue (the sale of the state-owned "Mažeikiai oil refinery" to "Williams International") clashed with that of the rest of the party's leadership.

It is necessary to stress that the changes we have mentioned took place within the confines of a *democratic* political system. Lithuania successfully passed the test of a *consolidated* democracy on two occasions. In both 1992 and 1996 political power was passed to the former opposition peacefully and constitutionally. Lithuania today also fulfills other criteria of a consolidated democracy: it has practically no antisystemic political forces, a wide consensus exists among the political elite concerning democratic principles and procedures, and in spite of the rather low confidence in the Parliament and Cabinet (which contrasted until recently with the much higher confidence in the President) there is a high degree of support for democratic values in society.

The legal and political changes that took place in Lithuania had a substantial effect on determining foreign policy. Most importantly, the role of the legislative and executive branches in making foreign policy decisions changed.

In 1990-1992 when all the power in Lithuania was clearly concentrated in the parliament, the Supreme Council- Reconstituent Seimas (in shaping foreign policy in the Supreme Council, its chairman Vytautas Landsbergis clearly dominated) shaped foreign policies. On the other hand, after the adoption of the permanent Lithuanian Constitution, the role of the executive branch and especially of the president in foreign policy clearly increased after 1993.

The 1992 Constitution grants the President the right to decide most important questions of foreign policy and President Brazauskas began to use this right, beginning with the solving of the complicated questions concerning the withdrawal of the Russian army from Lithuania in August 1993. Most of his decisions, for example, the appeal in January 1994 for Lithuania's acceptance into NATO (this, undoubtedly was influenced by the resolution of the Seimas on this question in December 1993), the activities improving relations with Poland, Belarus, and other neighbors near and far, produced good results. The activities of President Brazauskas in the field of foreign relations were crowned by the Vilnius Conference, attended by 11 presidents and one prime minister, the signing of the border treaty with Russia and of the Charter with the United States which strengthened the security of all the Baltic states and their ties with the

most influential world power. All of his actions, however, were not always so successful, and even he himself now critically views, for example his effort to intervene actively in determining Lithuania's sea borders and economic zones with Latvia. However, the aim of this article is not an evaluation of the foreign policies of the first post 1990 Lithuanian president, but the determination to what extent he truly formed and led policies.

In the field of foreign policies the Constitution grants the President of the Republic of Lithuania, at least at first glance, major powers. As we mentioned, his powers in the fields of domestic and foreign policies are clearly juridically asymmetric; the first are quite meager while the second are impressive. Nevertheless, despite all the significant and generally very useful to Lithuania international documents signed by Brazauskas, by the end of his term it became increasingly clear that the President does not determine basic foreign policy questions, but only approves with his signature agreements reached by others. The President did not try to conceal this, honorably stressing for example, the great work of the delegation and especially its leaders in settling the border with Russia. During the last days of his term and after its completion Brazauskas stated directly that his real possibilities as president to make political decisions in all areas, including foreign policy, were very limited and suggested that either the powers of the president be expanded, or accepting that they should be *minor*, the direct presidential elections be abandoned replaced by an election by the parliament, as is the usual practice in parliamentary republics.

The real powers of the Lithuanian President even in the field of foreign policies are actually smaller than from the impression one would obtain by superficially reading the Constitution. The President *alone* does not have the power to make any decisions having serious consequences. He appoints and recalls the diplomatic representatives to foreign states and international organizations only after the proposal of the government, he appoints and dismisses the minister of foreign affairs (as with all other ministers) at the proposal of the prime minister, the Seimas has to ratify (although they can also not ratify) the international treaties the president signs. Thus, the real influence of the president in foreign affairs is very dependent on his relations with the majority of the Seimas and with the government. It seemed that during the period when the LDDP was in power Brazauskas had really free hands in foreign policies. However, this was clearly the case for only a short period, perhaps for a year or a year and a half. At first, Brazauskas very seriously lacked experience in the field of foreign relations, and moreover, he was restricted by the fear of being accused of making concessions to Russia; the minority in the Seimas very carefully and very suspiciously followed his every step. From the end of 1994 the real control of the majority of the Seimas (and, clearly, the government) slipped from his hands, shifting to Prime Minister Dlebevičius. After the Seimas elections in 1996, oppositional political forces had a majority and it became very difficult for the president to cooperate with the Seimas.

Such are the political realities. The president does not have the power to change them. But he is also partially responsible that the situation developed in this way. It is worth remembering, for example, that the real powers of the U.S. President in foreign affairs were at first relatively small, but they were expanded *without changing the U.S. Constitution*, by the political actions of later presidents.² The courts in which the Congress and its members have more than once accused various American presidents of overstepping their powers, simply did not find anything in the U.S. Constitution that would *prohibit* the President from taking initiatives in this field. The error of President

² J.A. Nathan, J. K. Olivier, *Foreign Policy Making and the American Political System* (Boston, Toronto: Little, Brown & Co., 1987).

Brazauskas was that he formed his staff almost exclusively from the representatives of one party. Moreover, that was also the reason why it was difficult for him to remain the real leader of foreign policy when another politician became the real leader of the party. After the 1996 Seimas elections the position of Brazauskas, of course only worsened.

Brazauskas could have shown more initiative in foreign policy. But he was hindered not only by his personal political biography, but also by the presence in the Presidency of only several officials assisting him in foreign affairs. Many more officials work in the Ministry of Foreign Affairs [in Lithuanian - Užsienio reikalų ministerija; henceforth - URM]. Thus, if he liked it or not, the President in practice had to hand over most of his powers to the URM. At the same time he also handed over any initiative.

President Valdas Adamkus collected a stronger team of advisors and assistants. The appointment of Albinas Januška as advisor for foreign policy and national security questions and of other talented people, who had gone through the good school of the URM, to the Presidency suggests that Adamkus has serious intentions to be more than the titular steerer of Lithuania's foreign policy. The previous disproportion in the qualifications and experience between the officials of the URM and the Presidency has been reduced. In fact, as we mentioned, the decision of the Constitutional Court, taking away the right of the new president to influence the selection of the premier after presidential elections, did not strengthen the juridical powers of the president. However, the actual role of the president in Lithuania's foreign policy is affected much more not by this decision, but by the activities of the president and his small staff.

It is still too early to evaluate this seriously today. But up to now the initiatives of the President in foreign policy have not been numerous. Just as Brazauskas, Adamkus became president without almost no experience in the field of foreign relations. This, of course, made it more difficult for him to try to make fundamental decisions in foreign policy. The priorities of Lithuania's foreign policy - membership in NATO and the European Union - were settled much earlier and have seldom been questioned. But their proportional importance can be evaluated and the Lithuanian President's word in this question could be important.

President Adamkus, it seems, believes that NATO is a more important organization for Lithuania. However, today while waiting for the start of Lithuania's negotiations with the EU, the real (although never officially declared) priority, which until now not only he but in principle all the politicians in Lithuania assigned to NATO, raises substantial doubts. After seriously weighing all the current interests of Lithuania (and not just the security requirements of the country), one might perhaps come to the conclusion that the European Union is a more important structure for the state than NATO. In one way or another, the not very good preparation by Lithuania for entry into the EU is in part influenced by the absence in Lithuania of any state official capable of *realistically* (and not only according to the Constitution) reviewing and changing the country's main long standing political orientation or, more specifically, the importance assigned to various orientations. This is a major shortage of the process shaping Lithuania's foreign policy. Because of the peculiarities of Lithuania's foreign policy mechanism it is particularly difficult to *change* the direction of movement of the foreign policy train. To turn Lithuania's policy more in the direction of the European Union (and not of NATO or the USA) is particularly difficult because various state institutions (also including those which are responsible for domestic policy) would have to coordinate their activities properly to prepare for EU membership. Not being the head of the executive branch, the President of Lithuania does not have the real authority to coordinate the work of its institutions or to initiate principal reorientations of its activities.

The Foreign Policy Coordinating Council was established in Lithuania to help the president determine the fundamental foreign policy questions and to coordinate the activities of different state institutions in this field. However, the council does not have a Constitutional status and its role in forming and implementing foreign policy is not large.

In most parliamentary (and also in half presidential) republics the prime minister plays an important role in shaping foreign policy. Heading the executive branch, he also has the possibility to direct the work of the Ministry of Foreign Affairs. Actually, he can use this possibility only if he is seriously interested in foreign policy. In Lithuania, however, a different situation developed: the premiers usually pass the decisions on foreign policy questions (as much as it is a matter of the government's competence) to the foreign minister. The experience of minister Algirdas Saudargas in the foreign policy field is great and in this respect no Lithuanian prime minister could and can really match his credentials. For this reason, as well as because it disposes major human resources and through its constant ties with Lithuania's embassies abroad and with foreign embassies in Lithuania receives the broadest information available, the URM plays an especially important role in shaping the state's foreign policy. In practical terms, it prepares all the decisions dealing with foreign policy. But the power of the ministry and the minister to make decisions is, nevertheless, limited by the Constitutional powers of the president as well as the circumstance that some foreign policy questions are discussed and resolved in the State Defense Council in which the vote of the foreign minister is not decisive.³ The council, whose main task is to discuss and coordinate the state's most important defense questions, is another participant in the process of shaping foreign policy and at times its decisions have a truly great meaning for Lithuania's international orientation. The last example of such a decision is the approval of the sale of the "Mabeikiai oil refinery" to "Williams International."

What role does the Seimas play in shaping Lithuania's foreign policy? In recent years this role was quite small although one could not say the same about the role of the Seimas chairman. This is in part due to the small resources available to the Seimas. It has almost no foreign policy advisors and experts and apparently does not even feel any need to have more. In this respect, it can not compete with the U.S. Congress which has a hundred times more advisors, but can also not even remotely match the parliaments of Sweden and Great Britain. In general, the staffs of the Seimas committees are very meager in both the number of employees and in their qualifications. The government was completely satisfied with this situation and was not interested in changing it because without a proper staff the Seimas could neither seriously control its activities nor say anything about forming policy.

But, nevertheless, the new, i.e. elected in 1996, Seimas clearly tried to increase its role in shaping foreign policy. The old Seimas never passed a National Security concept although it was proposed in different versions. written and rewritten, discussed and corrected many times. On the other hand, the new Seimas quite swiftly, already on December 19, 1996 passed the law on the foundations for the National Security of the Republic of Lithuania. The Seimas also had serious plans to approve a foreign policy concept.

It should be mentioned here that the Lithuanian government in 1994 discussed and in principle agreed with the Lithuanian foreign policy concept prepared by the

³ Article 140 of the Constitution of the Republic of Lithuania does not even determine the membership of this council in which as it is said include "the Republic's President, Prime Minister, the Seimas Chairman, Minister of National Defense and the head of the army". *Lietuvos Respublikos Konstitucija* [Constitution of the Republic of Lithuania] (Vilnius: Press of the Republic of Lithuania Seimas, 1993), p. 90.

URM. It or at least the priorities for Lithuania's foreign policy mentioned in it have in practice been followed up to now. However, the document (incidentally, not the worst one for those times) was not to my knowledge formally ratified. It was not presented to the parliament. The chairman of the Seimas Foreign Affairs Committee several times in 1994-1995 openly complained that despite his repeated requests, the government did not allow him to become acquainted with the document. The current Seimas planned to change this situation. There is no doubt that the determination of foreign policy priorities in the Seimas would increase its role in foreign policy. I think that it could be more significant. But one could also provide many serious arguments against the ratification of a broad concept that would severely limit the executive in the dynamically changing international situation. It is, apparently, worth stressing that the majority of the world's countries, including the USA whose Congress has considerable influence in foreign policy, do not have a legally approved foreign policy concept, limiting the rights of the executive organs and do not miss it.

The process of shaping and implementing the foreign policy in Lithuania is influenced by the Constitution, which changed the *formal* status of the participants in this process as well as by the subsequent change in the *real* political powers of its participants. The latter was determined by the actualities of the state's political life and the specific personal peculiarities of its political figures. One particularly important drawback of the foreign policy shaping process in Lithuania is the absence of a clear center which would have both the Constitutional power to make decisions and the administration to implement them. The half presidential (or parliamentary-presidential) republic in which the powers of the president in the executive field are very limited is not the best political frame work for making foreign policy decisions and implementing them smoothly and effectively. The author in a comprehensive and critical manner reviews the development of the formation of Lithuanian foreign policy and evaluates its current status. In his opinion: "Lithuania's accomplishments in foreign policy are better than the institutional frames in which this policy was formed and realized and which hinder its consistent planning and coordination. The relatively successful Lithuanian foreign policy up to now was determined by the quite large consensus of the views of various political forces on foreign policy questions. Although the friction between the main participants in shaping and implementing foreign policy are clearly seen, it never grew into a direct confrontation on questions of principle. And the fact that the consensus of the President, Seimas, and Government is necessary to approve and implement the most important foreign policy decisions, of course, also has some merits—swift and unexpected changes in Lithuania's foreign policy are almost impossible.

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