Constitutions and institutional design in the Baltic States
Part I

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Objectives of the lecture

• To provide a general overview about the constitutions in the Baltic States
• To provide a more detailed overview about the main governmental institutions in three Baltic States: parliaments and presidents
• To introduce briefly local governmental system in the Baltic States
Outcomes of the lecture

• The basic knowledge about the main features of the institutional design and political system in the Baltic States
• The basic knowledge about the presidents and parliaments in the Baltic States: how they are working, what is their power
• The basic knowledge about local governments in the Baltic States
Institutional design - briefly

- Latvia reintroduced inter-war constitution (1922),
- Estonia, Lithuania adopted new constitutions (1992)
- Latvia and Estonia parliamentary republics
- Lithuania semi-presidential
- Latvian and Estonian presidents:
  - rather ceremonial power
  - very restricted impact on foreign policy and even weaker on domestic policy (can the veto bill).
- Lithuanian president:
  - Semi-presidential but parliamentary-inclined system. Parliament effectively checks the power of president
  - Playing important role in foreign policy but quite restricted role in domestic policy
  - President has much weaker power than in France, even weaker than in Finland
Constitutions – general remarks I

• **Estonia:**
  – Compromise between Congress and Popular Front – both organs helped to found Constitutional Assembly
  – Main struggle between supporters of stronger presidency and supporteres of parliamentary regime.
  – Status of Russian minority also under discussion: radicals wanted to take all civil/social rights from them

• **Latvia:**
  – Reintroduced interwar (1922) constitution
    - Several amendments are made later
    - Main struggle between those who preferred new constitution (Russian parties) and those who supported reintroduction of 1922 constitution
Constitutions – general remarks II

• Lithuania:
  – 1990-1992 interwar constitution (1938) was in force.
  – Drafting was a very long and complicated process.
  – Sajudis (supported strong presidency) vs Social Democrats (parliamentary regime).
  – First referendum failed – low voter turnout
  – Finally new constitution was adopted in October 1992 (second referendum)
Constitution – Estonia I

- Parliamentary system
- Parliament:
  - *Riigikogu*. Unicameral, elected for 4 years, 101 members
  - Authority: Legislation, international treaties, appoints prime minister (but not single ministers), can express no confidence to government or single ministers, etc.
- Presidential elections:
  - Elected by parliament (2/3 of members should support his/her candidate),
  - If parliaments fails to elect the president after three ballots (like 1996, 2001, 2006) right to elect president is conferred on a Electoral College (101 members of Riigikogu+273 representatives from local governments).
  - If the College fails after 2 ballots, the process will start again.
Constitution – Estonia II

- **President:**
  - Has rather a ceremonial power
  - But he/she can veto bills passed by parliament when he/she finds they are not in accordance with constitution (L. Meri and A. Rüütel used it several times).
  - Parliament can override president’s veto with majority
  - If parliament succeed to override the veto, President can ask the Supreme Court to declare a law unconstitutional.
  - President can propose his candidate of Prime Minister to Riigikogu (Riigikogu makes the final decision).
  - Recommends the members to Constitutional Court (Riigikogu confirms them)
  - President can propose his candidate of:
    - Commander-in-Chief of Army, President of Estonian Bank
    - Several other high ranking officials (Riigikogu makes a final decision)
Constitution – Latvia I

- Parliamentary system
- Parliament:
  - Called Saeima. Unicameral, elected for 4 years, 100 members
  - Authority: Legislation, international treaties, appoints prime minister, can express no confidence to government or single ministers.
  - A difference from Estonia – members of Supreme Court are appointed by parliament without any involvement of president.
  - One-third of members of Saeima have a right to ask president not to promulgate certain bill – Saeima should vote once more.
- Presidential elections – elected by parliament (51 members of Saeima should support his/her candidate).
Constitution – Latvia II

• President
  – Has a ceremonial power.
  – But can veto bills passed by parliament when he/she finds that they are not in accordance with constitution. Parliament can override president’s veto.
  – President can dissolve parliament, but dissolution should obtain the support of electorate in referendum.
  – President appoints the prime minister (but parliament should approve).
  – President has a legislative initiative
  – Dismissal of president – 2/3 of Saeima should support.

• Constitutional court – founded in 1996
Constitution - Lithuania

- Semi-presidential system
- Parliament:
  - Called Seimas, elected for 4 years, 141 members.
  - Has same functions like in Estonia and Latvia.
  - A difference – Seimas should approve program of government.
- President – elected in direct elections (2 rounds) for 5 years
- President:
  - Leading figure in foreign policy (in Estonia and Latvia Presidents represent the state, but in Lithuania mandate is even stronger).
  - Appoints the prime minister (should be approved by Seimas).
  - Single ministers appointed and dismissed by presidential decree, but according to prime minister’s request and approval of Seimas.
  - Can veto bills passed in Seimas (Brazauskas vetoed 23/1000 bills). Parliament can override president’s veto with simple majority.
  - President may dissolve the Seimas if government is defeated in a vote of no confidence and asks president to call early elections.
  - President has legislative power – but decrees should be countersigned by prime minister and the minister of certain affairs.
Conclusion - constitutions

• Latvian and Estonian constitutions
  – Quite similar, but Latvian president has even more power

• Lithuania
  – Semi-presidential but power of president and parliament is balanced
  – Semi-presidential parliamentary-inclined system – president not dominant, parliament checks his power

• Lithuanian president
  – Lithuanian president more to say in foreign policy and domestic policy, but differences with Latvia/Estonia not very remarkable

• Phenomenon of Latvia and Estonia – in reality the role of presidents sometimes quite prominent