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Eesti tuleviku heaks

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:
 - New constitution adopted in referendum in June 1992.
 - Compromise between Congress and Popular Front – both organs helped to found Constitutional Assembly
 - Main struggle between supporters of stronger presidency and supporters 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 parliament 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. Rützel 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
 - Latvia has introduced more constitutional amendments after 1992. Estonia – no substantial amendments made.
- 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