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DEMOCRATIC STATE-BUILDING IN POST-COMMUNIST LITHUANIA

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The collapse of Communism in Central and Eastern Europe released a fifty-year grip on the region and began the process of transforming the countries into democracies with market-dominated economic systems. New constitutions replaced those implemented during Soviet rule, creating legal frameworks for the development of democratic societies. Laws and institutional structures were changed and soon the basic hallmarks of democracy – the right of association, freedom of assembly, numerous political parties, free elections, the rule of law, and peaceful transfers of power – were acknowledged and evident.

But, the establishment of legal foundations for democracy in post-Communist Central and Eastern European countries was only a step in the post-Communist democratization process. Since democratization changed the nature and function of the existing political systems to ones based on and functioning according to a radically different set of principles, it necessitated a fundamental shift in the norms, values, and behaviors of their populations. A culture supporting independence and a democratic way of life had to emerge in each post-Communist Central and Eastern European society that sought to consolidate its democracy.

It is well-known that Bulgaria, Czechoslovakia, Hungary, Poland, and Romania did not have identical experiences under Communist rule and that the Eastern European countries differed both from each other as well as from Lithuania, Latvia and Estonia, which had been drawn directly into the Soviet system. Consequently, it stands to reason that their democratization experiences would differ as well. In general, the democratization process in Eastern Europe focused on decentralization: the shifting of power away from the state and to the citizens. The countries emerging directly from the framework of the former Soviet Union had to meet the additional challenge of reestablishing their own identities – both within their own borders and to the outside world. Thus the first step in Lithuania's, Latvia's, and Estonia's democratization process was state-building: gaining control of their territorial borders as well as over the institutions of power. This was followed by the shifting of the balance of power away from the state as a dominating entity, which citizens depended on for survival, to one more conducive to a partnership between citizen and State.

Both the Eastern European countries as well as Lithuania, Latvia, and Estonia began stripping away the Soviet cultural overlay. In the initial phase of democratization, they took control of institutions of power, severed links with Moscow, and removed Soviet symbols to signify the end of Soviet rule. They abolished the single-party system and decentralized their economies, demonstrating a huge shift in power away from the state to the people. Free elections and the peaceful exchange of power between incoming and outgoing state officials confirmed the people's authority over the state.

By 2003, the Freedom House Nations in Transit Democracy Rankings for the scoring period between January 1, 2002 and December 31, 2002 showed that seven of the nine Central and Eastern European countries were ranked as consolidated democracies while the remaining two were considered to be democracies exhibiting some consolidation (See table below).

Table 1	
Freedom House Nations in Transit Democracy Rankings 2003 ¹	
Consolidated Democracies	Democracies (Some consolidation)

Czech Republic	Bulgaria
Estonia	Rumania
Hungary	
Latvia	
Lithuania	
Poland	
Slovakia	

Changes in laws and institutions eliminated some of the structures and relationships that existed in the Soviet system. Multiparty systems replaced the single-party Soviet political system; people regained the right of association, freedom of assembly, and freedom of movement.

In 2004, the majority of Central and Eastern European countries continued to be ranked as consolidated democracies, seven of the nine countries entered NATO, and on May 1, 2004 became members of the European Union.

Table 2			
Central and Eastern European Country Status 2004 ²			
Country Name	Consolidated Democracy	NATO Member	EU Member
Bulgaria	NO	NO	NO
Czech Republic	YES	YES	YES
Estonia	YES	YES	YES
Hungary	YES	YES	YES
Latvia	YES	YES	YES
Lithuania	YES	YES	YES
Poland	YES	YES	YES
Rumania*	NO	NO	NO
Slovakia	YES	YES	YES
* Democracy with some consolidation			

Table 3	
Proportion of Citizens that Agree that Their Country's Parliament Should Be Closed and Political Parties Banned ³	
Bulgaria	25%
Czech Republic	27%
Estonia	30%
Hungary	12%
Latvia	38%
Lithuania	44%

Poland	19%
Rumania*	21%
Slovakia	40%

Yet, despite the progress Central and Eastern European countries have made on the formal level, evidence also shows that they remain fragile democracies. In a 2001 opinion poll, substantial portions of each population said that, in theory, they would support the closing of their parliaments and the banning of political parties – in other words, to do away with two quintessential aspects of democracy (See Table 3).

Table 1 and Table 3 provide an interesting contrast: on the one hand, formal democratic procedures and institutions have been introduced in each of these countries, on the other, substantial portions of their populations still lack the democratic spirit. Table 3 shows that after more than a decade of democratization, economic transition, and on the threshold of EU and NATO membership – a clear reintegration into the West – a considerable number of people (28% of those who took part in the 2001 poll) were still reticent to embrace democracy. On average, a greater proportion (37%) of people in countries emerging directly from the framework of the Soviet Union expressed support for actions opposed to democracy than the proportion (24%) of those polled in Eastern European countries. It stands to reason, however, that countries that were fully occupied and subjected to complete dominance and a prolonged period of terror, coercion, and threats by the Soviet Union would take longer to reestablish a concept of individuality, self-worth and independence than their neighbors who experienced some degree of freedom during Soviet rule.

Lithuania, one of the first countries to break from the Soviet Union after more than fifty years of Soviet occupation and to begin the process of democratization and reintegration into Western civilization, can be used as an example of both the progress in and the challenges to democratization in post-Soviet Central and Eastern Europe. This paper examines Lithuania's democratic development by measuring how Lithuania's democratic processes have worked during the nation's first presidential impeachment process.

Democratic State-Building in Lithuania

After declaring independence, Lithuania discarded the Soviet system of governance and reorganized itself as a constitutional democracy based on a constitution that vests the powers of government in a popularly elected president, a unicameral parliament, a government headed by a prime minister and an appointed judiciary. Over the course of the first twelve years following the reestablishment of its independence, Lithuania increasingly decentralized and democratized its institutions, making its government more efficient, transparent, and increasingly more reliable. During that time, the country enjoyed peaceful exchanges of power following elections, developed one of the most rapidly growing economies in the area, and seemed to be successfully overcoming the Soviet legacy as it prepared to join NATO and the European Union in 2004.

The third post-independence presidential elections held in 2002, with a second round in January 2003, yielded surprising results. President Valdas Adamkus was unseated by Rolandas Paksas, stunt pilot and construction business owner, twice ex-mayor of Vilnius and twice prime minister. The results were even more surprising given each candidate's record. Adamkus had successfully brought the nation to the threshold of NATO and EU membership and had promoted Lithuania as a reliable partner worldwide. Paksas had no foreign policy experience, a record of changing party allegiances and, at opportune times, resigning from all political posts that he had held in the past. However, Paksas was widely known as a young and daring stunt pilot, and he campaigned vigorously in the countryside while the campaign of the elderly Adamkus, assured of success, appeared complacent and was content to concentrate on its base in Vilnius. Moreover, the Paksas campaign made unrealistic promises, such as raising pensions, that won him broad popular support, but which in reality were impossible to fulfill because they fell outside of the president's constitutional powers. Lithuania's president oversees Lithuania's foreign policy but holds little formal power in domestic affairs. Since he is elected by the people, he can assert moral authority over a wide range of issues, but he does not have the power to raise pensions.

Lithuania's Presidential Scandal

Ten months later, in October 2003, a presidential scandal erupted, testing the strength of Lithuania's democratic institutions and rocking the nation as a whole. On October 30, Lithuania's State Security Department issued a report to parliament linking Paksas, his Advisor on Security Remigijus Ačas, and his main campaign contributor Yuri Borisov, Russian businessman, with ties to international criminal groups. That evening, Paksas denied the accusations in a televised address to the nation. Lithuania's Parliament (Seimas) held an emergency session which was also broadcast to the nation. During the course of the session, some of the secretly recorded telephone conversations linking the President to organized crime were played. On them, individuals with ties to organized crime discussed deals that had been made with Paksas before the elections in January. On one of the tapes, Borisov, the chief contributor to Paksas's presidential election campaign, was heard threatening the President for reneging on a deal the two had made prior to the election. The news stunned the nation. On November 4, the Seimas formed a special parliamentary commission to determine whether Paksas posed a threat to national security, had violated the constitution, or had broken his presidential oath. The special

commission, which became known as the Sakalas Commission after the parliamentarian heading it, immediately decided to keep its hearings as public as possible, on the principle that the public has a right to know the facts upon which it would base its report. Consequently, the commission's hearings were televised live, allowing citizens throughout the country to hear all evidence except that which had to remain classified due to national security requirements.

As the scandal unfolded, public calls for Paksas to step down grew. On one occasion, 5,000 people marched through Vilnius demanding that Paksas resign. Paksas continued to insist that he would not resign and began traveling across Lithuania to meet with supporters. His visits strained communities and encouraged conflict as he urged his supporters to "remember the names of those who did not support him" – words that stirred up memories of the Soviet era, when neighbors spied on neighbors and "other" meant "enemy."

On December 1, the Sakalas Commission issued a ten-page report which confirmed that the State Security Department's report – alleging ties with the Russian mafia and secret service – was accurate, that Paksas had personally leaked secret information, and that he constituted a threat to Lithuania's national security. Seimas then asked the Constitutional Court to rule on the legality of Paksas's decision to grant citizenship to Borisov as a payback for financing his election campaign. On December 31, Lithuania's Constitutional Court determined that the decree by Rolandas Paksas granting citizenship to Yuri Borisov, the main backer of his campaign, was unconstitutional. The reading of the court's verdict was broadcast live.

In the interim, 86 Members of Parliament had signed a document stating that they would vote to launch impeachment hearings – 85 votes out of 141 are needed to impeach the President. Impeachment proceedings were begun against Paksas on December 16. On February 19, 2004, following a thorough investigation, the impeachment commission – made up of six parliamentarians and six legal experts – reported that all six impeachment charges leveled against Paksas were well-founded. The commission's findings were read aloud to Parliament and televised live. The reading took seven hours. Parliament next turned the matter over to the Constitutional Court for review to determine whether Paksas had committed a grave violation of the Constitution and his presidential oath.

The Constitutional Court took the matter under review and on March 31, 2004 found Paksas guilty of both. He had breached the constitution when he granted Lithuanian citizenship to Yuri Borisov as a payback for financing his political campaign. He had violated his oath of office when he leaked secret information to Borisov as well as applied personal pressure on the directors and shareholders of the enterprise *Žemaitijos Keliai* to have shares of the enterprise transferred to individuals close to him. The Constitutional Court's reading of its finding was broadcast live.

Once the Constitutional Court had rendered its verdict, all that remained was for Parliament to vote on whether or not to impeach Paksas for grave violation of the constitution and for breaking his oath.

On April 6, 2004, the Parliament of Lithuania convened for a special session to vote on whether or not to impeach Rolandas Paksas. The session was chaired by the Chief Justice of the Supreme Court of Lithuania, Vytautas Greičius, and televised live. With 115 of 136 members of parliament in attendance, the three charges against Paksas were read and a vote taken by secret ballot. The fact that secret balloting was used is significant in that it assured a fair vote – members of parliament could vote their conscience rather than vote according to their faction's instructions.

On the first charge of impeachment – the unconstitutional granting of citizenship to Russian national Yuri Borisov – of the 115 ballots distributed, 114 were returned, of which 103 were valid and 11 invalid. Of the 103 valid ballots, 86 were cast to impeach Paksas based on this charge – one more than required by law, had all 141 members of parliament been present. On the second charge of impeachment – leaking secret information – of the 115 ballots distributed, 114 were returned, of which ten were invalid. Of the 104 valid ballots, 86 were cast to impeach Paksas based on this charge – again, one more than required by law had all 141 members of parliament been present. On the final charge – using his office to unfairly influence the directors and shareholders of *Žemaitijos Keliai* – 115 ballots were distributed, 115 ballots were returned, of which 102 were valid. Of these 102 ballots, 89 were cast to impeach Paksas on this charge – four more than required by law for impeachment had all 141 members of parliament been present. Rolandas Paksas had been impeached on all three charges against him. He had spent one year, two months, and twenty days in office. The presidential scandal had lasted six months – nearly half his time in office.

Lithuania's empty presidential seat was quickly filled using the emergency line of succession: the President of Parliament, Artūras Paulauskas, was sworn in as Acting President of Lithuania and Vice-President of Parliament Česlovas Juršėnas as the Acting President of Parliament. Early presidential elections were immediately set for June 13th.

Paksas wanted to run in the presidential elections to replace himself. Since this defied logic, Parliament amended the election law on May 4, prohibiting an impeached individual from running for the presidency for five years following his removal from office. Paksas supporters in Parliament appealed to the Constitutional Court to rule on the constitutionality of the amendment. The Constitutional Court agreed to take the matter under review. On May 25, the Constitutional Court ruled that the amendment was unconstitutional and stated unequivocally that individuals impeached for gravely breaching Lithuania's constitution or for breaking their oath of office could never again run for the presidency, nor could they hold any other office that required them to swear an oath to the nation since they had already proven incapable of honoring it.

Lithuania's first presidential impeachment crisis tested the strength of Lithuania's democratic institutions and showed Lithuania's democratic system to be firmly in place. Throughout the presidential crisis, Lithuania continued to exhibit all of the traits of a consolidated democracy as defined by Linz and Stepan (1996), two leading thinkers in democratization theory: the rule of law remained in force; citizens continued to organize themselves into groups and movements; its political and economic systems continued to function.

As the crisis unfolded, lawmakers sought to keep the public informed of the situation, striving both to maintain transparency in the proceedings as well as to allow citizens to gain an enlightened understanding of the matter by broadcasting parliamentary and court proceedings live. Despite Paksas's efforts to instigate unrest, Lithuanian citizens maintained calm. They gathered peacefully either to call for the resignation of the nation's president or to support him. In the end, only 500 people came to show their support for Paksas on the day of his impeachment, but they voiced their opinions freely, unhindered by those who disagreed.

The early elections showed how deeply the citizens of Lithuania have internalized democratic norms and values. In the first round of voting during the early presidential elections, three of the candidates were eliminated, leaving two: Valdas Adamkus, the candidate reflecting Western values, held 30.18% of the vote, and Kazimira Prunskienė, the candidate backed by Paksas, espousing closer ties with Russia and thus reflecting a return to Eastern values held 20.6% of the votes. On June 27, 2004, Valdas Adamkus was voted into office with 51.51% of the votes and a peaceful political transition occurred.

In the six months that followed, Lithuania reestablished its international prestige (Bačiulis 2004c, p. 14; Kulakauskas 2004, p. 82; Sakalas 2004, p. 23). International dignitaries resumed visits to Lithuania, and President Adamkus is a welcome visitor abroad. In November 2004, President Adamkus was invited by the Ukraine's outgoing President, Leonid Kuchma, to assist in negotiations between Viktor Janukovich and Viktor Yushchenko following the second round in Ukraine's presidential elections. Adamkus promoted a plan that called for Yushchenko and Janukovich to repeat the disputed second round of the presidential elections. This is the route that the Ukraine took, and President Adamkus has been widely congratulated in helping to resolve the crisis (Bačiulis 2004a, p. 36). Six months after Lithuanian voters confirmed their commitment to a democratic future, Lithuania established itself as a champion of democracy in the region (Bačiulis 2004b, p. 34). The presidential crisis proved to be just another bump in the road to Lithuania's democratic consolidation.

Conclusions

Evidence shows that all of the post-Soviet Central and Eastern European countries have democratic institutions that work; it also shows that democratic culture needs to be internalized more deeply by the people of the region. EU and NATO membership implies a trend in that direction, as does increased international recognition of the countries as democracies.

1. "Nations in Transit: New Democracy Score Rankings 2004," available from <http://www.freedomhouse.org>; "Seven New Members Join NATO," available from <http://www.nato.int/docu/update/2004/03-march/329a.htm>; "The Member States," available from <http://www.eurunion.org/states/home.htm> <https://www.schengenvisainfo.com/eu-countries/>
2. Ibid.
3. *Veidas*, 11 March 2004:32.

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