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Shifting Power-Centres of Semi-Presidentialism: Exploring Executive Coordination in Lithuania

Despite more than two decades of research on semi-presidential regimes, we still know very little about the actual coordination between the president and the prime minister. Through an in-depth analysis of Lithuanian semi-presidentialism, this article underscores the importance of institutional design on intra-executive balance of power. Drawing primarily on interviews with top-level civil servants and office-holders, it argues that absent of written rules or other strong norms guiding intra-executive coordination, presidents enjoy more discretion in designing their own modes of operation. Coordination depends on the initiative of the president, with ad hoc practices further weakening the position of the prime minister. While Lithuanian semi-presidentialism has functioned by and large smoothly, the personality-centred politics commonly found in Central and East European countries creates favourable conditions for presidential activism.

Keywords: semi-presidentialism, coordination, institutions, leadership, Lithuania

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Research on semi-presidentialism has made great strides forward, with comparisons between regime types followed by comparisons between various types of semi-presidential countries. Semi-presidentialism is where the constitution includes both a popularly elected president and a prime minister and cabinet accountable to the parliament (Elgie 1999: 13). Most of the comparative research on semi-presidentialism has focused on regime stability, with authors interested in how variables such as presidential powers or divided government impact on the level of conflict between the two executives (Elgie 2016; Schleiter and Morgan-Jones 2009). This body of work indicates, rather unsurprisingly, that cohabitation is on average more likely to produce conflict (Sedelius and Mashtaler 2013). Country studies, most of which are rather descriptive, have also by and large detailed the relations between the president and the prime minister (PM) (Gherghina and Miscoiu 2013; Munkh-Erdene 2010; Shen 2011).

This case study of Lithuania departs from conventional approaches in three ways. First, we underscore the importance of institutions in facilitating successful leadership and policy coordination. We ask, ‘do institutions matter’ at the level of normal intra-executive decision-making (Weaver and Rockman 1993)? The basic premises are that institutional design is related to the level of conflict between the cabinet and the president, and that conflicts over policy, legislation or appointments are manifestations of coordination problems. Secondly, despite more than two decades of research on semi-presidentialism, we still know very little about the actual functioning of day-to-day routines and coordination mechanisms between the president and her administration on the one hand, and the PM and her cabinet on the other. With some notable exceptions (Elgie 2001; Raunio 2012), even country studies have not probed the regular interaction between the executives. Our third contribution is methodological: utilizing interviews with key civil servants and politicians and governmental documents enables us to reach behind the scenes and to understand the role of coordination

mechanisms vis-à-vis other factors such as the personalities or party political affiliations of the two executives.

We focus on Lithuania because it is in many ways representative of the Central and East European semi-presidential countries that became democratic in the 1990s. The powers of the president are mainly found in the area of external relations and the political culture is rather personality centred. Considering the lack of previous research, our study is at the same time exploratory and offers a tentative template for similar case studies or comparative analyses of other semi-presidential regimes – or indeed of countries where the president is not directly elected. Our goal is to pave the way for a line of inquiry so far neglected in the literature on semi-presidential regimes. Scholarly understanding of Lithuanian politics remains also thin, and hence our article increases our knowledge of political leadership in Lithuania.

The goal of this article is thus to examine the effect institutional design has on semi-presidentialism and particularly on the relations between the president and the PM. By institutional design we mean those rules, organizational arrangements and conventions that structure routine coordination between the two executives. Hence this article, drawing on in-depth interviews with top-level Lithuanian civil servants and politicians, official documents and secondary material such as biographies, digs deeper – beyond constitutional rules and party system factors – to explore the inside structures of semi-presidential decision-making. Our research is driven by two interrelated questions: how does coordination between the president and PM actually work and how does institutional design influence the balance of power and level of conflict between the two executives? Challenging previous accounts of the Lithuanian case, we argue that the existing modes of coordination facilitate presidential dominance. Given the political challenges facing many semi-presidential countries, the article also seeks to identify institutional solutions that facilitate successful policymaking.

Theoretical framework: institutions and (dis)incentives for cooperation

Institutions and cooperation

Coordination or collective action problems are a key concern of institutional theory, which studies how institutional design structures social behaviour and influences political outcomes. Institutions are known for their longevity, with institutional changes normally brought about by critical junctures, such as major policy failures or significantly altered external circumstances (Thelen 1999). The concept of path dependency is commonly utilized to explain why certain institutional models are adopted, and it emphasizes that initially adopted policies or organizational solutions become the appropriate course of action and, as ‘rules of the game’, structure political behaviour with the consequence that ‘particular courses of action, once introduced, can be virtually impossible to reverse’ (Pierson 2000: 251). As a result, institutional arrangements tend to reproduce the distribution of power in political systems (e.g., North 1990; Goodin 1996; Hall and Taylor 1996; Pierson 2000; Rhodes et al. 2006; Scott 2014).

Apart from facilitating mutually beneficial outcomes, effective institutions reduce transaction costs and uncertainty in exchange, so that the individuals can anticipate each other’s preferences and behaviour. Institutions can thus induce actors otherwise driven by self-interest towards a ‘problem-solving’ mode characterized by cooperation and search for mutually beneficial solutions (Scharpf 1989). Moreover, institutions can lengthen the time horizons of politicians through creating conditions for credible commitments, particularly when the game is repeated and interaction is regular among a small number of participants (North 1990; 1993). Long-term, stable interaction should also strengthen the sociological or cultural explanations of institutions. The logic of appropriateness, initially developed by James March and Johan Olsen (1989; 2006), perceives political activity as the product of matching behavioural norms to situations and highlights the rule-driven and socially

embedded nature of human interactions, with individual action based on mutual understanding of what is the appropriate way to proceed. Hence it is connected to the socialization effects of institutions, with individuals becoming accustomed to the organizational norms and practices. In contrast with the identity-based logic of appropriateness, in the logic of consequences action is more guided by outcomes. Distinguishing between two such behavioural logics can be difficult (Goldmann 2005), but again the main point is that rules are likely to be sustained as long as they are perceived by the relevant actors to be both legitimate and efficient.

(Dis)incentives for coordination in semi-presidential regimes

But why would the president and the PM adhere to common institutions? Why would they seek cooperation and institutional constraints to begin with? In line with path dependency, coordination may be a well-established practice regulated by laws, in which case unilateral rejection of cooperation by new office-holders is difficult. Cooperation can also benefit both sides, as institutional theory informs us. Regular coordination of the two executives enables them to learn each other's preferences and bargaining styles and facilitates the identification and solving of problems, with both sides able to address potential grievances *ex ante* before the more formal or public decision-making stage. Moreover, willingness to cooperate can be regarded as a sign of 'statesmanship', a quality that should enhance the re-election prospects of the president and the PM. Time constraints are also likely to favour coordination. While domestic political calendars can be altered, for example, in terms of when to introduce new legislation, similar rights do not extend to European or global negotiations. If the president and the PM are both involved in European Union (EU) or foreign affairs, then regular coordination makes it possible to react quickly to changing external circumstances.

Research nonetheless informs us that semi-presidentialism is prone to intra-executive conflict, regardless of the specific constitutional form or level of democracy. For example, Oleh Protsyk

(2006) and Matthew Shugart and John Carey (1992) have identified intra-executive conflict in premier-presidential systems (where the cabinet can only be dismissed by the parliament), as well as in president-parliamentary systems (where both the president and the parliament have the formal power to dismiss the cabinet). Other studies have observed intra-executive conflict in consolidated democracies (e.g. Lazardoux 2015; Raunio 2012) as well as in new democracies and transitional states (e.g. Beuman 2016; Sedelius and Ekman 2010).

Conflicts between the president and PM can include a range of issues such as specific policies, appointments, or government performance. Indeed, there may be good reasons for politicians motivated by re-election or policy influence not to enter into cooperation or, despite coordination mechanisms, to 'go public' with their differences of opinion. Under cohabitation the president and the PM are ideologically often quite far apart, and even when there is intra-executive coordination, presidents can in the end choose to exercise their right of veto over legislation or appointments or publicly criticize the government's policies while prime ministers may try to push through legislation they know will not please the president. For example, Sébastien Lazardoux (2015) shows how electoral motives, particularly winning presidential elections, the main prize in French politics, have shaped the strategies of both executives. However, the impact of such confrontational behaviour on overall intra-executive relations is surely mitigated by regular coordination. Indeed, according to Robert Elgie (2001) intra-executive relations in the French Fifth Republic during cohabitation have been characterized by both conflict and compromise. Conflict has surfaced in political gridlock, the use of extraordinary constitutional and political procedures, and in battles for public opinion. With the exception of certain defence and foreign policy meetings, presidential advisers have not attended government meetings during these periods. Instead the president and the PM have met on a regular basis and the existence of regular channels for communication secures that even during public confrontations common tasks can still be carried out and mistakes avoided.

Turning to the distribution of power, constitutionally weak presidents can seek to compensate for their limited powers by more obtrusive behaviour, especially if they feel politically marginalized and need to signal their political views to the voters. If the government is clearly dominant, then the PM can also feel no need for coordination beyond perhaps the president's office receiving information about governmental decisions. The president and the PM should thus have stronger incentives to cooperate when there is a more balanced distribution of power between the government and the president and/or if the two executives share powers in a particular policy area. The latter applies especially to security and defence policies, issue areas where it is often emphasized that disunity at home should not undermine success abroad.¹

Nor can one disregard other institutional and contextual variables. The dual legitimacy structure of semi-presidentialism is certainly relevant. Both the president and the PM derive legitimacy from popular elections, but the president leans on a direct electoral mandate while the latter is selected indirectly. Philipp Köker (2014) has found that directly elected presidents are more active in the legislative process. Similarly, David Samuels and Matthew Shugart (2010) and Gianluca Passarelli (2015) have shown how direct elections of the president shape the behaviour of political parties. Moreover, presidential activism tends to be higher when the country is experiencing political turbulence, with low level of societal consensus or weak governments (Tavits 2009). These considerations are particularly relevant to Central and Eastern Europe, where surveys show high levels of public trust in presidents but outright distrust in the PM and the parties (New Europe Barometer 2004; Baltic Barometer 2014). Presidents can distance themselves from unpopular economic measures and day-to-day politics. Normally, they are constitutionally assigned to stand above party politics. The paradox, however, is that the presidents may experience that their popularity outweighs their formal powers and their de facto political influence. When seeking ways of

converting their perceived prestige into ‘real’ power, they can publicly criticize the government by leaning on the popular mandate (Amorim Neto and Lobo 2009; Sedelius and Mashtaler 2013). As seen in the next section, these arguments certainly apply to Lithuania.

Semi-presidentialism in Lithuania

The Lithuanian constitution, adopted in 1992, provides for a directly elected president with limited but more than marginal formal powers. The same person can hold the presidency for eight years – that is, two consecutive terms. Existing measures of formal presidential powers among semi-presidential countries in Central and Eastern Europe place Lithuania in the middle range, on a par with Croatia, Poland and Romania (Elgie and Moestrup 2008; Doyle and Elgie 2016). The president nominates the PM, who is confirmed by the Seimas (parliament) and only the parliament can dismiss the PM. The president’s appointment powers are quite extensive and she has the right to nominate the chair and a number of judges of the Supreme Court and the Constitutional Court, the chairman of the National Bank, the commander of the Army, the head of the Security Service, and the prosecutor general. The president’s policy powers are directed to foreign affairs. According to Article 84:1, she ‘shall decide the basic issues of foreign policy and, together with the Government, conduct foreign policy’. The implementation of foreign policy thus requires close cooperation between the president and the PM.

TABLE 1 (see page 30)

Previous analyses of semi-presidentialism in Eastern Europe suggest that Lithuania is among those countries with lowest frequency of intra-executive conflict (Protsyk 2006; Sedelius and Mashtaler 2013). Table 1 lists the Lithuanian presidents and the governments with which they have shared power. The picture of relative harmony is, however, somewhat blurred by the so-called ‘Paksasgate’, the short and turbulent presidency of Rolandas Paksas which ended with his impeachment from office in 2003.

Scholars have characterized the Lithuanian political system as centred around personalities (Talat-Kelpsa 1999; Urbanavicius 1999). A relatively high percentage of Lithuanians appear to favour a stronger presidency at the expense of other institutions (Baltic Barometer 2014). Arguably, the presidency is the big prize for ambitious political leaders, which certainly strengthens the importance of personalities in Lithuanian politics. Political parties in Lithuania are affected by the personalized political culture, as many parties have been organized around individuals with political ambitions related to personal interests and with small groups of political activists – hence the large number of splinters and factions over the post-Soviet period. The personalization factor is reinforced by the mixed electoral system where 71 of the 141 deputies are elected in single-member constituencies and the remaining 70 from party lists. Somewhat simplified, two parties with a relatively high level of organization and programmatic structure have dominated Lithuanian politics since independence. On the left side, the reformed communist party, the Democratic Labour Party (LDDP), which later became the Social Democratic Party (LSDP), has formed about half of the governments since 1992. On the centre right, the Homeland Union-Conservatives (TS-LK), an offspring of the Popular Movement (Sąjudis), has controlled the playing field and led governments in almost all of the remaining cases.

Empirical analysis

The period of analysis runs from the early 1990s until 2016. We focus on the presidencies of Algirdas Brazauskas, Valdas Adamkus and Dalia Grybauskaitė, with the short presidency of Rolandas Paksas referred to in so far as it impacted on subsequent intra-executive relations. Our data consists of official documents, semi-structured in-depth interviews with senior civil servants and politicians, and other supplementary material such as news items and politicians' memoirs.² The analysis was carried out

in two stages: using government documents we first identified the coordination mechanisms, with the interviews in the second stage providing behind-the-scenes information from both sides – the president and the PM – about the actual role of such instruments and overall intra-executive relations. Given the highly sensitive nature of the topic, the interviewees were willing to speak only on the condition of strict anonymity. A total of nine interviews were carried out. The interviewed persons were selected on the basis of their hands-on expertise in coordination between the president and the PM during each presidency, and many of them had experience of coordination under at least two presidents. The interviewees were current or former high-level civil servants or advisers in the offices of the PM and the president, two speakers of Seimas, one former prime minister and one former foreign minister.³

Coordination mechanisms

Institutional theory underlines the importance of initial decisions over policy or organizations that ‘lock in’ subsequent choices. It also emphasizes the role of critical junctures that can bring about fundamental change, rendering past practices illegitimate and ineffective. In Lithuania, the transition to democratic rule in the early 1990s was certainly a case of both: not only did it introduce a major overhaul of the whole political system, but it also necessitated decisions about how the country was to be governed.

When Lithuania achieved independence, the institution of presidency was reintroduced. It is evident that considerations about the exact powers of the president and particularly inter-institutional relations were overridden by more pressing concerns. At that time the young democracy had more urgent issues that needed attention: kick-starting the economy, foreign and defence policy, and in general just ensuring a smooth transition to democratic rule and market economy. The period was also characterized by tensions between different camps, and these also influenced discussions about the

presidency, with the popular mood appearing to favour a strong leader (Matsuzato and Gudžinskas 2006; Krupavičius 2008; 2013; Norkus 2013). There were initial plans to issue a decree about coordination between the president and the other state institutions, but this idea was rejected. The reasons for rejection included time pressure and political opposition, and also it was not seen as appropriate to regulate such matters by laws. However, it was nonetheless recognized that cooperation between the central state institutions was a prerequisite for successful policymaking (Brazauskas 2007: 63).

These initial decisions are clearly reflected in subsequent intra-executive cooperation, which takes many forms, but almost none of it is based on written rules (Table 2).⁴ The president meets both the PM and other ministers, with meetings with the prime minister especially taking place regularly. Nonetheless, a lot depends on the preferences of the president and her/his relationship with the ruling coalition and its parliamentary majority. Meetings with other cabinet members can also be interpreted as a way of attempting to influence the government and bypassing the PM. There are no other joint ‘councils’ between the government and the president or ministerial committees where the president is represented. The functions and competence of the State Defence Council are defined in the constitution and the Special Law on State Defence Council. Coordination between civil servants of the offices of the PM and the president is active and is not so dependent on the personalities holding the respective offices. ‘Business relations type’ refers simply to the practice of bureaucrats engaging in coordination regularly and when the need arises. The president receives ex ante governmental documents related to decision-making. And finally, the president meets leaders and Seimas deputies of political parties, with the role of such party ties again depending on the party political situation.

TABLE 2 (see page 31)

Coordination is most established in foreign and security policy. This is not surprising considering the salience of security questions for Lithuania. These are also key areas of presidential powers. In addition to the Defence Council, there was a Foreign Policy Coordination Council chaired by the president from 1993 to 2004.⁵ Key foreign policy choices, at least those concerning EU and NATO, were coordinated between all three key state institutions – Seimas, president and government. Meetings with foreign leaders or visits abroad are closely coordinated, with the Ministry for Foreign Affairs performing a key role.

The actual practice of intra-executive coordination

The analysis in this section highlights the importance of personalities, with presidents enjoying considerable discretion in shaping their relations with other state institutions. Most of the interviewed persons confirmed that each president brings her own communication and inter-institutional coordination style.

Previous research has described Brazauskas as a constructive leader. He upheld the position as head of state carefully without open conflicts with the PM or the Seimas. One of his former advisers noted that 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. Brazauskas also favoured an open style of leadership, including active contacts with ordinary people. Interestingly, his staff comprised mainly policy advisers in areas falling under the competence of the government (social policy, economic policy, education, science, culture and religion, sports, municipalities, information, health care). Their task was to analyse documents approved by the parliament and the government, to follow important developments and to formulate proposals for the president. In addition, Brazauskas used decrees to establish various commissions and councils on topics like state defence, foreign policy, citizenship,

culture, fighting organized crime, and judicial reform.⁶ While much of this activity can be explained by the real need to address serious societal issues facing the young democracy, it also probably influenced the choices made by his successors.

Brazauskas (2007:70) himself 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. This was easier during the first four years of his presidency, when the LDDP was in government. Upon entering office, he wanted 'first of all' to form a relationship with Seimas. An important factor here was good relations with the Seimas' leadership, with Brazauskas also meeting the main party groups and individual MPs, especially to discuss his legislative initiatives. However, following the 1996 Seimas elections, things got more difficult for Brazauskas under the centre-right coalition of Homeland Union and Christian Democrats. Brazauskas faced difficulties in establishing contacts with the ruling coalition and whilst he met PM Gediminas Vagnorius (Homeland Union) regularly, the latter emphasized the need to respect the jurisdictional limits set by the constitution. In his memoirs Brazauskas (2007: 82) observed that during the period of more than a year of cohabitation, the PM 'had never made a phone call' to the president.

Adamkus came from a very different background, having served in the Environmental Protection Agency of the United States for nearly two decades. Adamkus (2004: 38) says that he needed to 'create traditions' for the institution of the president. Adamkus' team of advisers clearly wielded strong influence in presidential decision-making, particularly during his first term. Having observed the weak position of Brazauskas towards the end of his presidency, Adamkus wanted to act as a 'counterweight' to the government and 'not let parties impose their own will on him'. In 1999, a severe conflict occurred between Adamkus and PM Vagnorius when the president openly criticized Vagnorius about economic reform. As the president had no friendly majority in the Seimas, he leaned

on his popular support. Opinion polls at the time showed approval rates of over 80 per cent for the president, and less than 20 per cent for the PM (Sedelius 2006: 149). Adamkus publicly voiced his distrust of the PM and stated that he could not perform his presidential duties as long as Vagnorius stayed in the post. The sharp decline of the economy following the Russian economic crisis gave the president the upper hand and he could effectively insist – although without formal dismissal powers – on the resignation of Vagnorius. The fact that Vagnorius chose to step down was an important moment in strengthening presidential leadership.

Adamkus would not limit his scope of activities to foreign and security policy. With his team he would try to influence ‘governmental issues’, particularly budgets but also agriculture, or the privatization of oil refiner Mazeikiu nafta. At the start of his first term Adamkus took steps to consolidate his foreign policy leadership and did not hesitate to disagree with the foreign minister even though public confrontations were largely avoided. He also abolished the Ministry for European Affairs and took an active role in coordinating EU affairs. Following Lithuania joining the EU, Adamkus participated in the European Council, mainly when foreign policy was on the agenda. Otherwise the PM represented Lithuania or both executives attended the summits. Adamkus had regular bilateral meetings with all prime ministers, with such meetings usually held on the initiative of the president. The agendas of the meetings covered all types of societal issues from economy to foreign affairs to problems inside the government. However, when Brazauskas was the PM from 2001 to 2006, his advisers saw that there was little interest from Adamkus and the president’s office genuinely to communicate and cooperate with the government. Adamkus also actively consulted the speaker of the Seimas, the leaders of parliamentary groups, individual ministers or key civil servants, not least when the governing coalition seemed not to be operating effectively. However, it appears that during his second term Adamkus adopted overall a less assertive stance, with the balance of power more in favour of the PM, even during the minority government of Gediminas Kirkilas (2006–

8). In Adamkus' second term, he faced PMs and cabinets from opposing political camps for most of the period. In addition, 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.

By all accounts, president Grybauskaitė became more powerful than her predecessors. Her team of advisers followed the governmental agenda closely according to their spheres of competence, and again the advisers covered issues outside presidential jurisdiction (economic and social policy, national security, education, science and culture, legal affairs, interior policy, foreign policy). Grybauskaitė met the PM weekly, and all of these meetings as well as meetings with other ministers were publicly announced.⁷ Presidential advisers had regular contact with relevant ministries and the prime minister's office. Advisers took part in the sittings of the government, expressing, if needed, the position of the president. Perhaps more important, the advisers kept track of the preparatory work carried out in the ministries, trying at least occasionally to influence decision-making already before a draft proposal was discussed in the cabinet. Grybauskaitė and her team also approached other stakeholders such as civil society actors. In foreign and security policy the president obviously had more direct ways of influencing policymaking. Her influence also appeared strong in EU and economic affairs, partly because she had served previously as the finance minister and as the Commissioner for Financial Programming and the Budget. Here the political context favoured her assertiveness. The economic crisis preoccupied the already weak cabinet led by Andrius Kubilius, with Grybauskaitė supporting the government whilst increasing her own authority. However, from late 2012 Grybauskaitė shared power with the Social Democratic-led coalition of Algirdas Butkevičius, and this somewhat weakened the influence of the president.

Also during Grybauskaitė's presidency it was acknowledged that coordination between the three main state institutions is necessary as no actor can achieve anything alone. Thus, working relations are maintained with the governing coalition, individual ministers, party leaders, and the sectoral committees of the Seimas. Discussions are held in order to avoid conflicts and even in the event of a (public) disagreement both sides try to build a compromise. Respective communication officers from the offices of the PM and the president coordinate their activities to ensure that potential disagreements do not surface, particularly in foreign and security policy. Again, this cooperation is not based on any written rules: the goal is simply to inform one another of developments and of forthcoming speeches or press releases.

All presidents have intervened in the life cycle of governments.⁸ As previous literature has examined this question in careful detail (Matsuzato and Gudžinskas 2006; Krupavičius 2008; 2013; Norkus 2013), select examples only are provided here. There is an unwritten agreement that the president has a say on who will be appointed as ministers of foreign affairs and defence regardless of the ideological colour of the government. However, presidents have regularly also either hand-picked individual prime ministers or especially rejected candidates for other portfolios. Brazauskas without prior consultations nominated Adolfas Šleževičius as the PM in 1993, only to replace him with another ex-communist, Mindaugas Stankevičius, in 1996. Adamkus deliberately undermined the position of PM Vagnorius, including through a high-profile television speech in which he declared his lack of trust in Vagnorius, and managed to get Paksas appointed as his successor. In fact, in 2000 Adamkus chose the leader of the Liberal Union, Paksas, to form a 'new politics' government despite the fact that the Social-Democratic coalition led by Brazauskas had won the elections. And when the cabinet was suffering from internal turmoil in 2006, Adamkus again resorted to a statement on national television questioning whether the government still enjoyed the confidence of the Seimas, with PM Brazauskas resigning afterwards. Interestingly, in 2004 Adamkus met the president of the Constitutional Court,

Egidijus Kuris, to discuss how to proceed if the preferences of the PM and the president regarding ministerial candidates differed. According to Kuris, the constitution offered no direct solutions, thus paving the way for presidential activism. Grybauskaitė in turn enforced in 2010 the resignation of Vygaudas Ušackas, the foreign minister. In 2012 she refused to appoint as ministers several well-known politicians, and even tried to exclude the Labour Party from government. Grybauskaitė made it clear that she paid special attention to the competence of the minister of finance.

Where is it written or forbidden? The power of interpretation and initiative

The preceding analysis confirms that, in the absence of written rules or otherwise strong norms guiding intra-executive coordination, presidents enjoy more discretion in designing their own modes of operation. The transition period from authoritarian to democratic rule presented the opportunity to set rules about coordination, but various motives worked against it. In line with institutional theory, the adopted approach has become the appropriate course of action, with each new president bringing her own staff, personality and leadership style to the equation. The presidents also have the power of initiative regarding cooperation, with forms and levels of intra-executive coordination essentially always determined by the president. For example, while joint councils or ministerial committees might facilitate better coordination, presidents do not need such bodies. As one interviewee put it: ‘Presidents that have enough powers do not create such councils, they do not need that kind of institutions, they just arrange ad hoc meetings despite the fact that it is not foreseen in any law.’

The obvious challenge stemming from lack of rules is that power can be very much up for grabs, particularly given the political culture which favours strong leadership and presidential activism (Matsuzato and Gudžinskas 2006; Norkus 2013). As one of our informants succinctly put it: ‘one side might ask “where is it written?” and another can argue “where is it forbidden?”’ There is a rather broadly shared expectation, especially by citizens, that the president is the ‘political authority’. Even

if the party-political 'centre of power' swings in favour of the PM, it is the job of the president to ensure the smooth functioning of the political system. This point came across repeatedly in the interviews and is strongly emphasized in various political and legal texts.

As in other semi-presidential regimes, much depends on party politics, with periods of cohabitation reducing the influence of the president and bringing about a more strict division of labour between the executives. At other times, such as when Grybauskaitė entered office in 2009, the economic and political conditions can facilitate very assertive presidential behaviour. Regardless of such factors, the two decades of semi-presidentialism indicate that it is legitimate for Lithuanian presidents to step beyond their constitutional powers and intervene in questions falling under the competence of the government or the Seimas. The composition of presidential staff already suggests such ambitions, and successive presidents have actively formed ties with political parties, the speakers, party groups and individual deputies of Seimas, individual ministers and ministries, the broader civil society and the public. Cooperation with Seimas in turn facilitates presidential influence, as in many instances the successful use of the president's powers depends on the consent of the parliament (Matsuzato and Gudžinskas 2006: 156). Presidents have also benefited from their popularity, with Adamkus and Grybauskaitė further reinforcing this through their anti-party or anti-establishment rhetoric (Krupavičius 2013).

There is thus a discrepancy between the wording of the constitution and the reality, another commonality with other semi-presidential systems. EU affairs are a good example. Constitutionally, European affairs are the domain of the government, with the PM leading Lithuanian integration policy. The cabinet is thus responsible for coordinating EU matters and for preparatory work ahead of the Council and the European Council. Yet very much depends on the personalities of the PM and the president. During the presidency of Adamkus and the premierships of Brazauskas and Gediminas

Kirkilas the president would participate in those European Councils (or cover those agenda points) which were related to foreign and security policy while the PM would cover other matters. Often both executives would attend the summits.

Grybauskaitė participated in the meetings of European Council alone, even though constitutional provisions about the division of labour clearly suggest otherwise. According to one interviewee, the prime ministers did not contest this arrangement: ‘The leader who enjoys public support can easily do such things ad hoc, therefore it was possible to establish certain practices without any legal documents – just like with attendance of the meetings of the European Council.’ The lack of contestation was aided by the weakness of the government as PM Kubilius needed presidential support for the austerity measures. Grybauskaitė was also highly prominent during Lithuania’s EU presidency in the latter half of 2013 and intervened more than Adamkus in the formulation of national negotiating positions (Maniokas and Vilpišauskas 2010).⁹ Again this power of interpretation shown by Grybauskaitė and bending rules in her favour can be explained by the lack of rules. The constitution, secondary laws, or the rules about domestic EU coordination do not detail who should represent Lithuania in the European Council.¹⁰

Concluding remarks

Lithuanian presidents are clearly not afraid to flex their muscles. Leaning on their popularity, consecutive presidents have actively intervened in government formation, even handpicking prime ministers and forcing them to resign. Presidents have also wielded influence in policy areas falling under the jurisdiction of the government, with Brazauskas, Adamkus and Grybauskaitė utilizing various channels for shaping domestic policy-making. In line with previous research on semi-presidentialism, intra-executive relations are less adversarial when Lithuanian presidents have

friendly majorities in parliament. Presidents are also more powerful when the government is weak for some reason.

The Lithuanian case provides strong evidence of the role of institutions and of path dependency. Following the transition to democracy in the early 1990s there was insufficient political will to constrain the presidency through more precise legal rules or regular cooperation mechanisms. This initial solution has persevered and the lack of established coordination favours the president. Upon entering office, each president brings her own staff, ambitions and leadership style to the game. And the rules of the game are very much determined by the president: intra-executive coordination depends on the initiative of the president, and ad hoc practices further weaken the position of the PM. Representation in the European Council is a good example of how presidents can behave in ways that contradict at least the spirit if not the text of the constitution. EU policy falls in the competence of the government, but as the constitution or secondary legislation does not regulate who represents Lithuania in the summits, the president has in recent years attended the meetings.

At the same time we should not exaggerate the powers of the Lithuanian president. The balance of power between the Seimas, the government and the president ensures that the president can achieve very little alone – and this in fact explains the strategic behaviour of the president and her advisers. Despite the lack of rules, intra-executive coordination does exist and in most instances conflicts are avoided. This applies particularly to foreign and security policy – an issue area that is both highly salient and where the president and the government constitutionally share power. The perceived role of the president as a ‘constructive statesman’ also constrains the incumbents. But while Lithuanian semi-presidentialism has functioned by and large smoothly, the personality-centred politics commonly found in Central and East European countries does create favourable conditions for

presidential activism. This can turn into a serious problem without adequate constitutional checks and balances or during long-term political or economic turmoil.

Future research should explore whether the patterns found in Lithuania apply to other semi-presidential countries. One obvious source of variation is presidential powers, with the president and the PM having stronger incentives to seek cooperation when there is a more balanced distribution of power between the two executives. Regardless of cohabitation or other institutional factors, coordination should be strongest in foreign and security policy and in EU affairs. Whether the EU with its frequent top-level meetings functions as an external factor inducing more active coordination could be examined through analysing non-EU countries. In general, more institutionalized and regular coordination should result in less conflict between the two executives.

Acknowledgements

We are grateful to Sigita Trainauskiene for her help with the data collection and the interviews. The research was supported by the Swedish Research Council (VR 2014-1260).

NOTES

¹ Here a good example is Finland. While recent constitutional reforms have drastically reduced presidential powers, foreign policy is co-directed between the government and the president. Foreign and security policy is also a highly sensitive and salient issue area where national consensus is the norm. Hence the president meets both the PM and the foreign minister essentially every week, and, just as in France, these confidential exchanges contribute to coherent leadership in external affairs (Raunio 2012).

² The main official documents are the Constitution of the Republic of Lithuania; Rules on the Coordination of European Union Affairs, Resolution No 21 of the Government of the Republic of

Lithuania, 9 January 2004; Law on the Government, 19 May 1994 – No I-464; Law on the President, 26 January 1993 – No. I-56; Rules of Procedure of the Government of the Republic of Lithuania (unofficial translation).

³ The interviews were based on a common set of questions, with each interview also containing a substantial number of follow-up questions. The main interview questions were: (1) Can you tell us how coordination between the president and the prime minister and/or the government works? (2) Which forms of coordination are most important and why? Has the importance of various coordination mechanisms changed over time? (3) Is there regular coordination at the level of civil servants between the president's office and the prime minister's office? If yes, what forms does this take? (4) The powers of the president cover legislation (veto), appointments and foreign policy. Are there differences in coordination between these issues? (5) How does cooperation in foreign and EU policies work? (6) Both the president and the prime minister give speeches and meet foreign leaders at home and abroad. Is there coordination regarding such activities? (7) If there is disagreement between the president and the prime minister over some issue, what is the main mechanism for attempting to solve the matter? and (8) Can you identify a recent issue that would serve as an example of policy coordination between the president and the prime minister?

⁴ The earlier version of the government's rules of the procedure (until 2009) had separate provisions about relations with the president, but these were of rather general nature, stating, for example, that, on the initiative of the president, the government and the president could establish joint working groups or examine and take decisions on matters related to state administration.

⁵ According to Article 140 of the constitution, 'The main issues of national defence shall be considered and coordinated by the State Defence Council, which consists of the President of the Republic, the Prime Minister, the Speaker of the Seimas, the Minister of National Defence, and the Commander of the Armed Forces. The State Defence Council shall be headed by the President of the Republic.' The discontinuation of the Foreign Policy Coordination Council may have stemmed from

the plan of President Paksas to use the body to coordinate EU policy as well. The role of the Council was seen as limited and there were also concerns about its constitutional status.

⁶ Brazauskas also utilized a Political Consultation Council for domestic matters, the membership of which included representatives of the major parties and prominent figures from science, art and education.

⁷ However, in spring 2016 Grybauskaitė stopped having these meetings with the PM, and for almost six months there were no regular working meetings with the prime minister.

⁸ Following the first presidential elections in 1993 the cabinet of Bronislovas Lubys resigned in order to enable the president to form the new government. However, the Constitutional Court ruled in 1998 that the government is dependent only on the support of the parliamentary majority.

⁹ Prior to EU membership in 2003 president Paksas demanded a major role for the president in European affairs. As the impeachment of Paksas coincided with joining the EU and the design of the national EU coordination system, the role of the president ended up being quite limited. Also the president's office does not have sufficient resources for the daily management of EU issues (Maniokas and Vilpišauskas 2010: 22).

¹⁰ The need to consult the president is mentioned once in the EU coordination rules: 'When the institution responsible for the formulation of a position of the Republic of Lithuania formulates a position of the Republic of Lithuania on an EU legislative proposal concerning foreign policy, national security and matters discussed at the European Council, it shall coordinate the position with the President of the Republic.'

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Table 1**Lithuanian Presidents and Governments, 1993–2016**

<i>President (party)</i>	<i>In office</i>	<i>Prime ministers</i>	<i>Governing parties</i>
Algirdas M. Brazauskas (LDDP)	Nov 1992–Feb 1998	Adolfas Šleževičius (Mar 93–Feb 96) Laurynas M. Stankevičius (Feb 96–Dec 96) Gediminas Vagnorius (Dec 96–)	LDDP LDDP TS-LK
Valdas Adamkus (formally non-party)	Feb 1998–Feb 2003	Gediminas Vagnorius –May 99) Irena Degutienė (May 99–June 99) Rolandas Paksas (June 99–Oct 99) Irena Degutienė (Oct 99–Nov 99) Andrius Kubilius (Nov 99–Nov 00) Rolandas Paksas (Nov 00–June 01) Eugenijus Gentvilas (June 01–Jul 01) Algirdas M. Brazauskas (Jul 01–)	TS-LK TS-LK (acting PM) TS-LK TS-LK (acting PM) TS-LK TS-LK LLS (acting PM) LSDP
Rolandas Paksas (LLDP)	Feb 2003–Apr 2004	Algirdas M. Brazauskas	LSDP
Valdas Adamkus (formally non-party)	July 2004–July 2009	Algirdas M. Brazauskas –June 06) Zigmantas Balčytis (June 06–Jul 06) Gediminas Kirkilas (Jul 06–Dec 08) Andrius Kubilius (Dec 08–)	LSDP LSDP (acting PM) LSDP TS-LKD
Dalia Grybauskaitė (formally non-party)	July 2009–	Andrius Kubilius –Dec 12) Algirdas Butkevičius (Dec 12–Dec 16) Saulius Skvernelis (Dec 16–)	TS-LKD LSDP LVZS

Source: World Statesmen (2016), www.worldstatesmen.org.

Notes: Following the impeachment of Paksas, Artūras Paulauskas, the leader of Seimas, temporarily performed the duties of the president until the next election (April–July 2004).

LDDP = Lietuvos Demokratinė Darbo Partija (Democratic Labour Party of Lithuania); LLS = Lietuvos Liberalų Sąjunga (Liberal Union of Lithuania); LSDP = Lietuvos Socialdemokratų Partija (Social Democratic Party of Lithuania); LVZS = Lietuvos Valstiečių ir Žaliųjų Sąjunga (Lithuanian Peasant and Greens Union, agrarian, centrist, Green conservative); TS-LK = Tėvynės Sąjunga-Lietuvos Konservatoriai (Homeland Union-Conservatives of Lithuania); TS-LKD = Tėvynės Sąjunga-Lietuvos Krikščionys Demokratai (Homeland Union-Christian Democrats of Lithuania)

Table 2***Intra-Executive Coordination Mechanisms in Lithuania***

	<i>Yes/no</i>	<i>Legal status</i>	<i>Change over time/remarks</i>
Bilateral meetings between the president and PM	Yes	No	Usually regular, depending on personalities
Bilateral meetings between the president and other cabinet ministers	Yes	No	Variation depending on the office-holders
Joint 'councils' or similar bodies between the government and the president	No	No	Some existed during the presidencies of Brazauskas and Adamkus
Ministerial committees where the president is represented	No	No	
National security councils or equivalent where the president and the government are represented (the main body for formulating the main lines of national security and defence policy)	Yes	Defined in the Constitution and the Special Law on State Defence Council	
Coordination between civil servants of the offices of the PM and the president	Yes	No	'Business relations' type
Coordination between the president and major political parties / ruling coalition	Yes	No	Importance varies depending on the party political situation

Sources: Official documents and interviews (see footnotes 2 and 3).