

## Democratic Control of the Armed Forces in Lithuania

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With the dismantling of the Warsaw Pact and the Soviet Union itself at the beginning of the 1990s, the Central and Eastern European (CEE) states, including the Baltic states, faced the difficult challenge of the transition to democracy. CEE countries (particularly the Baltic states) had to reform their political, economic, and social order by eradicating the remnants of the Soviet legacy that was deeply rooted in many spheres of social life and in the very mentality of the people. Given this context, one of the major problems posed by the period of transition was the post-Soviet legacy of and within the armed forces. Paradoxically, the Baltic states, which were former Soviet republics, had fewer problems in establishing civil control over their military than did the former Warsaw Pact states that were, for the most part, sovereign nations. The Baltic states simply did not have any national armed forces prior to 1990. They had to build their respective national defense establishments from scratch, thus avoiding the contentious problems associated with reforming the defense sector that other CEE states had to deal with. On the other hand, the Baltic states barely had any historical experience with democracy, and this lack was an aggravating factor in the democratic transformation process of the 1990s. This essay will provide a case study of the evolution of the democratic control of armed forces in Lithuania.

### Historical Context

The historical record of civil-military relations in the inter-war period is rather ambiguous. On the one hand, the Lithuanian Armed Forces were composed of volunteers who fought for the re-establishment of Lithuanian statehood in 1918–1919. These volunteers managed to withstand the attacks of the Russian invaders and some Polish military units, and this victory gained glory for the Lithuanian military and earned the gratitude of the whole nation. However, with the military coup in 1926, civil-military relations deteriorated. The parliament (*Seimas*) was dissolved and a right-wing nationalist party leader, Antanas Smetona, was installed as President, in fact becoming authoritarian leader of the state until the Soviet occupation in 1940. During this period, political parties were banned and the media was censored. The military establishment enjoyed great autonomy from the civil authorities and, at the same time, was one of the pillars upon which the authoritarian regime rested. These events inevitably affected civil-military relations

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in the country.<sup>2</sup> However, the gap that emerged between the military and society after the coup eventually narrowed and practically disappeared before World War II. The media played a positive role in this regard; radio, newspapers, and magazines provided the society with large amounts of information about the armed forces, their living conditions, military equipment, and so on. Many social events (especially in the areas of sport and culture) also facilitated the rapprochement between military and society.<sup>3</sup> In 1940, with the failure of the political authorities to order armed defense against Soviet aggression, the existence of both the independent state of Lithuania and its armed forces ended. Some of the military, however, did launch an armed resistance campaign after the end of World War II. The ensuing guerrilla war in the Lithuanian woods lasted for more than a decade.

Under the Soviet regime, the military establishment was closely intertwined with and subordinated to the Communist Party. Such relationships between the military and the state authority by no means could be referred to as democratic control because there was no civic society itself and the system lacked democratically elected representatives. Relations between Lithuanians and the Red Army were cold at best. Most of the troops serving in Lithuania were conscripts from other Soviet republics, while natives were usually sent to serve outside of Lithuania. Tension between Lithuanian society and the occupying army reached its height during the events of January 1991. These were regarded as an attempt by Soviet troops to overthrow the democratically elected legitimate government of Lithuania and suppress the independence movement.<sup>4</sup>

After the restoration of independence, the Baltic states, along with the CEE countries, had to struggle to build new democratic institutions, new armed forces, and to establish mechanisms for the civil control of the military. The creation of the national defense establishment of Lithuania commenced in the first days after restoration of independence. The government of Lithuania founded the Department of National Defense as early as 25 April 1990 – a mere one and a half months after the declaration of independence. In 1991, the department was reorganized into the Ministry of National Defense (MND). Formation of the Lithuanian Armed Forces (LAF) progressed simultaneously. Initially it consisted of volunteers and former officers of the Soviet Army. Although at first the residual influence of the Soviet military school persisted within some parts of the officer

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<sup>2</sup> The authors refer to the memoirs of the former Commander of the Lithuanian Armed Forces (1935–1940), Gen. Stasys Raštikis; see Lithuanian edition: S. Raštikis *Kovose dėl Lietuvos* (Vilnius: Lituanius, 1990), 380.

<sup>3</sup> *Ibid.*, 385

<sup>4</sup> On 13 January 1991 Soviet tanks rolled over the unarmed people peacefully protesting near a TV tower in Vilnius. 13 people died and many more were injured. Although Lithuania had declared its independence on 11<sup>th</sup> March 1990, international recognition did not follow until the failure of the military coup in Russia in August 1991.

corps, eventually this faded away and the LAF were strengthened and augmented to become Western-style, well-trained national armed forces.

Twelve years of freedom and independence provides a more or less sufficient empirical basis for a critical examination of the progress made by Lithuania on the bumpy road towards the consolidation of democracy and its ultimate end – a secure and prosperous civil society. A proper evaluation of the achievements and failures of democratic governance in establishing and maintaining the national defense system can also be made. National analysis and studies on the subject of civil-military relations in general and democratic control of the armed forces in particular have been rather scarce up until now.<sup>5</sup> On the one hand, the period of independence has been too short to draw elaborate conclusions on the matter. On the other, civil-military relations allegedly have never been a big enough issue on the political agenda of Lithuania to receive appropriate academic attention. The authors here seek to contribute to the research on this subject by presenting an approximate sketch of the development of democratic control of the LAF since the restoration of Lithuanian independence, focusing in particular on the current state of affairs.

The very concept of democratic control of the military is, to say the least, complex and multifaceted. If democratic control of the armed forces is to be comprehended simply in terms of political control of the military by legitimate, democratically elected authorities of the state, what one has to do is simply look through the Constitution and other basic laws of a given country to discover whether democratic control is in place.<sup>6</sup> However, there is much more to it when it comes to understanding with what level of success democratic control is implemented in practice. To answer this question, analysis of the historical, social, economic, and cultural as well as the international context becomes essential. Further analysis must focus on two intertwined dimensions: 1) the legal and institutional framework of the democratic control of the military, and; 2) the functional relationship between the national defense system and state defense and foreign policies, as well as the broader role of the military in domestic politics and within the society.

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<sup>5</sup> For one of the most recent articles on the subject, see: V. Urbelis and T. Urbonas, “The Challenges of Civil-Military Relations and Democratic Control of Armed Forces: the Case of Lithuania,” in *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards*, eds. A. Cottey, T. Edmunds, and A. Forster (Houndmills: Palgrave Publishers Ltd., 2002), 108–125. This article provides an excellent historical overview of the development of the LAF and the civil control of the military in Lithuania throughout the last decade. However, it falls short of elaborating on the current persisting problems of civil control of the LAF within the national security sector.

<sup>6</sup> The authors draw on the definition offered by A. Cottey, T. Edmunds, and A. Forster in “Introduction: The Challenge of Democratic Control of Armed Forces in Postcommunist Europe,” in *Democratic Control of the Military in Postcommunist Europe*, eds. A. Cottey, T. Edmunds, A. Forster, 6.

### **Democratic Control of the Armed Forces: Theory vs. Practice**

In theory, democratic control may look simple. Elected representatives and the government must make all the major decisions regarding the defense policy and the armed forces of a given country. In a democracy, at least, this should be the case. In practice, unfortunately, it is not that simple. The actual ways and means of how civilians should control their military establishments is an inherent problem for any state, whether a mature democracy or an authoritarian regime. First of all, one must bear in mind the special social status of the armed forces, as it is a coercive institution with custody of the means of legitimate violence over which the state holds a monopoly. The structure of the armed forces, its strict hierarchy of obedience, mandatory conscription, and conservative traditions may seem somewhat opposed to the values that democracy itself stands for. However, given the vital task the armed forces are assigned – defending the homeland – the society is usually ready to accept a certain deficit of democracy *vis-à-vis* the military and its exceptional, and in some cases privileged, status.

At the same time, since they possess the means of violence, armed forces may represent a major threat to the democratic political order, as has proven to be the case so many times in all parts of the world. Military coups were a common practice during the inter-war period across Europe, Lithuania included, and throughout the world. Latin America set the all-time record with a high point of nineteen governments in countries all over the continent – from Argentina to Mexico – being led by military officers in 1979.<sup>7</sup> The military may exploit certain political powers and exert some autonomy even in older democracies. Although in the post-Cold War era coups and military governments are a rare phenomenon (Pakistan perhaps is the best known example today), there are many other ways in which the military establishment may undermine democratic rule (this is excluding authoritarian regimes where the army is an essential tool in exerting control over the population). Hence the fundamental question raised by Plato in *The Republic* and recited many times since: “Who guards the guardians?” Failure in the practice of democratic control over the “guardians” raises difficult theoretical questions about the nature of civil-military relations and their implications for the values of post-modern civil society.<sup>8</sup>

On the one hand, the civilian control of the military can be considered as a prerequisite for democratic rule. On the other hand, democratic control itself occurs as a result of a consolidated democratic political system. The *raison d'être* of democratic control is to make security and defense matters subordinate to the larger purposes of a given nation, rather than the other way around. The purpose of

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<sup>7</sup> See: L. W. Goodman, “Civil-Military Relations in the Post-Cold War Era,” *USIA Electronic Journal* 2: 3 (July 1997), at <http://usinfo.state.gov/journals/itdhr/0797/ijde/goodman.htm>.

<sup>8</sup> For perhaps the most comprehensive general theory of civil-military relations see the classic work by Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, (Cambridge, MA: The Belknap Press of Harvard University Press, 1957).

the armed forces is to serve and defend the society from which they are drawn, not to define it.<sup>9</sup> This is why it is of crucial importance for transitional democracies to develop relevant procedures and tools of democratic control of the armed forces.

Three requirements can be identified if democratic control of the armed forces is to be efficient:

1. A functioning democratic framework of the state, including the rule of law, separation of executive, legislative, and judicial powers, respect for human and civil rights and liberties, and free democratic elections (all of which are crucial elements for the functioning of democratic control).
2. The clear subordination of the armed forces to the government and accountability to the parliament (which in turn implies accountability to the people).
3. The political neutrality of the armed forces and abstention from any interference whatsoever with internal political affairs, ensured by legal punishments for violations of democratic control, credibly backed up by effective law enforcement institutions.

The transition towards democratic structures and procedures in Lithuania was, to a large extent, a story of success; with the democratic constitutional order firmly in place, the military establishment was subordinated to the civilian authority and made accountable to the legislators. With a relatively strong sense of political neutrality in the armed forces, there is no question or doubt whether there exists formal, democratic control of the armed forces in Lithuania. However, the record of its actual performance is another matter, and requires a more detailed examination.

Further analysis focuses on three institutional dimensions of the theory and practice of democratic control of the Lithuanian Armed Forces: the constitutional and legal basis of democratic control; the executive control of the LAF, and; parliamentary oversight of both the executive authorities in charge of defense policy and the armed services.

### **Legal Framework**

The rule of law is an essential precondition for the implementation of democratic control of the armed forces.<sup>10</sup> Moreover, the rule of law is an equally important

<sup>9</sup> This clause is firmly embedded in Lithuanian law. Chapter 18 of the Law on the Basics of the National Security explicitly states that the armed forces shall be loyal to the Republic of Lithuania, its constitution, and shall serve the state and society and obey the government democratically elected by the Lithuanian citizens. For an English translation of the Law, see: <http://www.kam.lt/en/main.php?cat=ministerija&sub=6> .

<sup>10</sup> For a comprehensive study of the legal aspects of civil control of the military see: B. Vankovska, ed., *Legal Framing of the Democratic Control of Armed Forces and the Security Sector: Norms and Realities* (Belgrade: Goragraf, 2001).

premise for the democratic control of armed forces both in old democracies and in transitional states. The constitutional and legal provisions on the competencies and responsibilities of different state institutions with regard to the defense establishment and the mechanisms of supervision and accountability are of crucial importance to any democratic state.

It is obvious that there was no legislative basis whatsoever regulating national security and military matters prior to the adoption of the Lithuanian Constitution on 13 October 1992.<sup>11</sup> The Constitution was also not very explicit on the subject. However, Chapter XIII of the Constitution did establish the basic provisions of national defense. According to Article 140 of this Chapter, the State Defense Council, consisting of the President (the Chair of the Council), the Prime Minister, the Chairman of the Parliament (*Seimas*), the Minister of National Defense, and the Commander of the Armed Forces, discusses and co-ordinates the main issues of national defense. The same article clearly and unambiguously establishes the direct accountability of the government, the Minister of National Defense, and the Commander of Armed Forces to the parliament for the management of the armed forces of Lithuania. This provision may be considered the legal cornerstone of democratic control in Lithuania. Article 140 also names the President as the Supreme Commander of the Armed Forces of Lithuania and forbids the appointment of an active serviceman as the Minister of National Defense. Among other important provisions, the Constitution established the right and duty of the *Seimas* to impose martial law, declare mobilization, and to decide on the use of the armed forces for the defense of the homeland against external threats or for the implementation of international commitments (see Article 142 of the Constitution).

After these fundamentals had been laid down, a more explicit and detailed legislative basis was slow to develop, causing certain practical and technical difficulties in the formation of the national defense system. Paradoxically, democratic control was the guiding principle in the development of the Lithuanian national defense system despite the lack of any legal basis and the absence of any clear understanding of what the very notion of democratic control implied. As mentioned before, Lithuania along with the two other Baltic states had started the formation of their respective armed forces from scratch. Needless to say, civilian authorities led this process. For example, the civilian leadership of Lithuania prevented the unsound practice of establishing the Commander of the Armed Forces as the person primarily responsible for guiding and controlling the armed forces. Although such a position did emerge in the structure of the national defense establishment in 1993 (partly due to the historical legacy), it was directly subordinated to the Minister of National Defense.<sup>12</sup>

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<sup>11</sup> An English version of the Constitution of the Republic of Lithuania may be accessed at the following web address: [http://www3.lrs.lt/c-bin/eng/preps2?Condition1=21892&Condition2=.](http://www3.lrs.lt/c-bin/eng/preps2?Condition1=21892&Condition2=)

<sup>12</sup> In Western countries it is common practice for the head of the armed forces to be the chief of

However, it was not until the adoption of the Law on the Basics of National Security in 1996 that the practical achievements of democratic control were embedded in what is now considered to be the quintessential law of national security of Lithuania. Chapter 8 of this Law elaborated and developed the provisions of the Constitution concerning democratic control. This chapter reinforces the constitutional provision that all decisions on defense policy and the armed forces are to be made by the democratically elected civilian government, adding that defense policy and defense expenditure must be made public. It also states that not only may the Minister of National Defense not be an active serviceman, but that the same also applies to the Minister of Internal Affairs, their deputies, and the director general of the State Security Department (foreign intelligence and counter-intelligence service). The law explicitly establishes the main principles and procedures of executive control over the armed forces by the government. The *Seimas* on its own right is entitled to parliamentary control, regulating the activities of the armed forces and other national security institutions, including the State Security Department and the police force, by legislation and disciplinary statutes. However the law failed to establish a clear definition of parliamentary oversight and provided only limited tools of accountability and control.

The legal basis of Lithuania's national security was further consolidated with the adoption of the Law on Organization of the National Defense and the Military Service in 1998. Although in practice it had been the case long before this law was passed, only now was it explicitly established in legislation that the *Seimas* determined the amount of funds to be allocated for the development of the armed forces, the acquisition of weapons, and other support requirements. The law once again emphasized that national defense policy and the allocation of funds approved by the *Seimas* for defense must become part of the public record. The law did not introduce anything new in terms of executive control, just paraphrasing provisions established by the Law on the Basics of National Security.

The Military Defense Strategy, which was approved by the State Defense Council in October 2000, was by no means innovative in terms of specific provisions for democratic control. However, the document established democratic civilian control of the LAF as one of four fundamental principles of Lithuanian defense policy, along with deterrence, total and unconditional defense, and Euro-Atlantic solidarity with regard to collective defense. It is noteworthy that priority among these was given to democratic control, highlighting it as the cornerstone of Lithuanian defense policy.

The formation of the legal system of national security was encapsulated by the adoption of the National Security Strategy on 28 May 2002. As all the legal provisions concerning democratic control of the LAF were already in place, this

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defense (CHoD). In Lithuania, the duties of CHoD are split between the chief of defense staff, the commander of armed forces, and the land (field) forces commander.

document only reiterated that democratic control is one of the basic concepts of Lithuanian defense policy. In spring 2002, officials of the MND declared the implementation of the Partnership Goal of the NATO Planning and Review Process (*PARP*) on the adaptation of the legal system as being completed. However, the process of constructing the legal basis was not as smooth as one may assume; it took a dozen years to adopt the national security strategy, which should have been the initial basic document of national security policy and planning. After all, the formation of a legal system is a continuous process rather than a final outcome.

The mere existence of a constitutional and legal framework for democratic control of the armed forces may be seen as a sufficient condition for meeting formal democratic criteria. However, in practice it may not function at all if it is not set up in a democratic environment with efficient democratic political institutions and an emerging, if not yet established, conscious civil society. The major problem that states in transition, including Lithuania, face is not the absence of legal norms but first and foremost their unsatisfactory or ill-defined implementation. There is a range of political, social, technical, and even cultural limitations to the legal framework as a means of introducing democratic control over the national security sector. These are examined below.

### **Executive Control**

The central principle of democratic control of the military is that the armed forces must remain clearly subordinated to the government under any circumstances. The authors consider the following principles to be the minimal requirements for executive control of the armed forces to function:

1. A clear chain of command with civilian leaders at its head.
2. A civilian Minister of Defense and the Ministry itself at least partly staffed by civilians.
3. Subordination of the defense staff to the Ministry of Defense.

All these elements are in place within the national defense system of Lithuania. The chain of command of the national defense system of Lithuania is provided in the chart below.

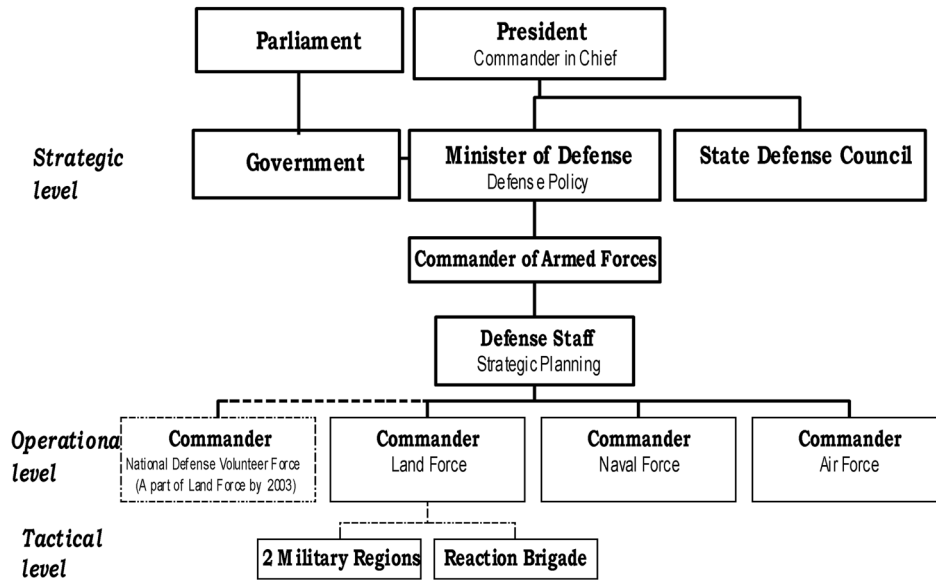
In democratic countries, the armed services usually owe ultimate allegiance to the head of state as the embodiment of the nation.<sup>13</sup> Lithuania is no exception; the President of the Republic of Lithuania is the Supreme Commander of the Lithuanian Armed Forces. In the event of an armed attack against the state, or when a threat arises to the sovereignty or the territorial integrity of the state, the President makes an immediate decision on defense against armed aggression, introduces

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<sup>13</sup> M. Quinlan, "The Role and Oversight of Armed Forces Within Democratic Societies," *NATO Review* 41:5 (October 1993).



**National Defense Structure: Chain of Command**



martial law, declares mobilization, and submits these decisions to the *Seimas* for approval.<sup>14</sup> Beside these shared responsibilities, the President chairs the State Defense Council. Upon the approval of the *Seimas*, he also appoints the Commander of the Armed Forces and, upon the approval of the Minister of National Defense, nominates the field (land) forces commander and grants the highest military ranks (ranks of colonel and higher).

It is obvious that the President cannot and should not personally run every aspect of the armed forces. The government carries out direct control over the military establishment through the Minister of National Defense. The government as such performs relatively few of the functions of executive control, but the ones they do perform are important. The cabinet or its authorized institution issues resolutions on supplying the armed forces, on procurement of weapons, and on the development of a logistical base of support within the national defense system.<sup>15</sup> Beside these general functions, the government has no other specific role in carrying out democratic control. After all, this is what the Minister of National Defense is for – there needs to be a clearly defined person to whom the nation and the par-

<sup>14</sup> See the Law on the Basics of National Security, Chapter 13: <http://www.kam.lt/en/main.php?cat=ministerija&sub=6>.

<sup>15</sup> See the Law on the Organization of the National Defense System and the Military Service, Chapter 7. An English version can be found at the following web address: <http://www.kam.lt/en/main.php?cat=ministerija&sub=6>

liament on the one hand, and the armed forces on the other, can rely upon as being fully responsible within the government for all defense matters.<sup>16</sup>

The Minister of National Defense of Lithuania may indeed be considered the central figure of the whole national defense establishment and, consequently, the office exists as the central institution. The Minister is ultimately responsible for the implementation of defense policy, development of the national defense system, and international defense-related cooperation.<sup>17</sup> As has already been mentioned, the Minister and the Vice-Minister may not be active servicemen. However, “civilianization” of the ministerial personnel does constitute a challenge for civilian executive control of the military. A shortage of civilian personnel with relevant defense expertise has been an endemic problem throughout the last decade. As a result, active members of the military hold key positions in the Ministry, and their advice on the main decisions of defense policy dominates the expert input received by the Ministry.<sup>18</sup> Although the goal of personnel management policy is to achieve an optimum balance between civilian and military staff, the current balance of 52 % of the personnel being civilian and 48 % military is not satisfactory. Furthermore, the practice of appointing active military servicemen to head key policy departments (for example, the NATO Department or the Defense Policy and Planning Department) is a practice hardly reconcilable with the principles of democratic control. The underlying cause of such personnel policy is the lack of experienced and qualified civilian personnel with the relevant background. However, in the future, this should no longer be an excuse as the number of young civilian specialists with the relevant education from Lithuanian and/or Western universities who will eventually gain the necessary experience in the national defense system is increasing. The policy of “civilianization” of ministry personnel must be continued, yet this is not to say that professional military expertise is unnecessary within the Ministry – in certain matters it is irreplaceable. However, it is imperative to democratic control that decision-making in defense policy is a prerogative of civilian officials.

Another layer of executive control of the armed forces consists of the Commander of the Armed Forces and the defense staff – the main military body guiding the preparation and development of the armed forces. With the force structure review in accordance with NATO standards and requirements underway, the position of the commander may be seen as questionable.<sup>19</sup> Although initially the laws envisaged a very important role for the commander, most of the twenty-three functions of this position set out in the Law on the Organization of the Armed Forces

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<sup>16</sup> M. Quinlan, *op. cit.*

<sup>17</sup> The functions of the minister are explicitly laid out in the Law on the Organization of the National Defense System and the Military Service, Chapter 10, <http://www.kam.lt/en/main.php?cat=ministerija&sub=6>

<sup>18</sup> V. Urbelis and T. Urbonas, “The Challenges of Civil-Military Relations,” 117–118.

<sup>19</sup> In most NATO member countries the position of the commander of armed forces does not exist.

and the Military Service are, in practice, delegated to and carried out by either the Chief of Defense Staff or the Field (Land) Forces Commander. The defense staff is considered to be “an integral part of the MND.” Although the principle of subordination of the defense staff to the civil authorities (i.e. the Minister and Vice-Minister) is observed, in practice certain questions about “integrity” may be raised. Indeed, sometimes the defense staff and the Ministry appear to work as two separate institutions rather than as an integral body. Some of these problems are attributable to a lack of co-ordination. In theory, the defense staff is subordinated to the Commander while he in turn reports to the Minister. In practice, this means an intermediate tier of command that complicates interaction between the Ministry and the defense staff rather than facilitating it. In the worst case, this position may become a source of friction. The Commander of the Armed Forces is a political appointee, nominated by the President upon the approval of the *Seimas* for a five-year term of service, while the Minister is appointed for a four-year term. In fact, the Minister’s tenure depends upon the political situation in the parliament, which is at best fluid (there have been twelve governments in twelve years of independence).

To conclude, it should be made clear that the existing shortcomings of executive control do not threaten in any way the stable and positive overall situation of civil-military relations within the national defense system in general and democratic control of the Armed Forces in particular.

### **Parliamentary Oversight**

If in the case of executive control there are clearly identifiable requirements that are usually common to most democratic states with minor local nuances, there are wide differences in the ways different elected legislative authorities perform parliamentary oversight. The role of the parliament may differ from active involvement in every aspect of defense policy and military affairs, from making executive decisions (such as weapons procurement or participation in an international operation) to mere monitoring and awareness of the endeavors undertaken by the government. Whatever the actual arrangements are, the parliamentary control of the military is usually twofold: the parliament provides for general oversight of the armed forces and, at the same time, the parliament must ensure control over the executive authority’s implementation of defense policy.

Today all the legal premises for effective parliamentary control of the security sector are in place in Lithuania. There are sufficient laws and legal norms of reasonable quality to establish the procedures for parliamentary oversight. However, this area of democratic control, in spite of its crucial role, faces some major difficulties and shortcomings in actual practice. It should be noted *a priori* that some of these problems are inherent in many other democratic states, both mature and transitional.

The Law on the Basics of National Security has established the main functions of parliament in ensuring democratic control over the defense sector. The *Seimas* determines the organization, development, armament needs, and assignments of the armed forces. As J. K. Giraldo vividly describes it, “the power of the purse provides civilians with a key lever of control over the military: government preferences are more likely to be taken into account when they are backed by the provision or withholding of resources.”<sup>20</sup> The parliament indeed has the ultimate power to allocate budgetary expenditures. Once again, when it comes to the actual management of defense financial resources, however, the picture becomes somewhat blurred. Although the final approval of the national budget, including defense appropriations, is maintained by the *Seimas*, in practice the possibilities for the parliamentarians to significantly alter the expenditure allocations are rather limited due to a lack of knowledge and expertise. It is obvious that the civilian and military officials of the MND are better informed about the specific needs of the armed forces and better prepared to protect the financial claims of the military. However, it is also obvious that certain ministerial claims for state appropriations might be exaggerated or not be of primary importance. Given the limited financial resources of Lithuania and the need to balance the state budget, efficient and rational allocation of funds for defense purposes is an imperative.

One can observe that the national defense establishment is becoming a consolidated and strong lobbying institution, and this is a process that raises rather contradictory thoughts. For example, at the end of every year, the MND submits the draft Law on the Principle Structure of the Armed Forces of the Republic of Lithuania. What follows can be seen as yet another instance of the MND behaving as a lobbying group rather than an impartial governmental institution. The draft law is an important annual document setting limits on the numbers of personnel in the armed forces, both conscripts and career servicemen. Every year heated discussions revolve around this law in the parliament with different opinions being raised as to what kind of military Lithuania needs – a small professional force or a large conscript army. Any attempts made by parliamentarians to amend the draft are usually met by strong opposition from the representatives of the MND, who argue that any changes in the numbers proposed would ruin long-term defense planning and would be disastrous to the whole national defense establishment. At the end of the day, the *Seimas* usually adopts the law without any amendments. The conclusions that follow from this example are rather ambivalent. On the one hand, it is evident that the national defense establishment is becoming a strong lobbying group that seeks to maintain autonomy over certain defense policy matters. On the other hand, the officials of the national defense system appear to comply with the rules of the political process set by the democratically elected

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<sup>20</sup> J. K. Giraldo, “Defence Budgets and Civilian Oversight,” Occasional Paper No. 9, the Center for Civil-Military Relations, Naval Postgraduate School, Monterey, 2001.

authorities and work within them. They do not infringe upon the rules of lobbying for the legitimate interests of their institution. This should be regarded as a positive trend in the ongoing formation of the political system, but time is needed for such behavior to become a routine inherent in the civic political culture of Lithuania. In addition, the line between legitimate lobbying and unlawful interference is extremely fine and therefore should be observed with adequate caution.

The process of drafting and approving the National Security Strategy – the most important document bearing on national security – may be presented as yet another symptomatic illustration of an unbalanced relationship between the government/MND and the parliament. The *Seimas* has little opportunity to influence any aspect of the process. The actual drafting of the strategy is carried out within a small group of experts from governmental institutions (the MND, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, and the State Security Department) with little public awareness or any significant interaction with the parliament. The government submits the final product to the *Seimas* for a rather symbolic approval. The question that arises here is that of the balance between efficiency and legitimacy: the former should not be sought at the expense of the latter. Some balanced combination of the two must be found.

The authors of this paper believe that the underlying cause of the issues discussed above is a lack of expertise. The shortage of experts and advisers to the members of parliament is indeed an acute problem. However, it should be noted that this problem is intrinsic to many newly democratic states. Few civilians in most transitional democracies have the knowledge and understanding of military affairs to serve as civilian defense policy experts.<sup>21</sup> Moreover, civilian expertise is in urgent need given the current post-Cold War security environment. The revolution in military affairs that is taking place across the world is based on high-tech sophisticated technologies and favors smaller, more mobile forces. This is also the intended goal of the ongoing review of the LAF. Any reform (particularly reform in the defense sector) may raise sensitive social issues such as those concerning wages and employment. Although the downsizing of the LAF is not on the agenda of the Lithuanian defense policy, the policy does seek to limit spending on personnel to not more than 50% of the defense budget, reallocating resources to procurement and defense infrastructure.<sup>22</sup> For the reform to take place smoothly, civilian authorities must understand the needs of the military and, in turn, military officers have to be aware of the necessity to have political decisions be made by civilians. This is why civilian expertise is crucial for the efficient functioning of democratic control.

<sup>21</sup> For further arguments, see Goodman, “Civil Military Relations in the Post-Cold War Era.”

<sup>22</sup> See “The guidelines for development of the Lithuanian National Defense System for the years 2002–2005 (Defense guidelines),” Ministry of National Defense of the Republic of Lithuania, Vilnius 2001, 18.

Another problematic issue of democratic control is that of transparency in procurement. The parliament does not have any role in the procurement process whatsoever. That is not to say that the parliament *should* interfere in any way when the government is purchasing radios or shoes for the armed services. However, when a pending acquisition of some major weapon systems amounts to a considerable portion of the defense budget, the parliament should at least be notified and, at best, should make the decision on procurement. This is a common practice in many Western societies and in some of the CEE countries. Although this approach would prolong the procurement process, with possible postponements and even cancellations, it would ensure transparency and accountability, preventing doubtful tenders and limiting potential corruption. However, once again the *Seimas* at this point lacks the necessary expertise, and the LAF would be the one that would suffer at the expense of more transparent and allegedly “better” democratic oversight.<sup>23</sup> If improvement would take place in terms of increased civilian expertise within the parliament, a role for the *Seimas* in the procurement process would be an imperative.

Another issue that needs to be addressed in the context of parliamentary oversight is the democratic control of security structures other than the LAF, the first and foremost being the intelligence services. The role of the parliament in this sphere is also limited, partly due to objective reasons. The activities of the intelligence services deal with sensitive issues of national security and with state secrets. Therefore, democratic control of these services requires different arrangements than that of the armed forces or police force. Chapter 20 of the Law on the Basics of National Security establishes that the State Security Department, an institution charged with conducting foreign intelligence and counter-intelligence, is accountable to the *Seimas* and the President of the Republic. The budget, resources, methods, and equipment of the department are considered a state secret. Therefore, the *Seimas* exercises parliamentary control over the department’s activities in compliance with the requirements of protection of state secrets. The Second Department of Operational Services, under the auspices of the MND, is an institution that conducts military intelligence and counter-intelligence. Up until now, the parliament has not had any role in overseeing this department, which answers directly to the Minister of National Defense. Without any parliamentary oversight in place, under certain circumstances this department may become a source of unchecked political power and may be used in inappropriate ways. Therefore, a relevant and acceptable mechanism of parliamentary oversight of this institution, probably similar to the one described above, must be found.

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<sup>23</sup> The authors here would like to draw on the example of the Parliament of the Czech Republic, which recently failed to complete a major tender of procurement of Swedish Gripen fighters. Due to the politicization of the issue and the apparent lack of defense experts in the Czech Parliament, the decision was postponed. The newly elected government is likely to choose another supplier instead.

### **Foreign and Defense Policy: The International Context**

Institutional arrangements for the democratic control of the military are just one side of the story. The state's domestic, foreign, and defense policy is another important dimension of democratic control that sometimes tends to be overlooked.<sup>24</sup> While in the case of domestic politics civil-military relations do not pose any significant trouble (the military are more or less effectively prevented from interfering in internal political affairs), the areas of foreign policy and defense policy in particular are somewhat more contentious issues.

If defense policy is to be understood in broad terms as the overall development of the armed forces, encompassing defense budget, force structure, and arms procurement as well as military defense strategy and planning, most of these elements have already been discussed earlier in this paper. To summarize, the basic feature of the Lithuanian defense policy is a balance between strong civilian leadership over general policy guidelines with the military retaining relative autonomy on certain exclusively professional military matters. With civilians occupying the top positions of the national defense system, military officers have little or no opportunity to significantly alter the general direction of defense policy. At the same time, certain issues, like force structure, defense plans, or intelligence require professional military expertise, and civilian interference should be limited to mere oversight.

In May 2001, the parliamentary parties of Lithuania signed an agreement on defense policy priorities for the period 2001–2004.<sup>25</sup> This national accord finally and irreversibly ended a decade-long dispute over the direction that Lithuanian defense policy should take. The document stipulated that “the national security and defense system of Lithuania is developed as a part of the common European security and transatlantic defense systems.” The parties also agreed on stable defense financing at the level of 2% of GDP from 2002–2004.

In the case of foreign policy, the role of the military is far more limited, but it remains fairly important. First of all, foreign policy often has to do with the use of military force outside the country. There is a widespread stereotype that the military are more prone than their civilian counterparts to see military threats and to use armed force to solve international disputes. This is why, some argue, strong democratic civilian control is so vital for preserving the peace. Valid or not, this assumption does not cause any trouble in Lithuania. All foreign policy decisions are firmly in the hands of civil authorities. According to the Constitution (Chapter 84), the President makes the main decisions on foreign policy and, together with the government, implements them. All decisions on the use of armed force

<sup>24</sup> For example, the article by V. Urbelis and T. Urbonas cited above does not elaborate on this problem at all.

<sup>25</sup> See “Agreement between the parliamentary parties of Lithuania on the defense policy, 2001–2004,” the Ministry of National Defense of the Republic of Lithuania, Vilnius, 2001.

are made by the parliament and, in cases of emergency, by the President (subject to later approval by the parliament). Although the LAF has not participated in any combat encounters with an enemy following the restoration of independence, since 1994 Lithuanian troops have taken part in peace support missions, including UNPROFOR, IFOR, SFOR, and most recently KFOR. The defense establishment is also directly represented abroad via the institution of defense attachés.<sup>26</sup> However, the activities of the latter are limited to areas of bilateral defense-related co-operation.

Proper analysis of the implications of democratic control of the armed forces on the foreign and defense policy of Lithuania cannot be detached from the international context. Democratic control in transition countries faces a double challenge: it needs to be introduced and implemented in national settings for the first time, and it also has to catch up with new developments in a supranational setting that are being created in the Western security community.<sup>27</sup> Indeed, incentives provided through co-operation with NATO have played an important role in establishing the legal framework of democratic control over the defense sectors in Lithuania and the CEE countries. However, it should be noted that Western patterns were neither blindly copied nor were they directly applied in transition states, given the varying local features and peculiarities of the national defense systems.

Sometimes the concept of democratic control is misinterpreted by the general public or media as a NATO requirement that the state would otherwise not need to observe. Instead, it is a crucial prerequisite for a functional democratic system and constitutional order that is imperative regardless of potential NATO membership. However, the international context and the implications of outside pressures cannot be neglected. There is a basic consensus among NATO member states that the alliance shall not impose common solutions and models of democratic control of armed forces on other countries. NATO attempts to combine and reconcile the principles of state sovereignty, democratic control, and multinational military structures. NATO's PARP under the Partnership for Peace (PfP) program, along with the Membership Action Plan (*MAP*), can be considered as facilitating vehicles for introducing democratic standards in the defense establishments of partner and aspirant member states. Therefore, pursuit of NATO membership as a strategic goal of Lithuanian defense policy continues to have a considerable impact on the development of civil-military relations in the country.

Another external influence on foreign and defense policy is the process of Lithuanian integration into the EU. Lithuania expects to join this organization in 2004. Due to the supranational character of the EU, the implications of membership for Lithuanian foreign and defense policy may differ from those of NATO

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<sup>26</sup> Up until now, Lithuania has accredited eight defense attachés in sixteen NATO member countries, nine in partner countries, and has military representatives in NATO and EU.

<sup>27</sup> See Vankovska, ed., *Legal Framing of the Democratic Control of Armed Forces*, 11.



membership. Lithuania has already finished negotiating the chapter on Common Foreign and Security Policy (CFSP), and has begun undertaking certain commitments in this regard. Having in mind the latent character of the CFSP formation process, however, and the lack of any provision for collective defense, NATO membership is considered to be the cornerstone of Lithuanian national security in the future, and therefore the military standards of the Alliance prevail in the ongoing development of the LAF.

### **The Military and Society**

The domestic political function and position of the military within society form one of the core components of civil-military relations.<sup>28</sup> The armed forces must, above all, be accountable to the society they were created to defend.

The Law on the Basics of National Security states that “national defense policy and defense expenditure shall be public knowledge.” In line with this provision, the MND has undertaken what one may call a strategy of “going public.” Different booklets, brochures, and posters are aimed at increasing public awareness of defense affairs in general and NATO integration in particular. The Ministry also finances editions of specialized literature: newsletters – *Krašto apsauga* (“National Defense”), *NATO žinios* (“NATO News”); and monthly and quarterly magazines – *Karys* (“The Soldier”), *Kardas* (“The Sword”), and *Trimitas* (“The Trumpet”). The relations between the national defense establishment and the public media are not idyllic, but there is also no evidence of tension between the two. The media in general support the course of Lithuanian integration into the Euro-Atlantic institutions and therefore avoid presenting severe criticism of national defense and security policy. There is, however, an evident lack of analytical articles on the LAF, NATO integration, and similar matters. Minor accidents within the armed forces usually attract much more attention than important international exercises taking place on Lithuanian soil. This problem is attributable to the lack of journalists expert in military affairs and the immature state of journalism in Lithuania as a whole.

The armed forces, for their part, conduct an “open door” policy by organizing and participating in many social events on different formal (national festivals) and informal (for example, presentations of movies on military themes) occasions, and above all the celebration of the Army Day on November 23. During such events, both military and civilians have an opportunity for direct interaction. Exhibitions of military transport, hardware, and weapons, the huge bowl of so-called “military porridge,” and similar attractions enhance mutual understanding and trust between the society and the armed forces more than anything else.

Another less visible yet very important area of civil-military cooperation is search and rescue operations. Every now and then civilian institutions call for the

<sup>28</sup> See: Cottey, Edmunds, and Forster, “Introduction,” 6.

help of the armed forces in cases of natural disasters and accidents such as floods, storms, and so forth. Sometimes, as a sign of good will or as part of a training exercise, some military units assist the people by building pontoon bridges and providing similar help.

The last but certainly not the least important issue of civil-military relations is the role of the so-called third sector, non-governmental organizations (NGOs). Although the participation and influence of NGOs in the discourse on civil-military relations and defense policy issues has been rather limited until now, their informal role is increasing. One of the most prominent NGOs is the Lithuanian Atlantic Treaty Association (LATA), which organizes round table discussions and conferences on different aspects of Lithuanian integration into NATO. The Institute of International Relations and Political Science at the University of Vilnius and the Institute of Strategic Studies under the auspices of the War Academy are emerging as think tanks on strategic issues of national security and defense. For example, in June 2002 the Institute of International Relations and Political Science, in cooperation with the Center for Strategic and International Studies (based in Washington D.C.), prepared a policy paper on "Lithuania's Security and Foreign Policy Strategy."

All these efforts contribute to the increasingly favorable attitude of society towards both the LAF and NATO. The dynamics of the polls shows that public trust in the military has been constantly rising throughout the last decade. According to current opinion polls, the armed forces of Lithuania consistently rank fourth among state and social institutions, with 40–46% public approval (only trailing the Church, the media, and the President, but surpassing health care, social insurance, police, the courts, and the government).<sup>29</sup> In addition, two-thirds of the population support Lithuania's NATO membership bid.

One of the indicators of the growing popularity of the armed forces and the military profession itself is the increasing competition among those seeking to enter the War Academy of Lithuania. The entrance competition for this academic institution is one of the most stringent in the country. One could even say that being a military officer is becoming a respectable profession and the armed forces themselves are becoming an indispensable part of Lithuanian society.

It is noteworthy, however, that in the early years of independence there was widespread public disillusionment and negative attitudes towards the armed forces generated by some criminal offences involving corruption and financial machinations committed by the military or defense officials, mostly those with a Soviet past.<sup>30</sup> Other incidents were related to the high degree of politicization of the Voluntary Service of National Defense (VSND), a paramilitary force that was at the

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<sup>29</sup> On 18<sup>th</sup> of May 2002 the Armed Forces of Lithuania secured 42.6% in a poll of public confidence (see: 'Lietuvos rytas', 18 May 2002, No. 113).

<sup>30</sup> For more details, see: V. Urbelis and T. Urbonas, "The Challenges of Civil-Military Relations and Democratic Control of Armed Forces: the Case of Lithuania," 110–11.

time almost personally loyal to the right-wing Homeland Union and its leader Vytautas Landsbergis. At the peak of the political involvement of this paramilitary force in 1993, when the Homeland Union lost parliamentary elections to the ex-communist Lithuanian Democratic Labor Party, a group of armed volunteers withdrew to a secluded area in the woods and declared that they would resist the new administration and its attempts “to undermine Lithuanian independence.” Since the appointment of Linas Linkevicius as Minister of National Defense at the end of 1993, the course has been taken toward the complete and irreversible depoliticization of the LAF (the VSND was eventually reorganized and integrated into the structure of the regular armed forces).

Today, the Lithuanian military are barred from participating in the political life of the country. First of all, this clause has to do with membership in political parties. However, the dichotomy of the citizen-soldier is not an easy issue to handle, even for consolidated democracies. There is no doubt that certain things that civilians are allowed to do are not permitted to the military. But another view is that basic human rights should not be undermined under any circumstances. Freedom of speech and the right of self-expression are values that rest at the very core of democracy. Democracy, as such, implies the protection and implementation of the basic human rights of individuals, whether they are civilian or military. In this sense, the participation of the military in social and political life is one of the most contentious issues. The solution depends upon the level of development of the political culture and the political consciousness of a given civil society. It will take some time for democratic norms and values to be enshrined in the everyday political life of Lithuanian society.

### **Conclusion**

Democratic control of the military has been successfully established in Lithuania during the last dozen years, but certain unresolved issues of civil-military relations require the further consolidation of the democratic political system and formation of civil society in the country. Some of these issues have to do with the specific socio-political context of Lithuania, while other issues are more of a general nature, and are inherent to most democratic societies and states in transition.

The legacy of civil-military relations in the inter-war period (1918–1940) and the military coup of 1926 barely had any significant influence on the process of forming the modern armed forces of Lithuania in the 1990s. After the restoration of independence, Lithuania managed to create a modern armed force, based on the model and virtues of Western democracies, in a very short period of time. The influence of the Soviet legacy, which initially persisted within the military establishment, has eventually faded away. The lack of historical experience of democratic governance was not as much of an obstacle as some may have initially feared. All the necessary legal mechanisms for the democratic control of the armed forces are firmly embedded in the Constitution and other laws regulating

activities of the national defense establishment and the LAF. A thorough analysis of democratic controls over the armed forces in Lithuania, however, enabled the authors of this article to highlight certain shortcomings (rather than serious problems) of democratic control that still persist in the national defense establishment of Lithuania.

The parliament (*Seimas*) has, with some delays, passed all the main documents establishing and regulating the activities of the national defense system and the armed forces, including the Law on the Basics of National Security, the National Security Strategy, and the Military Defense Strategy. The latter two, however, given their crucial importance in establishing national security guidelines, did not receive sufficient hearings in the parliament before their approval. Certain ill-designed legal provisions, or their ill-defined implementation, pose some obstacles to efficient democratic control of the national defense system.

The main principles of executive control over the national defense establishment comply with the requirements of democratic control: only a civilian can be appointed Minister of National Defense, who is the main person responsible for guiding implementation of defense policy; the Ministry itself is partly staffed by civilians; and the defense staff are subordinated to the Ministry. However, further "civilianization" of the Ministry must be carried out, and better co-ordination of the activities of the defense staff and the Ministry must be achieved.

The parliament also faces some objective difficulties in executing efficient oversight over the activities of both the institutions that implement national security and defense policy and the LAF. First and foremost, these difficulties are attributable to the lack of relevant civilian expertise on military matters in the national parliament. Shortage of civilian expertise in turn leads to other problems, ranging from a lack of transparency in the procurement of weapons and the subsequent possibility of corruption to the relative autonomy of the national defense establishment over matters such as the structure of the armed forces. The democratic oversight and control of the activities of other armed structures, especially intelligence services, does not receive due consideration among leading decision makers and members of parliament and may therefore present some difficulties to the democratic political process of the country in the future.

The role of the mass media, despite their pursuit of sensational news and lack of professional expertise in military affairs, is favorable in regard to the Lithuanian military. The NGOs are also playing an increasingly important role in civil-military relations. Not least, social events organized by the LAF contribute to comparatively high levels of public support (over 40%). However, it is necessary to bear in mind that this support has never been tested by a real crisis or on a real battlefield in defense of the homeland. Undesirable as it is, the contemplation of a scenario reminiscent of the events of 1940 always raises doubts within society about the credibility and readiness of the LAF to defend Lithuania (whether these doubts are reasonable or not is another matter). At least the events that took place

in 1993, when a small group of volunteers from the Voluntary Service of National Defense fled to the woods and tried to challenge the authority of a democratically elected government, are incomprehensible today.

Notwithstanding the remaining shortcomings of democratic control over Lithuania's armed forces, the overall situation of civil-military relations and the role of the armed forces within Lithuanian society are more positive than they have ever been before in the modern history of Lithuania.

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