

THE 2014 REFERENDUM IN LITHUANIA

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Outline

- The first triple referendum in history of Lithuania as it asked to vote on amendment of three different articles - 9, 47 and 147 - of the Constitution of the Republic of Lithuania in one referendum question.
- A real issue of referendum – a ban of sale of agricultural land to foreigners in Lithuania.
- A referendum without campaign led to invalid results.
- A record- low turnout as only 15 per cent of eligible electorate voted.
- A failure of mainstream political parties to convince citizens that the whole referendum initiative had no clear rationale.

Among important political events of 2014 in Lithuania was a binding referendum on the amendment of articles 9, 47 and 147 of the Constitution of the Republic of Lithuania. The last referendum of this type was held more than 10 years ago (10-11 May 2003) on the country's membership in the European Union. Since then Lithuania has had two consultative referendums in the area of nuclear energy. But both of them were combined with general elections in order to have a higher participation primarily in the elections. Because of these referendum initiatives some political parties had expectations to increase their vote share during the parliamentary elections of 2008 and 2012. In other words, the 2008 and 2012 consultative referendums have been rather instruments to mobilize additional supporters for the parliamentary elections, but not real means to decide about a substantial policy issue. Moreover, between 1991 and 2014 Lithuania held 11 referendums and one plebiscite; nine of these were binding and three consultative. Valid decisions were passed only in three binding referendums, i.e. the removal of the ex-Soviet military troops from Lithuania, the Constitution adoption, and the accession to the EU. The consultative referendum on the construction of a new nuclear power plant

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(2012) was able to pass a 50 per cent voter turnout threshold, but the issue was rejected with almost two-thirds of “no” votes. Under these circumstances, the attempt to initiate a binding referendum on the amendment of articles 9, 47 and 147 of the Constitution in 2014 looked as a *mission impossible* from the very beginning.

Background

The initiative coming from a group of citizens was registered on 22 August 2013 by the Central Electoral Commission (CEC). The group submitted the draft law with three issues to amend articles 9, 47, 147 of the Constitution: 1) reduce the number of citizens required to implement the right to call a referendum from 300,000 to 100,000 citizens, 2) to restrict the foreign natural and legal persons to acquire land ownership in Lithuania as well as foreign legal persons registered in Lithuania and 3) all decisions related to the exploitation and extraction of natural resources that have national and local importance to be passed only by referendum.

A draft of the *Law of the Republic of Lithuania for amending articles 9, 47 and 147 of the Constitution* was written in three parts and focused on three issues; in the end, the entire initiative may be called a triple referendum. The referendum initiative group proposed to amend part 1 of Article 9 with the following text: “The most significant issues concerning the life of the State and the Nation shall be decided by referendum. Decisions taken by referendum may be amended only by referendum”. Part 3 of the same article was amended by the following statement: “A referendum shall also be held if requested by not less than 100,000 citizens with the right to vote”, i.e. to decrease the current requirement of 300,000 signatures by three times. The amendment to Article 147(1): “A motion to alter or supplement the Constitution of the Republic of Lithuania may be submitted to the Seimas by a group of not less than 1/4 of all the Members of the Seimas or not less than by 100,000 citizens with the right to vote” was only a supplementary requirement to lower the quota to 100,000 citizens.

In fact, the amendments on sale restrictions of land to the Article 47 of the Constitution were the most important to the referendum initiative group as this group represented various interests organizations related to the agricultural sector of the country. Lithuania committed to allow foreigners to purchase land when it signed the European Union accession agreement in 2003. A seven year transition period was granted to Lithuania and an initial ban of the land sale was valid until May 2011. Later, Lithuania agreed with the European Commission to extend this period of prohibition until May 2014.

A draft amendment of Article 47 was formulated as follows:

The underground, internal waters, forests and parks may belong by right of ownership only to the citizens and the State of the Republic of Lithuania. The Republic of Lithuania shall have the exclusive rights to the airspace over its territory, its continental shelf and the economic area in the Baltic Sea. The underground as well as internal waters, forest, parks, roads, historical, archaeological and cultural objects of national and communal importance shall belong by the right of exclusive ownership to the Republic of Lithuania. Issues of national and communal importance related to the extraction and use of natural resources shall be solved only by referendum. Plots of land may belong to a foreign state by the right of ownership for the establishment of its diplomatic missions and consular posts according to the procedure and conditions established by law.

According to Article 9 – *Right of Initiative of Calling Referendum* – from the Law on referendum, the initiative group had to submit the petition in three months by collecting a minimum number of 300,000 signatures from Lithuanian citizens. Thus, the initiative group had time to fulfil this task until 29 November 2013. In recent years all initiatives to collect 300,000 signatures for a referendum failed (e.g. four initiatives were unsuccessful in 2012). However, this time was different and on 28 November 2013 the Central Electoral Commission received lists including 313,425 signatures that supported a call for a referendum on the above mentioned issues. After discussions regarding the correctness of some signatures, a decision was issued on 17 February 2014 according to which the number of signatures is higher than 300,000 and the parliament needs to decide about a referendum date.

On 10 April 2014 the Seimas passed a decision to hold a binding referendum with a vote of 79 in favor (supporters from Social democratic, Labor, Order and Justice, and Polish Electoral Action factions, which have been representing the center-left government coalition), four against and 19 abstentions (mainly from the center-right Liberal movement and Homeland Union-Lithuanian Christian Democrats, HU-LCD).

Campaign

The center right political parties opposed from the very beginning the idea of this referendum. Many of them considered the call of a referendum as an imminent danger for state's stability, a move inspired by political ideologists belonging to the Russian President Vladimir Putin, and an example of anti-Western propaganda. Moreover, four MPs Jurgis Razma and Stasys Šedbaras (HU-LCD) and Eligijus Masiulis and Gintaras Steponavičius (Liberal Movement)

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addressed the Constitutional Court asking to clarify whether the legal regulation when the lawmakers are not granted the right to decide on announcing the referendum does not contradict the Constitution. Their main argument was that a provision regarding the sale of land to foreigners and legal entities was an integral part of the Treaty of Accession between the European Union and Lithuania signed in April 2003. On 11 July 2014 (*post factum*) the Constitutional Court ruled that the Parliament has to refuse to call for a referendum if it does not meet constitutional requirements. It was too late for this triple referendum.

Among the few top politicians who supported the idea of a referendum was Loretta Graužinienė, Speaker of the Seimas and leader of the Labor Party, a member of the ruling center-left coalition. In early spring 2014 in all discussions about the possible referendum, she rejected idea proposed by some right wing politicians that the parliament may block the initiative although at least 300,000 citizens supported it. Graužinienė's argument was that this would be a restriction of democracy, interfering with people's right to express their opinion. On the other hand, the Ministry of Justice proposed amendments to the Law on Referendum, which would authorize the Seimas to filter the so-called "suspicious" referendum initiatives. Along these amendments was also suggested that only one clearly-formulated question could be asked in a referendum instead of several. This draft law was prepared as a reaction to the above mentioned ruling of the Constitutional Court on initiatives that fail to meet the constitutional requirements.

Algirdas Butkevičius, leader of the Lithuanian Social Democratic Party and Prime Minister, was very cautious and undecided whether to support the call for a referendum. After several discussions, the social democrats decided to support it in the parliament along with three other ruling coalition parties because it was seen as an important and direct tool to give voice to citizens. However, the ruling parties decided not to combine the referendum with forthcoming presidential and the European Parliament elections in May 2014, but to have a separate vote. This strategic decision almost guaranteed the failure of the referendum to reach the required voter turnout threshold – after two elections in a row, the presidential and European, and due to the beginning of summer holidays.

There were several major differences between the ruling center left parties and opposition center right parties regarding this referendum. If the center right parties rejected both the proposed issues and the possibility to call for a referendum, the ruling parties basically opposed a ban of sale of land as an

issue, which came too late on the political agenda and Lithuania had no time to re-negotiate with the European Union an extension of land sale transitional period. The Labor and Order and Justice parties had openly supported a decrease of the number of signatures to call for a referendum, and the social democrats were not against it. The Order and Justice Party included this issue into its 2012 election manifesto as an important political goal together with the broader use direct democracy tools.

After casting his vote in the referendum, the Prime Minister Butkevičius told the media that the referendum will fail because less than half of all voters will participate. He stressed that the public wisdom will prevail as government and parliament adopted a law on safeguards on land sale, and there was no need for politicizing such an issue. Moreover, he emphasized that his vote was civic duty, respect for the collected signatures, and willingness to express personal opinion. This behavior sharply contrasted with many previous instances when top politicians urged citizens to abstain from voting if they disliked one referendum initiative for some reasons.

The supporters of the “yes” campaign were quite heterogeneous. They included representatives of farmers’ community, some activists from non-parliamentary parties as the Nationalists Union, Lithuanian People’s and Lithuanian Centre Parties, including small parliamentary parties like Lithuanian Peasants and Greens Union, several non-governmental organizations and few old politicians who were fighting for national independence in early 1990s. Main messages of the referendum initiative group were that the land sold to foreigners will no longer be part of Lithuania and the European Union was imposing its own rules on the country.

The campaign in itself was short and extremely weak. Supporters of the triple referendum have been using few websites to disseminate information and most important among them was “*In the name of Earth*”. Open and public discussion through national media was actually absent except few appearances of referendum supporters on national TV and radio as it may be used free of charge according to the law on referendum. A general impression was that the referendum supporters used all their arguments and efforts during a period of collection of signatures to call referendum in autumn 2013 and had no energy to campaign after agitation period officially started in late May 2014.

¹ See more: Argumentai. Available at: <http://www.zemesvardu.lt/Referendumu-siekiamo/> [Accessed 2 March 2015].

Results

According to article 7 of the Law on referendum, the binding referendum is considered valid with a participation quorum: half of the citizens, having the right to vote and having been registered in voter lists or 50 per cent plus one vote. The issue(s) of referendum is considered to be approved if more than one half of the citizens, who had taken part in the referendum voted for it, and in addition they make at least one - third of the citizens having the right to vote and having been registered on voter lists.

Table 1. Results of the 2014 referendum

Date of referendum:	29 June 2014
Electorate:	2,538,430
Referendum question:	I approve the amendment of articles 9, 47 and 147 of the Constitution of the Republic of Lithuania
Total votes cast:	380,178 (14.98%)
Total valid votes:	369,424 (97.17%)
Valid votes in favor:	269,049 (72.83%)
Valid votes against:	100,375 (27.17%)

On 29 June 2014, less than 15 per cent of citizens cast their votes in the referendum and the turnout threshold was not passed. Despite that the proposed policy was accepted by 72.83 per cent of cast votes, these votes made only 10.6 per cent from all eligible electorate. It was a record- low turnout (the average for referendums between 1991 until 2014 was 57.3 per cent). Looking at voter turnout in different electoral districts the most passive voters could be found in the three largest cities – Vilnius (around 10 per cent), Kaunas (13 per cent), and Klaipėda (12 per cent). The least active were the residents of Visaginas with one of the largest Russian minorities in Lithuania. Slightly more active were voters from North Eastern and Southern Lithuania, where in some municipalities the turnout was as high as 20 per cent, e.g. Ignalina, Pakruojis, or Šalčininkai.

Conclusions

The referendum initiative group explained the negative outcome of the referendum in terms of bad timing, i.e. in the middle of summer. At the same time, it was a mistake of the initiative group to combine three issues into one referendum. For example, if there was a separate referendum for a lower number of signatures required to call for a referendum, this issue had real chances to pass because the public opinion is that the current number is too high. The initial reason for a high number of signatures was related to the fear

that referendums might be used too frequently for populist tasks and mobilization of a protest vote.

The land sale issue was interesting only to few minor political parties and to some naïve patriots. From the very beginning it was clear that the referendum initiative on land sale approaches a minor issue on the political agenda and previous international commitments of the country cannot be revised. The mainstream political parties failed to convince citizens that the whole referendum initiative has no clear rationale. After many failed attempts the referendum initiative group collected the required number of signatures and showed some support for these issues in a society. This share of support was higher, for instance, than a voting for winning political parties in the last two parliamentary elections as in 2008 the HU- LCD received only 9.6 per cent of total vote cast and in 2012 for the Labor Party voted 10,7 per cent of eligible voters.

Last but not least, the triple referendum in 2014 could be seen as a mean of populist protest policies rather than a tool of direct democracy meant to decide on important social, political, or economic issues. From the beginning it was quite clear that neither major political parties nor the most influential political leaders had intentions to support it. The initiative group had scarce capacity and resources to mobilize a broader public and to win a majority for its cause. Moreover, the issues of the triple referendum were in line with previous populist initiatives from 2012-2014 that aimed to subject to a popular vote questions such as the decrease of the number of parliamentarians (from 141 to 101), to introduce a right to initiate early parliamentary elections by referendum, or to ban fully nuclear energy. All these initiatives were seen by major political actors in Lithuania as marginal to the political agenda and failed to collect the required number of signatures for a referendum.

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