

5. SECURITY STUDIES

COMPETENCES OF THE REPUBLIC OF LITHUANIA AUTHORITIES IN THE AREA OF DEFENCE

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ABSTRACT

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This publication is aimed at introducing the competences of the Parliament, President and Government of the Lithuanian Republic in defence section. In order to attain this objective, this article mainly focuses on the document examination method which enabled the collection, selection, description and scientific interpretation of legal acts of the Lithuanian Republic. The following legal acts regulating the defence issue include: the Constitution, acts, ratified international agreements and regulations.

KEYWORDS

Republic of Lithuania, Parliament of the Republic of Lithuania (Seimas), President of the Republic of Lithuania, Government of the Republic of Lithuania, competences in the area of defence.

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Introduction

The Republic of Lithuania (Lithuania) is a country situated in Central Europe on the south-eastern shore of the Baltic Sea. It is bordered by Russia (oblast of Kaliningrad) to the west, Poland to the southwest, Belarus to the east and Latvia to the north. On March 11, 1990 Lithuania declared the independence and in 1992 the first free elections to the Lithuanian Parliament (Seimas) took place.

In accordance with the art. 1 and art. 5 of the Constitution of the Lithuanian Republic, Lithuania is a democratic republic created by the nation. The Constitution guarantees tripartite division of power. The legislative power belongs to the unicameral Parliament (Seimas), the executive power is exercised by the President and Govern-

ment and the judicial power is vested in the independent courts.¹

The chapter 13 of the Constitution of the Lithuanian Republic defines the objectives of foreign policy and national defence, as well as competences of the authorities in this field. The Republic of Lithuania conducts its foreign policy according to universally recognized principles and norms of international law. It strives to ensure national security and sovereignty, welfare of its citizens, their fundamental rights and freedoms and contributes to the development of international order based on law and justice. The defence of the Lithuanian

¹ Constitution of the Republic of Lithuania, art. 1, 5, 77. [Lietuvos Respublikos Konstitucija (Lietuvos Respublikos piliečių priimta 1992 m. spalio 25 d. referendumu)].

state is the right and duty of every citizen of the Republic. Citizens perform the military or alternative service in accordance with the procedures established by law.

Competences in the area of defence

The main articles of the Constitution which directly cover defence issues are part 2 of the Article 3 of the Constitution which state that „The nation and every citizen shall have the right to oppose any attempt to violate the sovereignty, territorial integrity and constitutional order of the Lithuanian state” and the Article 139 of the Constitution which specifies that „the defence of the Lithuanian state against armed aggression is the right and duty of every citizen of the Lithuanian Republic realized by universal military service of citizens.”² The Act on national security describes well the defence force of the Lithuanian state, pointing out that „The defence force of the Lithuanian state is based on the nation’s determination to resist any form of aggression, which is implemented through the conscription and readiness of citizens for the universal armed and unarmed resistance, as well as the assistance and solidarity on the part of NATO allies. Lithuania shall oppose the aggressor with all available means: military defence, partisan actions and disobedience of citizens in order not to cooperate with the aggressor.”³

The Defence System of the Republic of Lithuania is part of the national security system, which consists of state institutions whose purpose is to defend and protect the sovereignty of the state, independence and integrity of its territory and to fulfill Lithuania’s obligations in the scope

of international defence and military cooperation as well as to implement other tasks by enterprises and institutions associated with the national defence. The system also includes preparation of the territory and infrastructure for the national defence.

The national defence system consists of the Ministry of National Defence (leading organ), Armed Forces (in the event of martial law or armed defence against the aggression (war)), as well as Border Guards and Public Security Service forces, units of Lithuanian Riflemen Union and other units of armed resistance and citizens, Lithuanian Military Academy, Intelligence Office, military zones and other infrastructure facilities provided for the national defence, as well as enterprises and institutions subordinate to the Ministry of Defence and to other defence system institutions. The Lithuanian defence system is developed as part of the transatlantic collective defence system. It functions in accordance with the decisions of the Constitution of the Republic of Lithuania and the Act on the foundations of national security of the Republic of Lithuania. National defence institutions are subject to the principles of democratic and civil control.

The Parliament of the Lithuanian Republic (Seimas) approves the development of the armed forces and funds for its armament and for other defence purposes. Seimas exercises parliamentary control over the national defence system in the manner established by law. National defence policy and funds provided for the defence and approved by Seimas are made public. The President and Parliament of the Republic pass decisions concerning mobilization, imposition of martial law, use of the armed forces and defence against armed aggression, in accordance with the procedures laid down by the Constitution and the Acts of the Lithuanian Republic. The Government, Minister of National Defence and Chief of Defence are account-

² Act on national security of the Republic of Lithuania, chapter 6. [Lietuvos Respublikos nacionalinio saugumo pagrindį ástatymas 1996 m. gruodžio 19 d. Nr. VIII-49 Vilnius].

³ *Ibidem*, chapter 7.

able to the Seimas for the leadership and command of the armed forces.

The Parliament of the Lithuanian Republic has a supreme position in the country's political system. It consists of 141 representatives of the nation, elected for a four-year term. The Constitution defines the following competences of the Lithuanian Parliament include ratification and termination of international agreements regarding e.g. modifications of borders of the Republic of Lithuania, political cooperation with other countries, mutual assistance and treaties related to the national defence or the stationing and status of the Armed Forces of the Republic of Lithuania on the territory of other states. The Seimas also has a power to impose martial law, mobilization and demobilization and decides on the use of the armed forces in defence of the homeland or for the fulfillment of the international obligations of Lithuania. In the event of an armed attack which threatens the sovereignty of the state or territorial integrity, the President of the Republic immediately makes a decision regarding defence against an armed aggression, imposes martial law throughout the country or in part of territory, declares mobilization and submits it to the Parliament for approval during its extraordinary session. Seimas approves or revokes the decision of the President. The Parliament may declare the state of emergency throughout the territory or on part of it if the constitutional or public order is threatened. The period of the state of emergency is six months. In cases of urgency this right is transferred to the President, and the Seimas approves or abolishes the President's decision.

The structural development of the Lithuanian Armed Forces is based on the Act on the organization of national defence and military service. The Act sets the concept of leadership, command and control in

accordance with Lithuanian national plans and NATO standards. The article 14 of the Act states the command of the state defence and military operations are based on three levels: strategic, operational and tactical.

At the strategic level, the President of the Republic, National Defence Council, Minister of the National Defence and Chief of Defence make strategic decisions regarding the national defence and the Lithuanian Armed Forces. At the operational level, the Chief of Defence Staff plans and leads military operations. In order to carry out international operations the Lithuanian Armed Forces can be handed over to the operational command of other states or institutions. e.g. United Nations, NATO or the European Union. At the tactical level, the commanders of military units plan and execute combat tasks. To comply with the principle of democratic civil control, the chain of command for military and other defence operations begins with the President of the Republic, passes through the Minister of National Defence to the Chief of Defence of the Lithuanian Republic.

As the above organization shows, the special place in this structure belongs to the President of the Republic of Lithuania, Minister of Defence, Chief of Defence and Chief of Defence Staff.

The President of the Republic is the head of state, represents the state and performs his or her duties in accordance with the Constitution and the Acts.⁴ The President

⁴ See: Act on the President of the Republic of Lithuania [Lietuvos Respublikos Prezidento ástatymas Nr. X-1798, 2008-11-11, *Þin.* 2008, Nr. 135-5234 (2008-11-25)]. Act on the election of the President of the Republic of Lithuania [Lietuvos Respublikos Prezidento rinkimø ástatymas Nr. XII-586, 2013-11-07, *Þin.*, 2013, Nr. 120-6055 (2013-11-23)]. Act on the Government of the Republic of Lithuania [Lietuvos Respublikos Vyriausybës ástatymas 1994 m. geguþës 19 d. Nr. I-464, Vilnius]. Law of courts of the Republic of Lithuania [Lietuvos Respublikos teismø ástatymas Nr. IX-732, 2002-01-24, *Þin.*, 2002, Nr. 17-649 (2002-02-20) 1994 m. geguþës 31 d. Nr. I-480 Vilnius].

of Lithuania is responsible for carrying out foreign policy of the state (together with the Government). The President appoints, with the consent of the Parliament, the Prime Minister and at his or her request, appoints and dismisses ministers, as well as the Chief of Defence and the Head of the Security Service, upon the approval of the Seimas. The President also promotes officers to the highest military ranks. In the event of an armed attack on the sovereignty and integrity of the territory, the head of the state makes a decision on the defence against the armed aggression. The President submits for approval the decisions on the imposition of martial law or state of emergency to the next session of the Parliament. The President of the Republic is the Chief Commander of the Armed Forces.⁵

The State Defence Council of the Republic of Lithuania is an institution, which examines and coordinates the most important issues regarding security and defence of the state and the functioning of the public institutions. The competences of the defence council include analyzing the directions of development of internal and foreign policy in the area of national security of the Lithuanian Republic and its territorial integrity. The Council reviews the legal acts and international treaties regarding defence and military matters and submits them to the Parliament, President and Government.

The State Defence Council's tasks also include: coordination of the activities of the state administration institutions in the field of national security and also formation of the strategic directions of development of the crisis management system and financing the national defence system. The competences of the Defence Council also cover issues related to the activities of intelligence agencies, i.a. the council

approves the needs and priorities in this area as well as the agencies' operational strategies, evaluates the annual reports on their performance and presents guidelines on the agencies' international cooperation with foreign security services and international organizations and institutions. In the event of an armed aggression and threat to the sovereignty or territorial integrity, the Defence Council submits to the President, Parliament and Government the proposals (recommendations) concerning the organization of defence, imposition of martial law and mobilization. The Council consists of the President of the Republic of Lithuania, Prime Minister, Chairperson/Speaker of the Seimas, Minister of National Defence and Chief of Defence. The President is the head of the Defence Council. At the request of the President, the following persons are invited to the sessions of the Council: Chairman of the National Security Committee Seimas, General Director of the State Security Department, Minister of Internal Affairs, Ministers, Heads of public institutions or their representatives.

The Government of the Lithuanian Republic is a constitutional organ of the executive power and is in charge of internal and foreign policy and the government administration. In accordance with the Constitution, it protects the constitutional order and the inviolability of the territory of the Republic of Lithuania, guarantees state security and public order. The powers of the Government of the Lithuanian Republic in the field of defence are defined by the Constitution and the Acts of the Republic of Lithuania. The Government, Minister of National Defence and Chief of Defence are responsible to the Seimas for the leadership and command of the armed forces.

The Government coordinates the implementation of measures that reinforce the national security and also coordinates ac-

⁵ Constitution of the Republic of Lithuania, op. cit., art. 77, 84 and 140.

tivities of ministries and other public institutions which are responsible for ensuring security. The Government is also in charge of preparation of the national security strategy and other documents concerning strategic planning.

The Government of the Republic of Lithuania is responsible for monitoring and for forecasting changes in the area of security on the international and internal scale. In the event of an outbreak and development of threats, the Government submits to the Parliament, President and Defence Council the defence measures for consideration in order to mitigate the threats.

The Government also deals with the implementation of the operations and tasks in crisis management. These initiatives are coordinated by the Crisis Management Committee of the Government of the Lithuanian Republic, consisting of the Prime Minister as its head and Ministers engaged in the process of crisis management.

The Governmental Strategic Planning Team for National Security is a group of specialists whose role is to coordinate and prepare the long-term plans and programs regarding the national security. The Planning Team prepares and submits to the Government proposals and drafts in matter of undertaking initial actions and measures which purpose is to reduce negative impact of risk factors and a crisis prevention, taking into account the predictions of potential threats. The team cooperates with the Crisis Management Centre and uses its information in the field of national security.

The Centre of Crisis Management is a government unit established to prevent crises and in the event of their emergence, it carries out actions intended to minimize their consequences. The tasks of the Centre include monitoring threats and forecasting potential crises, coordinating actions of public institutions in the area of crisis

prevention, as well as activities aimed at effective protection of critical infrastructure, and also international cooperation in crisis management.

Depending on the nature of threat, relevant ministries and other public organs including the Defence Staff, prepare plans, forces and resources in order to prevent crisis situations. The integrated plan of crisis management is approved by the Government. The Crisis Management Centre relies on permanent groups of specialists for monitoring the threats and crisis phenomenon as well as for the forecasting the crisis situation.. Those groups are formed by the specialists and officials delegated by the ministries and other state institutions.

Their tasks in pre-crisis period include a comprehensive analysis of the information on dynamics of threats and risk factors, forecasting the crisis threat and its development stages. Conclusions, predictions and recommendations on crisis prevention are submitted to the Parliament, President, Government and National Defence Council.

The competences of the Ministry of National Defence of the Republic of Lithuania are strategic planning of the defence system, development of defence system (including defence capabilities of the armed forces), preparation of the armed forces and institutions for state defence as well as cooperation with NATO forces. The Minister of National Defence administers the activities of the ministries and the entire national defence system. Its mission is to implement defence policy, tasks and functions of the national defence system, development of defence system and effective use of the allocated resources.

Minister of National Defence manages the realization of the state defence policy, development of the defence system of the state and its capabilities, carries out international cooperation in the area of defence

and represents the Republic of Lithuania in NATO, the European Union and other international institutions. The Minister of Defence submits, for approval, to the President of the Republic, proposals regarding deployment of military units of the armed forces; presents, together with the Minister of Foreign Affairs introduces opinions regarding the participation of the military units of the Lithuanian Republic in the international operations.

They present the proposals to the President to grant soldiers the ranks of Colonel and General and recommends candidates to the position of the Chief of Defence. The Minister of Defence annually submits to the Defence Council, for consideration, the guidelines for planning the structure of the army (number of soldiers and civil servants) and under the authority the Government passes them to the Parliament for approval. The Minister also prepares and submits for consideration to the Defence Council the military strategy of the state.

The competences of the Minister are implementation of the personnel and training policies, management of the defence system and other areas of internal administration of the defence system. In the field of personnel policy, the Minister lays down the procedures for the selection and appointment of soldiers and officers to the higher military ranks (except for the first officer, colonel and general ranks), appoints and dismisses the Commandant of the Military Academy of Lithuania, the Chief of Defence Staff, the Commander of National Defence Volunteer Forces, appoints and dismiss from these posts the military representatives and special commissioners. The Minister sets the procedures regarding the recruitment of citizens for the professional military service and also dismiss them from this service and transfer to the reserve. He defines the number of professional soldiers

serving in the ministry (including number of intelligence officers and employees in Department II in the Ministry).⁶

The President of the Republic appoints the Chief of Defence for a period of 5 years, according to the procedure laid down by the Constitution of the Republic of Lithuania. The Chief of Defence subordinate directly to the Minister of Defence and implements the Army's development policy. The main task of the Chief of Defence in peacetime is competent preparation of the armed forces for the defence of the state, ensuring their cooperation with the armed forces of other states of NATO and participation in the international operations.

In peacetime the Chief of Defence is responsible for developing the military strategy and for preparing the defence plans in the event of an armed aggression. He is also in charge of the functioning of the strategic command of the state defence and efficient work of military administration system and logistics. The Chief of Defence delegates to the armed forces the tasks related to the protection of the state territory, control of territorial waters, economic zone and airspace, and also intelligence tasks for military operations.

The Chief of Defence sets up requirements, methods and measures concerning interoperability for all armed forces, and defines requirements regarding the combat training for the institution that will be assigned to the armed forces after the imposition of martial law.⁷

The Staff of Defence of the Lithuanian Armed Forces is an auxiliary organ of the Minister of Defence and the Chief of Defence in managing activities of the armed forces in peacetime and it is an integral part of the Ministry of Defence. The Staff of Defence gives an assistance to the Min-

⁶ Act of the Republic of Lithuania on the organization of the system. *op. cit.*, art. 9 and 10.

⁷ *Ibidem*, art. 9 and 10.

ister of Defence in preparations of plans for the development of the armed forces and military strategy, supports the Chief of Defence in the implementation of strategic military planning, strategic army command and other tasks designated by the Minister of Defence.

The Staff of Defence carries out operational planning duties through the planning and coordination of operations and training of the armies, as well as operational defence planning through the elaboration of ideas and plans of the armed defence. In addition to this, from January 1 2018 it participates in defence planning at the strategic level: short-term, medium-term and long-term development plans for the Lithuanian Armed Forces, integrating their actions and assigned resources. The Staff of Defence is managed by the Chief of Staff that directly subordinate to the Chief of Defence and is responsible to the Minister of Defence. In the field of internal administration of the Ministry, the Chief of Defence Staff has the same competences as the Secretary of State in the Ministry⁸

The article 18 of the Act on national security of the Republic of Lithuania defines situations, in which the army (armed forces) provides assistance to the state and self-government institutions. The Lithuanian Armed Forces may be deployed and used to support other state, county and self-government authorities in the following cases: in the event of an escalation of crisis (to carry out rescue actions and other tasks at the place of accident), in case of declaring the state of emergency (when the act of Parliament or decree of the President in subject matter determines the use of the armed forces), to support the State Border Guard, Customs Control authorities, environmental protection, fisheries and ship-

ping, in the implementation of their tasks on territorial waters, in exclusive economic zone and continental shelf of the Republic of Lithuania, to provide aid to the police (in activities related to detention, search or rescue of persons if their lives are at risk), to help in mitigating the effects of terrorist attacks (if the forces of the other organs or services are insufficient or if it is necessary to strengthen the protection of important public and communal facilities against the terrorist acts), give assistance to the intelligence organs in case their capabilities are inadequate and to assist the organs responsible for coordination of search and rescue tasks on the territory of the Lithuanian Republic.

Decisions on the use of the armed forces are made depending on the situation, e.g. in crisis situation (terrorist attack) decision is made by the Minister of Defence, in case of the assistance to the police, by the Chief of Defence. The assistance of the Lithuanian Armed Forces to the state, county, and self-government institutions is provided on the basis of previous plans and agreements.

Conclusions

To conclude, the attention should be focused on several issues regarding the competences of authorities in the field of defence of the Republic of Lithuania. The first are the sources of law, which define competences of respective organs. In the Constitution of the Republic of Lithuania the entire Chapter 13, „Foreign Policy and National Defence” (art. 135-146) is dedicated to defence issues and especially to the competences of the Parliament, responsibility of the President and Government to the Parliament and stresses the apolitical nature of the armed forces.

The matters of defence and powers of the organs are regulated to a large extent by two acts: the Act on national security of

⁸ https://kariuomene.kam.lt/lt/kariuomenes_struktura/gynybos_stabas.html/10.03.2020/.

the Republic of Lithuania and the Act on the organization of the national defence system and military service. The first act defines national security entities, the key elements of security system and in Chapter 7, the most important principles of Lithuanian defence policy. The act on the organization of national defence system and military service specifies the foundations of organization, management and control of the national defence system and military service procedures.

As in many other countries, the Parliament of the Republic of Lithuania is the only organ authorized to make supreme legal acts regarding the national defence. In relation Parliament-President-Government, the Parliament plays a special role in the introduction of states of emergency and has control powers over the above mentioned authorities, including the Minister of Defence. By contrast, the President of the Republic of Lithuania is the Chief Commander of the Armed Forces and retains similar powers as the President of the Republic of Poland in the event of the states of emergency. The President's creative powers refer to the appointment and dismissal of the Chief of Defence (with the consent of the Parliament) and appointment of officers to the highest military ranks.

On the contrary to the President's competences, the Government is the organ with a fundamental scope of executive powers in the country. The Government's mission is to implement measures to reinforce national security and to coordinate activities of ministers and other state institutions whose tasks contribute to ensuring security.

A significant role in the Government belongs to the Minister of Defence, who is responsible for the overall operation of the armed forces in peacetime.

To sum up, it should be stated that the presented competences of authorities of

the Republic of Lithuania in the field of defence aim at ensuring the efficient functioning of defence system and therefore guarantee the effective defence and security of the state.

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