

# Parliamentary opposition in the Baltic states' experience: problems and challenges in the face of the Westminster model

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## 1. INTRODUCTION

There is a general consensus on the role parliamentary opposition should play in a democracy. In fact, the opposition is viewed as an essential component of a well-functioning democracy as it provides a reliable political alternative to the majority in power by offering other policy options for public consideration. It also ensures transparency of public decision-making and efficiency in the management of public affairs, thereby safeguarding the public interest and preventing misuse and dysfunction.

Despite the widely accepted belief that an effective interplay between the parliamentary majority and opposition is crucial, the reality in many countries differs. The role of the opposition can be abused or dysfunctional in two ways: it may completely obstruct the government's and/or parliamentary majority's effective work, or it may fail to provide alternatives to their proposals, thereby remaining invisible in political debates. These negative

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effects are usually not caused by deficient legal rules governing the work of parliament and the role of the opposition, but rather stem from deeper issues within a country's political culture.

Thus, for the opposition to function effectively in a democratic system, different worldviews and political convictions present in society must be represented in Parliament. If candidates and parties lack an identifiable political profile, it becomes challenging to establish a constructive dialogue on different political options. Such a faceless party system may result in a policy of opposition, where the opposition objects persistently to every political move, or a fictitious opposition that does not provide any alternatives. It is naive to assume that this problem can be solved solely by reforming or restructuring the parliamentary system. Addressing the roots of the problem is necessary, although changes to the political culture cannot happen overnight (Garritzmann, 2017).

However, legal regulations are also essential to ensure fair play between the majority and minority in Parliament. The guidelines on the rights and responsibilities of the opposition in a democratic parliament, developed by a Parliamentary Assembly, generally speaking provide a framework to identify some open questions concerning the protection of the opposition in Parliament (Blondel 1997).

Historically, one controversial point is the legal form of protection for the opposition. In fact, at the end, there are two options: one option is to protect the opposition as a separate entity within the constitution, a specific law, or the parliamentary rules of procedure. However, this last approach - the parliamentary rules of procedure - requires a definition of the opposition and different rules for the majority and minority in Parliament because if the opposition's rights are defined in a specific law or parliamentary rules, they can be easily changed by the majority, rendering such protection ineffective.

The second option is adopting protective clauses within the constitution. These are rare but offer greater security for the opposition, as they are more difficult to change. However, a detailed set of rules is not suitable for a constitution, while general clauses may not be sufficient. In countries with long-standing parliamentary traditions, specific rules may not be necessary as long as they are accepted as customary law. In the absence of accepted traditions, non-binding guidelines may be a suitable way to establish a general consensus. In any case, it is important for the opposition to have legal means to enforce the implementation of their rights in the event of a violation.

With this conceptual framework of analysis in the background, this contribution aims to highlight the similarities and differences in the legal tradition and development of parliamentary institutions, in particular on the topic of the parliamentary opposition, regarding the Baltic States of Estonia, Latvia, and Lithuania (in general, see Di Gregorio 2019; Auers 2015; Fruhstorfer and Hein 2016; Wolchik and Curry 2007).

## 2. THE PARLIAMENTARY-LEGAL SYSTEMS AND THEIR TRANSFORMATIONS: SOME ESSENTIALS

The Baltic States consist of Estonia, Latvia, and Lithuania, and they are situated on the eastern shores of the Baltic Sea in Northern Europe. Following their independence from the Russian Empire after World War I, the three countries were annexed by the Soviet Union from 1940 to 1944, during which time constitutional rules were established to create parliamentary regimes with legislative supremacy. Thus, the Soviet-German pact of August 1939 placed the Baltic states under Soviet influence, resulting in the establishment of pro-Soviet regimes and hindering the development of a genuinely democratic parliamentary system (in general, see Misiunas and Taagepera 1993; O'Connor 2003; Kaskla and Maurer 1997).

In the late 1980s and early 1990s, the Baltic states saw a surge in demands for independence as part of a wider movement to revive post the Soviet Union. The Baltic Council organized a peaceful political demonstration called the Via Baltica or Chain of Freedom, which was supported by the pro-sovereignty movements and involved almost two million people forming a 675.5-kilometre-long human chain across the three countries. And this demonstration marked the beginning of a national liberation movement that led to the independence of the Baltic States.

Following the Moscow coup d'état, the Baltic States were widely recognized as sovereign nations. In November 1991, the Baltic Assembly was established in Tallinn, drawing inspiration from the Nordic and Benelux countries' regional experiences, to foster Baltic cooperation. The three countries resumed their parliamentary work, which had been disrupted by Soviet annexation, and established close collaboration at both governmental and parliamentary levels, viewing themselves as a single political and geographical community.

However, each has its own particularities and, before proceeding to analyze specifically the issues relating to parliamentary opposition, it may be

useful to briefly reconstruct the essential elements of parliamentarism (and its evolution) in each of the three political-institutional systems considered (see in general, Ganino 1997; Taube 2002).

Starting from the Estonia experience, we can underline that the Provisional Assembly of Estonia, also known as *Maapäev*, was the first parliamentary representative body in the Estonian Province of the Russian Empire, operating from July 14, 1917 to April 23, 1919. It proclaimed the sovereignty of Estonia and made important decisions, including declaring itself the supreme power of the Governorate of Estonia until the convocation of a Constituent Assembly. However, the Bolsheviks disbanded *Maapäev* after this decision was made, but the Provisional Assembly continued its activities underground while the Committee of Elders of the Land Council declared the independence of Estonia.

Following this, the Salvation Committee formed and declared Estonia an independent democratic republic for the first time. The Constituent Assembly prepared and adopted several essential declarations, laws, and documents for Estonia's sovereignty, and its work was completed on December 20, 1920, when the first *Riigikogu* convened. The Parliament continued to act in a normal routine until the fifth *Riigikogu*, which started its work in June 1932, but the new Constitution entered into force in January 1934, and the activities of the *Riigikogu* were discontinued. Konstantin Pats, the Prime Minister, acted as the State Elder and declared martial law in Estonia on March 12, 1934, leading to the beginning of the Era of Silence, which ended in 1938 or with the Soviet occupation in 1940. The bicameral sixth *Riigikogu*, which represented the Estonian people from April 7, 1938 to July 5, 1940, had a minor impact due to the political situation in Estonia, remaining in the shadow of the President and the Government.

The Latvian parliamentary experience is based on the *Tautas Padome*, or People's Council, which was Latvia's first legislative institution, established from November 17, 1918, to April 30, 1920, through a mutual agreement of eight Latvian democratic parties and a representative of the *Latgale* Land Council. The Council acted as a complex political platform and adopted several important laws, such as those concerning rural local governments, Latvia's monetary system, educational institutions, citizenship, and the election of the Constitutional Assembly.

The Constitutional Assembly, Latvia's first elected legislative body, was responsible for drafting the country's supreme law, the *Satversme*, as well as other laws. The Assembly functioned from April 30, 1920, to November

7, 1922, and prepared a law on the election of the *Saeima*, Latvia's Parliament. (Sprudz 2001).

The *Saeima*, elected for a term of three years by equal and direct elections, was responsible for continuing the legislative work begun by the Constitutional Assembly. The first *Saeima* was elected in October 1922, and subsequent elections were held every three years in the same month until the fourth *Saeima*, which focused on drafting laws, was discontinued by the May 15 coup of 1934.

The May 15 coup, also known as Ulmanis' coup, was a self-coup by Prime Minister Karlis Ulmanis against the parliamentary system in Latvia. He suspended the Constitution, dissolved all political parties and the *Saeima*, and established an authoritarian regime that lasted until the Soviet occupation of Latvia in 1940. Ulmanis' legacy still divides public opinion in Latvia. (Borejsza and Zimmer, K. 2006).

*Seimas*, conversely, is the supreme legislative body of the Republic of Lithuania, functioning as its Parliament. The first *Seimas* was elected in 1922 but its term was short-lived, dissolving in 1923 due to political tensions. The second *Seimas* served from 1923 to 1926 and achieved significant progress in passing fundamental laws, implementing land reform, and stabilizing the financial and economic situation of the country. The third *Seimas*, elected in 1926, revoked the Special Statutes of State Protection and signed a Non-aggression Treaty with the Soviet Union, which recognised Lithuania's rights to Vilnius. However, democratic traditions were halted by a *coup d'état* in 1926, which led to the military taking control of the state and President Kazys Grinius being forced to resign. Antanas Smetona was elected as the new President, and a new government was formed out of Nationalists, Christian Democrats, and Farmers' Party members. The fourth *Seimas*, elected in 1936, focused on preparing a new Constitution and survived until 1940 when the pro-Soviet government signed the dissolution act, citing the Constitution of 1938. The annexation of Lithuania by the Soviet Union was finalized in August 1940 when the People's Parliament declared itself the provisional Supreme Soviet of Lithuania.

Later, despite attempts by the Baltic states to protect their sovereignty against the aggressive and expansive politics of Nazi Germany and the Soviet Union, they were ultimately unsuccessful. The formation of the Baltic Alliance aimed to maintain neutrality and defense, but Estonia, Latvia, and Lithuania were eventually overrun by Soviet and Nazi troops. The last Soviet occupation marked the end of the Baltic states' independence until the collapse of the USSR in 1991. The Soviet Union's control over the Baltic states

was motivated by various reasons, including the belief that the states naturally belonged to the Union, as well as their commitment to a unitary state with a homogeneous citizenry.

One of the Soviet Union's main policies was russification, which aimed to transform the region into a Russian-oriented people through cultural suppression and changes in the ethnic composition (Steen 2000). While the Soviet Union claimed to defend internationalism, the implementation of russification was not done openly. Cultural suppression in the Baltic states included a language policy that declared Russian as the official language, making it the dominant language in major institutions and publications. The result was a weakened position for non-Russian languages, which contributed to the suppression of the region's culture.

The armed struggle of the Baltic peoples, known as "the Forest Brothers", began in 1944 as a collective partisan force against Russian rule. The resistance movement lasted until 1952 and involved approximately fifty thousand residents of the Baltic states. However, the movement was ultimately unsuccessful, and many Estonians, Latvians, and Lithuanians were imprisoned, exiled, executed, or forced to emigrate. As a result of these repressions and the transfer of Russians and other Russian-speaking people to the region, the ethnic composition of the Baltic states drastically changed, with native peoples becoming minorities in their own countries (in general, see Grigas 2012).

Therefore, immediately following the collapse of the USSR and their regained independence, significant changes occurred in the politics of the Baltic states. The Estonian SSR, Latvian SSR, and Lithuanian SSR all adopted resolutions and declarations on their national independence, which were crucial legal acts that marked the transition to the restoration of their republics and the rejection of their Soviet names. They restored their original names and became the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania. Elections were held based on the new Constitutions adopted by the Baltic states, and the main task of the first post-Soviet parliaments was to pass acts for implementing constitutional institutions and establishing a legal order based on these new Constitutions.

The accession policies to the European Union marked another stage in the politics of Estonia, Latvia, and Lithuania, with the most significant legislative acts being the Acts on the ratification of the Europe Agreement and the agreement on the withdrawal of the armed forces of the Russian Federation (Sileoni 2007; Cantarella 2008).

During the mandates of the ninth *Riigikogu*, eighth *Saeima*, and sixth *Seimas*, significant administrative, penal, and civil law reforms were carried



out, and proceedings were conducted on bills connected with the transposition of European Union directives into the Estonian, Latvian, and Lithuanian legal order, as well as necessary amendments to the Constitutions for accession to the European Union. The most important event during the mandates of the tenth *Riigikogu*, ninth *Saeima*, and seventh *Seimas* was undoubtedly membership to the EU, and legislative bodies continued their work on the path framed by EU policies, with decisions in areas such as employment, euro adoption, traffic, and security, adhering firmly to the principle of NATO countries spending 2% of GDP on defense (Jacobsson 2009; Kerikmäe, Chochia and Atallah 2018).

The formation of the Baltic Assembly (BA) had a significant impact on parliamentary institutions and regional cooperation in Estonia, Latvia, and Lithuania. The BA was formed on November 8, 1991, after trilateral cooperation between the Popular Front of Estonia, *Rahvarinne*; the Popular Front of Latvia, *Tautas Fronte*; and the reform movement of Lithuania, *Sajudis*. The aim of this cooperation was to represent Baltic interests, solve common problems, and reach common goals. The formation of the Baltic Assembly was the culmination of these trilateral political involvements (Plakans 2014).

The Baltic states determined their main courses of action in the process of development of institutional, legislative, and executive trilateral cooperation, with the most significant item on the cooperation agenda being the strengthening of independence and return to the international arena. Important treaties and agreements were signed in the sphere of trade, executive and legislative powers and the withdrawal of troops of the former USSR from the Baltic states was a crucial item on the Baltic cooperation agenda. Following the withdrawal of the Russian Federation army and the signing of Association Agreements with the European Union, a new phase of cooperation between the Baltic states began, with a purposeful process of integration into the European Union and NATO. The process culminated in complete EU membership, becoming a driving force for regional cooperation in the following years. The Baltic Assembly developed close partnerships with the Nordic and Benelux countries, strengthening cooperation and integration not just within the EU and NATO but with the whole world outside the post-Soviet area. It is noteworthy that despite their imperial Russian and Soviet past, or perhaps because of it, the Baltic states consciously refuse to be part of the Soviet-Russian legacy in any way, evident in their ongoing language and minority policies and refusal to be a member of any organization related to the post-Soviet area.

The present war in Ukraine, madly unleashed by president Putin, has further reinforced the Baltic countries' fear of being invaded by Russia again.

This is why the Baltic states consider the war in Ukraine a clear and current threat from Russia and strictly measure its implications, even though that from military support to Ukraine to the implementation of sanctions against Russia, the Baltic states are paying a high price in terms of economic and social costs. Yet they are acceptable costs because they are all based on one conscious, strong, and valid reason: the need to protect and defend their territorial sovereignty precisely from a potential new Russian invasion.

### 3. THE PARLIAMENTARY OPPOSITION IN ESTONIA, LATVIA, LITHUANIA BETWEEN HISTORY, RULES AND PRACTICES

Based on this, in the Baltic states two main cleavages exist: ethnic and communist-anti-communist divides. As we have just pointed out, the societies in these countries are diverse, owing to their history of Soviet occupation. In fact, after the collapse of the Soviet Union, migration and population movement resulted in ethnic minorities, such as Russians (and Poles), residing in the Baltic countries. So, ethnic cleavage dominates both the Latvian and Estonian party systems, but in Estonia, it is related above all to the communist and anti-communist divide. The communist and anti-communist cleavage is also present in Lithuania, where it is the dominant cleavage, even if, in Lithuanian reality, anti-Russian sentiments are less marked. Trust in institutions and values of the society, alongside party systems, are the major components of political culture in the Baltic countries. The civil society's strength is portrayed in the high levels of social trust and egalitarian values.

Therefore, the three liberal democracies of Estonia, Latvia, and Lithuania – which have unicameral parliaments elected by popular vote for four-year terms (namely, *Riigikogu* in Estonia, *Saeima* in Latvia, and *Seimas* in Lithuania) – necessitate a discussion on the topic of the parliamentary opposition, which must take into consideration also regarding the elements of political and cultural pressure that have historically characterised these systems, and which pose a twofold challenge in terms of the approach taken towards parliamentary opposition, beyond the rules. This challenge involves both the methods employed and the interpretation given to the concept of opposition itself, as it concerns the meaning and the sense of democracy and its values by political actors and institutional structures engaged in government dialogue (Đorđević 2021).

In this sense, the accession of the Baltic states to the European Union was very important. They adapted and inserted themselves in an environment



that allowed both the meeting of national traditions, rules, and practices of those legal orders, as well as the traditions, rules, and practices linked to and promoted by the European Union in the light of liberal-democratic principles, thus stimulating and accelerating new forms of relations within institutions and their governance, which also – or rather, in some respects, above all – concerned the concept of opposition in Parliament.

To take a close look at the problem of political opposition in parliament, it seems necessary to focus first of all on the issue of political parties and their regulation, not least to mark the differences with the past communist regime.

### 3.1. ESTONIA

Estonia is an independent and sovereign democratic republic where ultimate power rests with the people who elect the *Riigikogu* as their Parliament. Comprising 101 members who are elected through free proportional electoral systems, the *Riigikogu* has the typical responsibilities of any Parliament, including the formulation and approval of laws and resolutions, conducting referendums, ratifying international treaties, electing the President of the Republic, authorising the Prime Ministerial candidate to form the Government of the Republic, deciding on a no-confidence vote, approving the State budget, declaring a state of emergency or war, appointing certain officials, among others.

In line with the norms of parliamentary forms, the Government also plays a role in the exercise of legislative power, with the Prime Minister leading the government and overseeing the country's domestic and foreign policies, relations with other nations, coordination of government agencies, administration of the implementation of laws, issuance of regulations, and orders to facilitate the execution of the law. The Government can also declare a state of emergency in the event of natural disasters, catastrophes, or infectious disease outbreaks, and perform other duties assigned by the Constitution and laws to the Government of the Republic, such as preparing the draft state budget and submitting it for a final vote in the *Riigikogu*.

Estonia has been recognized as the most successful former Soviet republic in terms of transforming its system after communism and was the first to initiate moderate economic reforms through the IME plan in 1987 and to assert its sovereignty over USSR laws in November 1988. The Estonian National Independence Party (ERSP) was the first anti-communist, pro-independence political party in the Soviet Union. Additionally, Estonia was

admitted to the first round of European Union (EU) accession negotiations in 1997 and became the first post-Soviet country to join the Eurozone in 2011. This rapid democratization process was only possible due to a broad reform consensus among political elites, given the altered ethnic composition of society, the presence of Soviet troops on Estonian ground until 1994, and the precarious geopolitical location.

At the same time, unlike other Eastern European countries and what most people might assume about post-Soviet developments, the Estonian party system has two notable features: the lack of strong left-wing parties and the relatively insignificant presence of ethnic parties. It may seem surprising given the diverse makeup of Estonian society, which suggests that there is ample opportunity for parties to emerge that represent ethnic minorities.

The 1991 declaration of independence and the establishment of a democratic order were rooted in the principle of legal continuity dating back to the pre-Soviet period. As a result, the Soviet occupation was never fully recognized internationally, and the Baltic states remained subjects of international law throughout the entire period of Soviet occupation. National independence was seen as a restoration of the interwar statehood rather than the establishment of a successor state to the Soviet Union. In this sense, the issue of citizenship policy became a crucial aspect of political competition between moderate and radical political forces, although all political forces recognized the national constitution as a guarantee of independent statehood, the approach of prioritizing identity politics and radical economic reforms was legitimised.

Estonia has adopted five amendments to its Constitution, with twelve failed amendment initiatives mainly submitted by the oppositional party until 2014. The “transition culture” in Estonia influenced constitutional politics and the constitutional amendment pattern in the country. The right-wing parties in Estonia combined liberal orientations with national appeal, resulting in the prioritisation of identity politics over social implications.

Constitutional politics played a significant role in the development of a stable democratic order in Estonia. The ruling political elites showed consensus in approving all three possible modes of constitutional amendments. However, protecting minority rights has mainly been reactive, rather than proactive, hindered by the notion of being a restored state ingrained in Estonia’s legal principles.

In Estonia, while competitive politics and free and fair elections were introduced at the end of the Berlin clashing wall in 1989, the first law on political parties was only passed in 1994. Thus, political parties have undergone a

clear evolution from being private NGOs with fragile and weak state regulation to being considered an essential part of political life and increasingly, in a steady trend, heavily regulated.

In any case, multi-party pluralism has come to strengthen, first and foremost, within parliamentary dynamics, progressively highlighting the strategic role played by the parliamentary Rules of Procedure as a key political-institutional element of the form of government and, indeed, as an instrument for governing the dynamic dialectic between government and opposition (Panzeri 2023; Van Biezen I. and Wallace, H. 2013).

Therefore, the *Riigikogu* Rules of Procedure and Internal Rules Act governs the process of introducing and passing bills, which can be initiated by members, factions, and committees of the *Riigikogu* and the Government of the Republic. Then, the initiative legislative acts are then submitted to the chair of a plenary sitting of the *Riigikogu* before the sitting begins.

Law-making in Estonia involves collaboration between the *Riigikogu* and the Government, with the latter initiating a significant number of bills and participating in their proceedings. The opinion of the Government is also sought on bills initiated by members, factions, or committees of the *Riigikogu*. The relevant leading committee manages the proceedings of a bill in the *Riigikogu*, and passing an act usually requires three readings, except in specific cases such as the ratification of foreign treaties, where two readings suffice. Between readings, the bill is deliberated by the leading committee.

Generally, the adoption of an act requires a majority vote in favor, with most of the MPs present at the sitting voting in favor of passing the act. However, constitutional acts listed in the Constitution require the majority of the members of the *Riigikogu*, i.e. at least 51 votes in favor, to pass. After passing, the President of the *Riigikogu* signs the act, which is then sent to the President of the Republic for proclamation. The act is published in *Riigi Teataja* (the State Gazette, the public journal of the Republic of Estonia) and typically takes effect ten days after its publication unless another time is specified. In addition to that, and aside from acts, the *Riigikogu* also adopts obviously various resolutions, statements, declarations, and communications, with a slightly different procedure for their proceedings compared to bills (Hloušek, V. et al. 2013).

This typically parliamentary legislative procedure results in the construction of an opposition system that seeks and has sought over the years, to resemble as closely as possible the better-known British-style tradition. However, there is no explicit and formal recognition of the opposition in Parliament, as a statute of the parliamentary opposition, in the *Riigikogu*

Rules of Procedure and Internal Rules Act; and the only explicit provision that strictly concerns an opposition concerns art. 152, point 8, regarding the proceedings on a draft resolution of the *Riigikogu* that expresses opposition to an initiative of the European Council or a proposal of the European Commission.

Oppositions may not intervene in the organisation of parliamentary works, and thus in the agenda set by the parliamentary majority in support of the government. Therefore the agenda may be amended by request of the minority, only if none of the parliamentary groups opposes it, starting from the majority. In any case, it can be amended automatically in the cases provided for in article 56 of the parliamentary rules of procedure<sup>1</sup>.

Historically, the Center Party was in opposition nationally, in particular between 2003 and 2016, but after the government crisis in November

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<sup>1</sup> Art. 56, on the inclusion of additional items on the agenda, provides that «(1) After the agenda of the working week of the plenary assembly or the agenda of the additional sitting of the *Riigikogu* has been approved, only the following items may be inserted in it: 1) granting the candidate for the office of Prime Minister the authority to form the Government of the Republic, to be inserted for deliberation within fourteen days following the designation of the candidate by the President of the Republic or after the expiry of the term for the nomination of candidates for that office; 2) the motion to express no confidence in the Government of the Republic, the Prime Minister or any other minister, to be inserted for deliberation not earlier than on the second day after its introduction, unless the Government of the Republic requires the motion to be decided sooner; 3) an Act of the *Riigikogu* that the President of the Republic refused to promulgate and that has been returned to the *Riigikogu* for renewed deliberation and decision, to be inserted for deliberation at the earliest opportunity; 4) a bill to approve or repeal a decree of the President of the Republic, to be inserted for deliberation at the earliest opportunity; 5) the declaration of the state of emergency, or to be inserted for deliberation at the earliest opportunity; 6) the declaration of the state of war, mobilisation or demobilisation, and decisions related to increasing the level of military readiness, to be inserted for deliberation at the earliest opportunity; 7) a proposal from the Chancellor of Justice to bring an Act or a resolution of the *Riigikogu* into conformity with the Constitution of the Republic of Estonia or Act of the *Riigikogu*, to be inserted for deliberation at the earliest opportunity; 8) the grant of consent to bring criminal charges against a public official, to be inserted for deliberation at the earliest opportunity; 9) a political statement by the President of the Republic, the Prime Minister or other ministers, to be presented at the time agreed upon by the President of the *Riigikogu* and the presenter of the statement; 10) a political statement by a guest of the *Riigikogu*, to be presented at the time determined by the Board of the *Riigikogu*; 11) the oath of office, to be taken at the time determined by the President of the *Riigikogu*; 12) a draft resolution related to ensuring the financial stability of a foreign state, of the euro area or of a member state of the euro area, or to the prevention or resolution of the financial crisis referred to in the State Budget Act, to be introduced for deliberation at the earliest opportunity; (2) Items are included in the agenda at the proposal of the President of the *Riigikogu*».

2016, the Center Party joined the coalition of government, and its leader Jüri Ratas became the prime minister from 23 November 2016 to 29 April 2019. The ascent of the Center Party's leader Jüri Ratas to the office of the prime minister abated the conflicts and he realized a second cabinet government from April 2019 to January 2021 when, after the prosecutor general of Estonia suspected the Centre Party of "criminal involvement" in an influence-peddling scandal involving businessman Hillar Teder, he resigned as Prime Minister on 13 January 2021. The next Prime Minister Kallas, after including the Center Party in the governing coalition agreement, removed her junior coalition partner on June, 3 2022, as he sided with a far-right group in Parliament to vote against government reform of primary education.

Therefore the political framework in Estonia follows the features of a parliamentary government, including dominant parties within an asymmetrical and fragile bipolarism, coalition crises, and votes of no-confidence. These dynamics are recreated in Parliament regardless of the electorate's initial indications with their vote and are under the scrutiny of the President of the Republic. While there is no specific organisational set-up for parliamentary opposition, Estonia's political dynamic outlines a typical model of democracy and consensual government. However, it is unstable on the governmental side and has difficulty aligning itself along a bipolar axis. Consequently, the political address of the majority (and minority) is potentially interchangeable during the parliamentary term.

Hence, in the absence of predefined legal instruments to favor, encourage and promote the legal strengthening of the role of the political opposition in Parliament as a counterpart along the entire legislature of the government majority, the experience of the parliamentary opposition in Estonia will be not clearly defined until the political system will consolidate itself into a clear bipolar structure between center-left and center-right (Mikkel 2016).

Nevertheless, the opposition in Parliament is not the only type of opposition. Also the President of the Republic plays a crucial role in maintaining stability, but the Government sometimes sees this as opposition to their policies. Recently, there has been a controversial issue related to pension reform. During the COVID-19 pandemic, the Government remained united and did not experience many disagreements, fore and foremost with the parliamentary opposition. This may have been due to the pandemic being less severe than expected, considering that Estonia had a relatively low death rate and a modest decline in GDP growth. However, the Government's approach to budget sustainability was a contentious issue, particularly the pension reform which many experts and international organizations deemed ir-

responsible in the long term. Therefore the Government's weak ambition to return to balanced budgets after the pandemic also caused conflict with the President, who returned the pensions reform bill to the *Riigikogu*, appearing as a sort of opposition (Whyte 2020).

At the same time, over the years, civil society actors have become more involved in politics, with protesters advocating for and against issues such as the legalization of same-sex unions and science funding. However, the presence of the far-right Conservative People's Party (EKRE) in the governing coalition sparked grassroots activism, leading to the formation of the mass movement Everyone's Estonia in 2019. This movement arose in response to the toxic and xenophobic rhetoric and attempts to politicise the civil service and media by the Conservative People's Party, which had joined the governing coalition. Although Everyone's Estonia has attracted many young people and held numerous public demonstrations, it has not yet decided to seek political representation in Parliament.

In summary, due to the mobility of social arrangements and fractures that still exist in Estonian society, its political system remains based on a parliamentary consensus-type vision. As a result, Estonia is not yet ready to move towards a Westminster-type parliamentary Government, which poses challenges in structuring a clear, solid, and legally codified role for the opposition in Parliament.

### 3.2. LATVIA

In a democratic system, as we have already pointed out, opposition parties rely on several constitutional guarantees, such as freedom of expression, assembly and association, supported by an impartial civil service and an independent judiciary. These protections prevent opponents of the government from being targeted, harassed or discriminated against. However, some constitutions go a step further by formally recognizing the role, responsibilities and powers of the opposition or legislative minority in democratic politics. This recognition stems from the idea of political pluralism, which ensures that no single party has a permanent monopoly on power and shows a commitment to democratic dialogue and decision-making that listens to all parties.

In this sense, the Latvian political-institutional system is more conscious than the Estonian one, also for the reasons of the presence of a strong Russian-speaking minority, and even provides for codified legal solutions to strengthen the role of the opposition.



As a parliamentary democratic republic, Latvian public institutions are structured, authorised and functioned according to the Constitution (*Satversme*), adopted in 1922. The Latvian people hold the supreme power of the state and elect the *Saeima*, the unicameral Parliament of 100 members.

The importance of the referendum is emphasised, with some exceptions defined in the Constitution, to the extent that even the decision to dissolve Parliament proposed by the President of the state must be followed by a national referendum. Furthermore, the people have the exclusive right to make decisions concerning the independence, sovereignty, territorial integrity, official language and public democratic system of the state, which must be subject to a national referendum.

According to the Constitution, the highest authorities of state power are the *Saeima*, the President of the State, and the Cabinet of Ministers. The *Saeima* elects the state President, who then chooses and invites the candidate for Prime Minister to form the Cabinet. The Government must then receive a vote of confidence from the *Saeima*, based on the fiduciary relationship between Government and Parliament. To obtain political representation in Parliament, which lasts four years, a party must receive at least 5% of the voters' support. The Latvian political system thus follows a typical parliamentary form.

Historically, as mentioned, Latvia has been home to large ethnic minority groups, which, of course, suffered all the vicissitudes of the two world wars and, finally, the Soviet deportations, which further impoverished the population. The post-war decades thus witnessed an intense process of Russification (about one-third of Latvia's population), with Russian speakers remaining the country's largest minority. This, after the fall of the Soviet Empire, prompted Latvian politicians to adopt a 1994 citizenship law that denied automatic citizenship to Russian speakers and their descendants who had moved to Latvia during the Soviet era, while also introducing restrictive language laws that protected the status of Latvians in public life.

Although the citizenship law was liberalised and, at the end of the 1990s, anyone who fulfilled the criteria of residence and knowledge of the country's language could become a naturalised citizen, the state continues to protect the status of the Latvian language, in a process that has been further strengthened in recent years by effectively putting an end to the Russian-language school system.

In this sense, an early and relevant form of political opposition came from the Russian-speaking Latvian population, which protested against the restrictions on the use of Russian in the public sphere, and there was

even a very divisive referendum in February 2012, supported by the largest pro-Russian party in Latvia, *Harmonia*, on whether Russian should be recognised as Latvia's second official language.

The Latvian political landscape is thus largely divided between two blocs: the "Latvian" and the "Russian" parties. While individuals can switch their vote within their chosen bloc, it is rare for Latvians to switch from one bloc to the other. Latvian parties attach great importance to the preservation of Latvian traditions and history and often align themselves with the West to achieve this, as Russian invasions and occupations have had a devastating impact on Latvians and their culture. On the other hand, Russian parties prioritize alignment with Russia and seek to elevate the status of the Russian language. This division is deeply rooted in Latvia's political history, as Latvians suffered genocide under Soviet occupation, while Russians enjoyed a privileged status. This dynamic led Russian parties to campaign for some small "concessions", effectively turning Latvia into a more "multi-ethnic" state. Historically, pan-Latvian coalitions have prevented Russian parties from entering government coalitions, but the influence of Russian parties has grown slightly as the share of Russian citizens in Latvia has remained constant due to the new generation of Russians born in Latvia who now have citizenship. Both the Latvian and Russian parties have elements of conservatism, but they differ in their approach: the Latvian parties aim to continue and restore the pre-1940 culture, while the Russian parties seek to maintain the situation of the 1940s-1990s.

In this context, the three main Christian denominations – Lutheran, Catholic and Orthodox – even though the Latvian Constitution of 1922, the *Satversme*, separates the Church from the state, still have an important weight in polarising an already very divided society; a situation that did not fail to make itself felt when, in response to a November 2020 Constitutional Court ruling that families consisting of same-sex partners should be recognised as families and that the state has an obligation to protect and financially support these families, the ruling coalition pushed for a law defining the family as consisting of only a man and a woman.

A strategic role in the democratisation and modernisation of Latvia's legal system has been played by Latvia's entry into the European Union, the structural and cohesion funds that have been granted, and which have improved the quality of this country, which has also suffered greatly from the COVID-19 pandemic and the pressure it has put on the healthcare system, even causing some healthcare services to be suspended due to the COVID-19 pandemic.

In any case, political participation shows a trend of gradual democratic learning, despite some episodes of electoral irregularities that occurred over the

years (particularly in the city of Riga). However, having overcome the difficult post-Soviet transition and its oligarchs who had grown rich in the transition from one regime to the other (Huang 2002), since the late 1990s and then in the 2000s the substantial reforms of party financing laws, the reduction in the size of private donations to parties and the substantial increase in public financing, as well as the limitation of the scope of electoral advertising, have further fostered a more solid, transparent and modern system of government.

The Latvian Constitution guarantees freedom of expression, and the Latvian judiciary, in particular the Constitutional Court, has actively defended this right, which, especially after the political polarization of recent years, has made it possible to reduce the number of people speaking out.

There is strong political polarisation, and the political-parliamentary dynamics follow exactly those typical of consensual forms of government, although over time there has been greater consolidation of the party system, which has favored greater stability of the Government. As a result, prime ministers in recent years have remained in office for two years, up from the one-year average of the 1990s and early 2000s. And this is although the role of the Latvian Prime Minister – a kind of *primus inter pares* – is much weaker than in other European democracies, as he effectively controls only his own party's ministerial portfolios, while the other coalition parties retain effective control of their ministerial fiefdoms (Pabriks and Štokenberga 2016; for a different perspective, see Kažoka 2010; Pilic 2000).

Within this framework, also as a guarantee for oppositions, the Constitutional Court remains an important check on both the executive and the legislative, regularly annulling laws when it deems them unconstitutional.

However, the Latvian Constitutional Court, which ensures that laws and administrative practices do not conflict with the Constitution, has recently annulled several important parliamentary acts. In particular, the Court's November 2020 ruling that same-sex couples are entitled to paid paternal leave (ordering Parliament to amend the law by 1 June 2022) was strongly criticised by the more conservative segment of Latvia's political spectrum, which proposed amending the Constitution so that the state would not be obliged to recognize same-sex unions. The court ruling also opened a debate on the legal challenges faced by cohabiting couples.

In any case, Latvia has certainly improved its institutions and political process, allowing the dominant political split – the ethnic one, relating mainly to the Russian-speaking population, which accounts for between a quarter and a third of the voting population – to influence the political dynamics only to a certain extent, in order to favor the interests of Russian speakers. However, as

we have repeatedly pointed out, this maintains a high level of polarization between Russian-speaking and ethnic Latvian parties (and voters). Consequently, as a rule, government coalitions comprise the “Latvian” majority parties of the political spectrum, historically divided into three main ideological groups: radical right-wing nationalists; technocratic nationalists; centrist liberals, while in recent years a fourth group of pure populists, anti-government parties have emerged, although they are organizationally weaker than the other party groups.

Structurally weak, with the lowest party memberships in Europe and with finances dependent on generous corporate donors and wealthy individuals, the political parties then, also in the dimension of confrontation between majority and opposition, still experience a complex moment, which also makes the high electoral volatility difficult to stabilise (Zinzi 2023; Clementi 2016).

Therefore, even more unlike Estonia, Latvia’s radical political and economic transition to a multi-party democracy, which began with the re-adoption of the 1922 Constitution and the first post-Soviet parliamentary elections in 1993, despite seven parliamentary elections, presents an extreme multipartyism that makes government stability still too difficult to achieve, within a political confrontation that makes government alternatives less clearly distinguishable due to frequent changes in the composition of government coalitions.

What is the effect of this? The effect is that the concept of the parliamentary opposition is not codified at all, and there is no statute protecting it within the parliamentary rules of procedure; hence the hyper-assembly behavior of Latvia’s political logic renders that political-institutional system still too fragile, a clear example still of a typical perspective of a consensual democracy.

In this sense, the only important instrument that can be emphasised has a higher, constitutional status. In fact, the Constitution of Latvia provides in art. 72 the rule of the referendum with a minority veto. (Köker 2017). This instrument in fact allows the President of the Republic, on his own initiative or at the request of at least one-third of the deputies, to suspend a bill for a period of two months within 10 days of its approval by parliament, possibly allowing holding a referendum on the subject if, during these two months, a public petition signed by 10% of the electorate is received, which is naturally a high threshold<sup>2</sup>. However, in a demographically small country like Latvia, this

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<sup>2</sup> Read the Latvian Constitution, *ex art. 72*: «The President has the right to suspend the proclamation of a law for a period of two months. The President shall suspend the proclamation of a law if so requested by not less than one-third of the members of the *Saeima*. This right may be exercised by the President, or by one-third of the members of the *Saeima*, within ten days of the adoption of the law by the *Saeima*. The law thus suspended shall be put to a national referendum if so requested by not less than one-tenth of the electorate.

is not an impossible task, and in fact several referendums have been held under these rules, including the one on citizenship (1998) already mentioned, the one on security (2007) and the one on pensions (1999 and 2010).

To summarise, although the parliamentary opposition plays an essential role in Latvia, representing the voice of the Russian-style political minorities and contributing to the promotion of open and constructive public debate, it is clear that the geopolitical weight of the Russian presence today and the Soviet presence yesterday still weighs heavily in the Latvian party political system. Inevitably, this anti-Russian sentiment has been further strengthened, triggering even more a logic of rejection opposed to the presence of Russian-speaking political minorities in parliament since Putin's Russia's invasion of Ukraine. A fact that further strengthened the de-Russification of this order and the even stronger desire to anchor its democracy within the European political space and NATO.

### 3.2. LITHUANIA

Lithuania, which was occupied and annexed by the Soviet Union in the 1940s, underwent significant changes under Soviet rule, including its economy, resources, and population. However, Lithuania achieved its goal of becoming a free and independent state within the European community by joining the European Union and NATO in 2004. Since the establishment of a democratic republic, the political system has been stable and all political actors have accepted the democratic dynamics of power. Although there has been volatility in the electorate, with no government winning consecutive elections since 1990, the party system is fairly consolidated and has identifiable socio-demographic bases of support. Populist parties have had limited impact and have either been co-opted into the system or contained outside it.

In a semi-presidential system, whereby the head of state, directly elected for a five-year term, oversees foreign and security policy, nominates the prime minister, cabinet and top civil servants, Lithuania has proved to be well-balanced between democratic institutions, and the validity of elections and fairness of procedures, which have never been in doubt. Therefore, despite chal-

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If no such request is received during the aforementioned two-month period, the law shall then be proclaimed after the expiration of such period. A national referendum shall not take place, however, if the *Saeima* again votes on the law and not less than three-quarters of all members of the *Saeima* vote for the adoption of the law».

lenges such as social inequality and demographic changes, Lithuania remains a substantially stable country with a strong political system.

On this basis, the nature of the parliamentary opposition in Lithuania – a semi-presidential model within a protected democracy structure – appears to be one of the best examples among the Baltic countries to foster the transformation from a consensual to a Westminster-type form of government.

In fact, not only is there an important outward opening in the legislative process, given that non-political associations are allowed to actively participate in the legislative procedure through the submission of proposals and observations (an instrument in itself however useful in pluralising the legislative debate and encouraging the emergence of all social positions, including those that do not have representation in Parliament), but above all there is the institutionalisation of the opposition in Parliament through the identification of its leader, who is even salaried according to the typical “shadow cabinet” rules in the Westminster model.

Thus, since 2013, the strongest minority political faction can constitute itself as a codified parliamentary opposition, even forming a “shadow government” in Parliament in order to publicly present itself as the counterpart of the government members holding official positions.

In this regard, particularly in 2001, although the Constitutional Court clarified that the position of an opposition leader has no legal status and does not provide any institutional rights, except the procedural rights defined by the *Seimas* (see the ruling “On the parliamentary procedures established in the Statute of the Seimas” of 25 January 2001, in the case n. 3/1999), the internal rules of the *Seimas* allow for much of what is expected from the institutionalisation of the opposition in Parliament.

Thus, when a political faction or a coalition of factions, representing more than half of the members of the parliamentary minority, officially declares its leader and the official leader of the opposition in the legislature, the latter participates in the deliberations of the *Seimas* Council, has the right to propose the agenda of the parliamentary session, as well as the right of priority during parliamentary debates once per debate, and receives additional remuneration for these extra duties (to read all the numerous provisions mentioned in detail, see the “*Seimas* Of The Republic Of Lithuania – Statute”). In addition, the person holding this position has symbolic political power, at the mandate of the majority of the opposition parties, and can be projected as a potential competitor of the incumbent Prime Minister at the next election. To summarise, this relevant choice, able to be realised in Parliament by the political parties, is creating a signif-



icant opportunity to enhance the power, influence, and acknowledgment of a parliamentary opposition institutionalized scheme in Parliament, allowing them to operate as a “government-in-waiting” within the democratic framework, which is a very important feature of Westminster-style constitutional systems.

#### 4. FINAL REMARKS

Rather unstable to maintaining the initial government – the one that emerged from the voters’ vote – for the duration of the legislature, and often unable to display clear governing alternatives along the Westminster model political tradition, the Baltic states present different visions of a parliamentary opposition as an instrument to define and foster a better democratic regime.

As we have observed, the historical presence of Russia and the Soviet Union has left deep rifts in Estonian and Latvian societies, resulting in a political-institutional system that is very different from that of Lithuania. Any attempts to strengthen parliamentary opposition in Estonia and Latvia are hampered by this reality. However, the entry of these nations into the European Union has had a positive impact on the gradual advancement of democracy, resulting in more stable and structured institutions that adhere to the principles of liberal democracy.

Lithuania, on the other hand, benefits from more effective learning of the rules that improve the vision of democracy, particularly in Parliament. Its unique social and linguistic composition, as well as its decision to adopt a strong model of protected democracy following the fall of the Soviet empire, has enabled it to stabilise its political-parliamentary dialectic more quickly and effectively. This was achieved through the institutionalisation of the parliamentary opposition through its leader, who has also established a shadow government. Although the Constitutional Court did not approve further enlargement of this opposition, the internal rules introduced into the Assembly’s Rules of Procedure are still of great benefit.

In essence, it becomes apparent that the significance of the rights and duties of the opposition within a democratic parliament, whether formally established through parliamentary regulations or as part of the social and political dimension of multi-party systems, is still undervalued in terms of their potential to reinforce and stabilise democracy. This is especially true given that democratic consolidation in the Baltic states encounters a social territory that has yet to be fully reclaimed, even in collective memory, with

regards to the non-democratic practices during the long period of Soviet influence and later Russian as well.

However, it is the aggressive and invasive war by Putin's Russia against Ukraine that has proven to be a catalyst for strengthening democratic institutions and tools, including reinforcing the opposition in parliamentary regulations.

Putin's Russia is already experiencing the consequences of its choice and will continue to do so in the future, as it is bringing the Baltic states even closer to the European Union and the community of stabilised democracies. Thus it will be all the more interesting to note whether the positive Lithuanian experience will be a useful reference point for Estonia and Latvia, also within the strengthening of that Baltic Assembly that is a further element of integration towards better political-democratic standards.

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