Lithuanian-Polish bilateral relations: the issues of dispute

Vytautas Sirijos Gira

The Eastern Europe Studies Centre (EESC) organized an expert discussion “Lithuanian Foreign Policy in Focus: Assessment of Lithuanian-Polish Relations“ on May 4, 2011. Among the participants of the discussion were the President of the Republic of Lithuania Valdas Adamkus, the Minister of Foreign Affairs Audronius Ažubalis, the Chairman of the Seimas Foreign Committee Emanuelis Zingeris, Lithuanian foreign policy experts, members of the Seimas. The event also served as a presentation of the analytical review “Lithuanian-Polish Relations Reconsidered: a Constrained Bilateral Agenda or an Empty Strategic Partnership?“ written by the EESC experts.

Lithuanian-Polish bilateral relations previously based on the strategic partnership of 1994-2004, have recently undergone certain changes due to the following reasons:

- **Firstly**, due to the changes in the environment of international relations. Since Lithuania's and Poland's accession to the EU and NATO, Poland started to increasingly position itself as a big European state and strengthened its relations with the bigger European countries (Germany, France and Russia). At the same time, Poland's relations with its traditional allies in Central and Eastern European regions (Visegrad states and Lithuania) have weakened.

- **Secondly**, due to the changes in Poland's domestic and foreign policy in 2007-2010 (the “reset” of Polish-Russian relations, Lech Kaczyński's tragic death, the formation of the new ruling majority). This aggravated the unresolved Lithuanian-Polish issues. Though throughout 1994-2007, these issues had been an integral part of Lithuanian-Polish bilateral relations, the westward integration driven by pragmatic cooperation, and later on, the development of democratization processes in the Eastern Europe, maintained these issues of dispute on the margins of the political agenda.

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1 The review is available both in Lithuanian and English and may be downloaded from the website of the Eastern Europe Studies Centre at www.eesc.lt
In other words, there was an assumption that the nature of cooperation between Lithuania and Poland mostly depended on the climate of international relations. After the latter had undergone changes, the issues of dispute in Lithuanian-Polish relations (the issue of Polish national minority) re-emerged in the bilateral agenda.

The issue of reciprocity and education of Lithuania’s Poles

Amendments to the Law on Education\(^2\) approved by the Lithuanian Parliament, have been the most evident change in the bilateral agenda of Lithuania and Poland over the past few years. These changes were criticised by both Poles of the Vilnius region as well as by Warsaw. The Polish side expresses fears that the amendments will result in reducing opportunities to receive education in Polish, the ultimate outcome of which could be the assimilation of the Polish community in Lithuania. These fears are based on the alleged threat of closing the network of Polish schools operating in Lithuania and consequently deteriorated conditions for the Polish national minority in Lithuania for studying in their native language\(^3\).

Jan Widacki, former Poland’s Ambassador to Lithuania, believes that Poland’s society attaches an unreasonable importance to the influence of the Lithuanian educational reform on Polish national minority:

- Firstly, according to the envisaged optimization of the network of operating Polish schools, small schools that are located in sparsely populated areas and that have an insufficient number of students, are to be closed. As Lithuania’s Ambassador to Poland Loreta Zakarevičienė maintains, this optimization will only affect schools in which the number of teachers exceeds the number of students. Schools in Lithuania are financed by municipalities. One should note that municipalities which have Polish schools are usually governed by Poles. Having in mind the reciprocity issue, even Poland which has maintained the positive economic growth during the

\(^{2}\) In accordance with the Law on Education adopted by the Parliament, starting from September 2011, Lithuania’s Geography, Lithuania’s History and Elements of Citizenship are to be taught in the Lithuanian language in national minority schools. In previous years, only the Lithuanian Language was taught in Lithuanian. This Law also makes a provision for the same assignments of the Lithuanian Language Examination to be given to school-leavers of both Lithuanian and national minority schools starting from 2013. – Author’s note.

\(^{3}\) The Lithuanian education reform has been confronted with discontent and a wave of protests in Poland. Members of the “Law and Justice” Party even developed a draft resolution on the issue. In the Polish public space, it is stated that the implementation of this reform aims to abolish studying in the Polish language in Lithuania. Polish mass media expressed their concern over the amendments to the Law on Education adopted by the Lithuanian Parliament, which would allegedly predetermine closure of several dozen Polish schools in Lithuania.

Jan Widacki, „Polska pycha i litewskie fobie.“ Available at: <http://wyborcza.pl/1,76842,9638341,Polska_pycha_i_litewskie_fobie.html>.
global crisis, is nevertheless closing smallest schools for reasons of economy, Lithuanian schools among them.4

- Secondly, according to the Lithuanian educational reform, schools with the language of instruction other than Lithuanian, would have only a few subjects taught in Lithuanian: History of Lithuania, Geography of Lithuania, the Lithuanian Language, and Elements of Citizenship. Some Polish politicians claim that this is a manifestation of Lithuanisation of Polish schools. However, assessing the principle of reciprocity, one should emphasize that, in Poland, when ethnic minorities attending schools wish to set up a class to study their native language or a class with the language of instruction being the relevant minority language, at least 7 pupils have to express their wish in a lower secondary school (the so-called “basic school”) and at least 14 pupils in a junior college. At schools with the language of instruction being of the national minority language, lessons are taught in the relevant minority language except for the following cases: in lower secondary school (the 1st educational stage), teaching the Polish language is conducted in Polish; at the 2nd educational stage, History of Poland, Geography of Poland and the Polish Language are taught in Polish. In other schools (junior colleges), History of Poland, Geography of Poland and the Polish Language are taught in Polish. Therefore the new education reform in Lithuania implements educational schemes which are analogous to those applied to ethnic minorities in Poland.5

There are around 10-20 mln. Poles living in different countries outside Poland, there are (the divergence in numbers is due to the calculation method: in the first case, only persons of Polish nationality are counted; in the second case, all those of Polish origin are included). All in all, there are as many as 170 schools abroad, which are financed by the state and in which the language of instruction is Polish. Of them 81 schools are in Lithuania (55 schools are Polish, and 26 schools are mixed), even though the number of residents belonging to the Polish

4 Ibid.

5 According to Danguolė Grigolovičienė, Adviser at the Office of the Equal Opportunities Ombudsman of Lithuania, until recently, the country's legal regulation has been discriminatory, since all pupils finishing schools would have to be assessed along the same criteria, regardless of the school they finish. It should also be taken into consideration that the decision on the education reform was not a hasty one: as early as 2002, the provisions of the Education of National Minorities envisaged a development of the common program. The same goal was set in the 2004 policy of the left-wing government. The new provisions of the Law on Education are criticised as discriminatory by Polish politicians, who would prefer Polish school-leavers to take an easier examination, or would like the latter to have a significantly longer transition period. Lithuanian officials discard these claims emphasizing, among other things, that national minorities residing in Poland, Lithuanian minority among them, have always taken the same non-simplified version of the Polish language examination. „Švietimo įstatymas ne kuria, o panaikina diskriminaciją“. [“The Law on Education does not create, but abolishes discrimination“]. Available at: <http://www.veidas.lt/svietimo-įstatymas-ne-kuria-o-panaikina-diskriminaciją>.
national minority is estimated at around 205,000. In the relevant schools, 13,379 pupils are taught in Polish (3.2% of the total number of pupils studying in Lithuanian lower secondary schools). In this way, barely constituting 2.05% of the Polonia, Lithuania’s Poles have nearly 50% of all Polish schools located outside Poland. It should be emphasized that, since 1990 and after Lithuania had regained its independence, the number of Polish schools has grown remarkably from 44 to 55 (excluding mixed schools). The number of pupils in them even doubled at a certain point of time; however, in recent years, due to the worsening demographic situation (as a consequence of emigration and other factors), there has been a noticeable drop in the number of pupils in all Lithuanian schools of secondary education.

In Polish schools located in Lithuania, all subjects except the Lithuanian Language, are taught in Polish. This is a unique case in the European education system and Lithuania is the only country in which those identifying themselves with the Polish national minority enjoy the opportunity to receive education (from primary to higher education) in their native language. These facts demonstrate, once again, that the education system in Lithuania is not discriminatory against Polish minority; on the contrary, exceptional conditions are created for the minority in question.

### Number of schools

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6 The term Polonia [Lith. Polonija] refers to Polish diaspora, i.e., the entire Polish population residing outside Poland. – Author’s note.


8 In 1961, Vilnius Pedagogical University opened the Polish Studies Department, which prepares teachers for schools with Polish as the language of instruction. In 1993, the Department of the Polish Language and Literature opened at Vilnius University and groups of students started to be established. In 2006, the Department was restructured into the Centre of Polish Studies. In 2007, the Government of the LR made the decision to open a branch of Bialystok University in Vilnius. This is the first and the only branch of a Polish school of higher education abroad. Every year around 170 students are accepted for university to study economics or IT sciences. In the 2009/2010 academic year, 452 students studied at the university in question. Source: Ministry of Foreign Affairs of the Republic of Lithuania, „Lietuvos lenkų ir Lenkijos lietuviių padėties lyginamoji analizė“ [A Comparative Analysis of the status of Lithuania's Poles and Poland's Lithuanians].
Number of pupils studying in Polish

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Source: Ministry of Foreign Affairs of LR, “A Comparative analysis of the status of Lithuania’s Poles and Poland’s Lithuanians”. [„Lietuvos lenkų ir Lenkijos lietuvių padėties lyginamoji analizė”].

Those statistics regarding education opportunities for Polish national minority in Lithuania should be accompanied by the following arguments:

- Referring to the inadequate criticism of the allegedly discriminatory law, one should remember an opinion expressed by Krzysztof Skubiszewski, Poland’s Foreign Minister in 1989-1993: “Minority rights are not special rights, but rather human rights and fundamental liberties, which members of national minorities enjoy. The state has the obligation to assure national minorities full equality with other citizens by taking advantage of these rights and liberties. This is equality within the state – the same standard for all people, regardless for which group they belong to.“

- A better social integration of the Poles in the Vilnius region as well as better opportunities in the labour market should be a mutual concern of both Lithuania and Poland rather than a stubborn focus on the issues of dispute. The most radical local politicians, such as Valdemar Tomaševski, may be reminded of words by Knut Vollebaek, OSCE High Commissioner on National Minorities, who said that “to learn the state language is the duty of national minorities, this is also of their own interest”. K. Volebaek also emphasized that, seeking to form a harmonious integrated society, it is important that an integrated, rather than segregated, education is ensured, in which children belonging to different ethnic groups study together. In his opinion, schools in which history and culture of all members of society are taught not only through both books, but also through socialisation build a solid foundation of the future of their country.

Lithuanian national minority in Poland sometimes has worse education conditions than the Poles in the Vilnius region, therefore the reciprocity issue

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10 „ESBO komisaras: dėl lenkiškų pavardžių rašymo turėtų apsispręsti pati Lietuva“ [“OSCE High Commissioner: it is for Lithuania to decide on the spelling of the Polish names”] Available at: <http://www.delfi.lt/news/daily/lithuania/article.php?id=37744703>.
12 For example, since 1998 the number of Lithuanian schools in Poland has become nearly twice as less. The Ministry of Education in Lithuania does not allocate enough funds to translate
could always become an argument in the dispute. Nevertheless escalating the so-called “mirror principle” might potentially negatively affect the situation of minorities on both sides as it would only further aggravate the tensions in Lithuanian-Polish bilateral relations.

The writing of the personal names and topographic indications

Upon coming into effect in 1995 the Council of Europe's Framework Convention for the Protection of National Minorities (hereinafter, the Convention) is the main source of international law that establishes the rights of national minorities to write their personal names in the original language. According to Article 11 of the Convention, the Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

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examination assignments into Lithuanian, and the assignments are given in Polish, which encourages pupils to take tests and examinations in the Polish language. Moreover, in Poland, starting from the 4th form of the regular school, no textbooks whatsoever are translated, consequently, Lithuanian pupils in Poland study all the subjects, which they should study in Lithuanian, from the Polish textbooks. The education situation in Lithuania and Poland is strikingly different as in Poland's national minorities schools: on average, 60% of lessons take place in a non-Polish language, and around 40% take place in Polish. In equivalent schools in Lithuania, 95% of class time takes place in Polish and as little as 5% of class time takes place in Lithuanian. Source: Ministry of Foreign Affairs of Lithuania, „Lietuvos lenkų ir Lenkijos lietuvių padėties lyginamoji analizė“ ["A comparative analysis of the status of Lithuania’s Poles and Poland’s Lithuanians"].

13 “The mirror principle” is based on the assumption that, in the sphere of education, the Poles in Lithuania have to be guaranteed education conditions, which in qualitative terms would be at least the same as those enjoyed by the Lithuanian minority in Poland. However, this principle highlights not only the reciprocity in education conditions, but also the reciprocity in abolishing the privileges. This position is also shared by the President of Lithuania Dalia Grybauskaitė. D. Grybauskaitė, „Lenkai švietimo srityje turės ne blogesnes sąlygas nei lietuvių Lenkijoje, bet ne privilegijas.“ [“In the sphere of education, the Poles will have just as good conditions as the Lithuanians in Poland, but no privileges”]. Available at: <http://www.delfi.lt/news/daily/education/dgrybauskaite-lenkai-svietimo-srityje-tures-neblogesnes-salygas-nei-lietuviui-lenkijoje-bet-ne-privilegijas.d?id=42747913>.

14 T. Janeliūnas, „Jeigu santykiiuose su Lenkija pasiektas dugnas, pagaliau galėsime atsispirti ir kilti į viršų.“ [“If it is the bottom in relations with Poland, we can finally push off and start moving upwards”]. Available at: <http://www.delfi.lt/news/daily/lithuania/tjaneliunas-jeigu-santykiiuose-su-lenkija-pasiektas-dugnas-pagaliau-galesime-atsispirti-ir-kilti-i-virsu.d?id=43855393>.

15 This Convention is the main international document establishing and specifying a common policy for writing personal names in the Council of Europe’s member states. However, this policy is far from being common in the real practice, since there is a lot of space left for interpretation of the Convention’s articles. Therefore the principle of writing personal names is a national matter of the EU member states. The Parliament of the LR, „Tautinų mažumų
This provision is further detailed in the Convention’s Explanatory Report, hence Parties may use the alphabet of their official language to write the name(s) of a person belonging to a national minority in its phonetic form. Lithuania followed this scheme. In the Treaty on Friendly Relations and Good Neighbourly Cooperation signed by Lithuania and Poland in April 1994, a provision was made ensuring the right of Lithuanian Polish and Polish Lithuanian minorities “to use their names and surnames according to the sound of the national minority language” (Article 14), while pointing out that “specific norms on writing surnames will be established in a separate treaty”. Nevertheless to date, 17 years later, Lithuania and Poland have not signed this latter treaty on writing personal names. In Poland, the topic regarding the necessity to sign the relevant treaty is not discussed, whereas Lithuanians are expected to unilaterally regulate the issue of writing Polish surnames.  

Lithuania’s official stance on the writing of personal names in the original language is based on the decisions by the Constitutional Court of the Republic of Lithuania. The EU Court of Justice (EUCJ) on 12 May 2011 supported this position emphasizing that the way of writing personal names is an internal matter of the state (see Table below). It should be also taken into consideration that the draft law on writing personal names proposed by the Prime Minister Andrius Kubilius in early 2010 was rejected as contradicting the Constitution. The Constitutional Court has stated that the foreigners’ surnames cannot be written in the original language on the relevant page of the citizen’s passport and must be transliterated in Lithuanian.

Considering the fact that the draft law proposed by the Government contradicted the decision of the Constitutional Court, on 8 April 2010, the majority of the Parliament of the LR approved another draft law on writing names and surnames in personal identification documents, namely the project Nr. XIP-166817, submitted by Gintaras Songaila and Rytas Kupčinskas. According to their proposal, surnames may be written using non-Lithuanian letters next to, rather than instead of, the personal names written in the Lithuanian script on the relevant passport page. This project follows the Latvian model of writing names and surnames, which has been positively evaluated by miscellaneous international organisations, while to date, Poland has not made any claims to Latvia.

16 The Government in Lithuania prepared a draft law in early 2010, which allowed writing names and surnames in the original Latin script; however, it was rejected by the Parliament of the Republic of Lithuania. – Author’s note.

Decisions by the LR Constitutional Court and the EU Constitutional Court regulating writing of personal names

The resolution of the Constitutional Court on 21 October 1999 emphasized that the constitutional status of the state language means that Lithuanian is compulsory only in the public sphere of Lithuania. In other spheres of life persons may use any language acceptable to them without any restrictions. Information inscriptions belong to the public sphere of language use. The name and family name of an individual must be written in the state language. Otherwise, the constitutional status of the state language would be denied.

On 6 November 2009, the Constitutional Court made the decision on writing non-Lithuanian personal names in passports of the Republic of Lithuania. Under this, the name and family name of an individual must be written in the state language. This is the only official confirmation of the identity of that individual. However, taking into consideration the impact of the Lithuania’s accession into the EU, the Constitutional Court of the LR stated that, the passport of a Lithuanian citizen (in other sections for entries in the passport, not on the main page) allows to specify the name and family name of the individual in other, non-Lithuanian graphic signs of writing and in non-grammaticised form when the individual requests so. The aforementioned decision of the Constitutional Court is a construction establishing certain guidelines for the resolution of the issue of writing personal names. At the same time, it has to be pointed out that the Construction of the Constitutional Court does not provide for a detailed procedure for writing names and family names in passports of Lithuanian citizens.

On 12 May 2011, the European Court of Justice (EUCJ) ruled that the current procedure in Lithuania for writing names and surnames in certificates of civil status does not violate the EU law, while the writing of names lies within the competence of the Lithuanian Court and legislative power. The EUCJ acknowledged Lithuania’s reasoning that essentially, writing personal names in documents is a matter pertaining to the national law. However, in certain cases, including the case analysed, viz., when an individual gets married to a foreign citizen and amends his/her surname, a refusal to enter the relevant last name in official documents may cause serious inconvenience to the individual concerned. Therefore, writing the name and surname in the original language in identification documents would be the duty of the state provided that it is in compliance with the principle of proportionality.


Besides the issue of writing personal names, Lithuanian-Polish bilateral relations are confronted with another problem – the issue of writing topographic indications. The current legal acts in Lithuania do not make any provisions for writing official traditional place names in the national minority language next to the state language.
According to Article 18 of the Law on the State language, only “Names of organizations of ethnic communities, their information signs may be presented in other languages along with the state language”\(^\text{18}\). The leaders of the Polish community in Lithuania claim that the former Law on National Minorities (abolished as of 1 January 2010) made provisions for writing topographic indications in the language of the national minority next to the state language in those locations where representatives of the national minority form a majority of local residents. The same right is provided in the Framework Convention for the Protection of National Minorities, which has been ratified by Lithuania.

Escalating the issue of the topographic indications, leaders of the Polish Community in Lithuania as well as Poland itself do not give credit to the fact that Article 20 of the EU Framework Convention for the Protection of National Minorities makes the provision that, \textit{in the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities}.\(^\text{19}\)

It needs to be noted that throughout the recent 11 years the legal regulation of the Polish National Minority residing in Lithuania has not been subject to any changes. Therefore the recent discontent and inadequate reaction of the Polish side should be attributed not so much to the sudden changes in the legal status of Lithuania’s Poles, but rather to the shifting environment in the international relations as well as changes in Poland’s foreign and domestic policy.

It should be pointed out that Poland does not raise the issue of discrimination of the Polish national minority in other countries, where personal names and the topographic indications are not duplicated at all. For example, personal names and topographic indications are not written in two relevant languages neither in Latvia (60,000 Poles), nor in Belarus and Ukraine which both have much larger Polish communities (over 400,000 and around 300,000 Poles respectively).\(^\text{20}\)

Futhermore, Poland’s constant pressure regarding the unresolved issues in the bilateral agenda divides Lithuanian society and forms stereotypes that instigate bitterness. The latter are spreading in Lithuania at a particularly alarming rate.


\(^{20}\) EESC analytical review „Lithuanian-Polish relations: užstrigusi dvišalių santykii darbotvarkė ar tuščia strateginė partnerystė?” [“Lithuanian-Polish Relations Reconsidered: a Constrained Bilateral Agenda or an Empty Strategic Partnership?”] Available at: <http://www.eesc.lt/public_files/file_1304522873.pdf>.
due to the negative historical memory. For example, the national rebirth in XIXth century trying to break free from the Polish cultural domination made an impact to the Lithuanian national identity which has a peculiar nationalistic “Anti-Polish” prism. Particularly sensitive issue is a Vilnius-related conflict in the 1919-1939; or activities of Polish “autonomists” in Vilnius and Šalčininkai Districts who sought separation from Lithuania in 1989-1991.

On the other hand, some experts note that, in general, the issues of writing the names in the minority language, especially those having to do with the topographic indications, do not jeopardise national security or Lithuanian national identity. The main problem is that Lithuanian decision-makers lack a common position. The solution to the issue of writing personal names and topographic signs could be an example of Lithuania’s good will and progress.

At the same time, it should be noted that the new amendments to the law on education do not restrict or diminish rights of national communities, but should positively affect the situation of the Polish minority in Lithuania. However the outcomes of this amended education policy will only become observable in at least three to five years.

Other issues of dispute in the Lithuanian-Polish bilateral agenda

**Restitution of land rights.** Problems related to the right to land restitution are important not only for representatives of the Polish national minority in Lithuania, but for all Lithuanian citizens in general. In Lithuania, restitution of land property rights follows the standard procedure that is applicable to all claimants. Lithuanian laws do not provide for any priority rights to any national minority (including the Polish community) relative to other national minorities residing in Lithuania in the process of restitution of land rights. Therefore, this problem is relevant to all Lithuanian citizens. The process of the restitution of land rights has lingered due to the following reasons:

1) All land was nationalised during the Soviet occupation;

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22 V. Sirutavičius, „Jei įstatymai neleidžia rašyti „w“, galima juos paskeisti.“ [“If laws do not allow one to write „w“, they could be changed”.] Available at: <http://www.delfi.lt/news/daily/lithuania/vsirutavicius-jei-istatymai-neleidzia-rasyti-w-tai-galima-juos-pakeisti.d?id=45101599>.

23 EESC analytical review „Lithuanian-Polish relations: užstrigusi dvišalių santykių darbotvarė ar tuščia strateginė partnerystė?“ [“Lithuanian-Polish Relations Reconsidered: a Constrained Bilateral Agenda or an Empty Strategic Partnership?”] Available at: <http://www.eesc.lt/public_files/file_1304522873.pdf>.
2) After the Independence had been restored, about 800,000 claims for the restitution of land property rights were submitted;

3) The process of finding relevant documents is time consuming: some claimants have to look for the documents in the archives of the other countries;

4) Vilnius district is a special case due to the lack of documents proving the individual’s property rights, which is the reason for protracted legal proceedings;

5) Finally, the process of restitution of land rights has been impeded by insufficient financing for land reform projects.

It should be stated that, despite the above reasons, as of October 2010, claimants in Vilnius District were restituted 84 per cent of land area, which comprised restitution of rights to land, forests and bodies of water. Meanwhile, around 97 per cent of land has been restituted across Lithuania.

The Lithuanian Government claims the issue of land restitution as one of its priorities and has committed itself to complete the land restitution process in the Vilnius Region before the end of 2013. In fact, in Vilnius County, which was responsible for the process of the restitution of land rights, representatives of the Electoral Action of Poles in Lithuania most frequently appeared as Vilnius County Deputy Heads. Therefore, representatives of the Polish national minority have always had the necessary levers to raise this issue, which is why it should not be politicised in the context of Lithuanian-Polish relations.

**One sided communication.** At the bilateral level, Lithuanian-Polish issues of dispute had long been hibernating, and the tensions started in 2008, when the Polish Foreign Minister Radoslaw Sikorski had crossed the rubicon of political correctness. Constant complaints, delegations visiting Lithuania and negative information on the situation of the Polish minority are shaping the general case discrediting Lithuania.

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24 In the beginning of 2010, in Vilnius City alone, around 6,400 applications for the restitution of land rights for 8624 ha of land were submitted. At present, land rights for 17.8 % of the area defined in applications have been restituted (compare with Kaunas City – 47.2 %; Panevėžys - 43.5%). Source: Ministry of Foreign Affairs of LR, „Lietuvos lenkų ir Lenkijos lietuvų padėties lygiamojo analizė“ [A comparative analysis of the status of Lithuania’s Poles and Poland’s Lithuanians].


26 EESC analytical review „Lithuanian-Polish relations: užstrigusi dvišalių santyklių darbotvarkė ar tuščia strateginė partnerystė?” [“Lithuanian-Polish Relations Reconsidered: a Constrained Bilateral Agenda or a Empty Strategic Partnership?”] Available at: <http://www.eesc.lt/public_files/file_1304522873.pdf>.
The authors of the analytical review “Lithuanian-Polish Relations Reconsidered: a Constrained Bilateral Agenda or a Empty Strategic Partnership?” recommended to foster communication in two directions. Firstly, it has to be directed at the diplomatic corps, Euro-Atlantic structures and international experts / analysts in particular. And, secondly, it has to target Polish community in Lithuania by highlighting positive changes and providing parallels with examples of the Polish diaspora in other countries.

Some reviewers believe that the implementation of the aforementioned recommendations at the official, institutional level may be very complicated, or even impossible, due to the following reasons:

- **First of all**, though the foundation of the organisation “The Electoral Action of Poles in Lithuania” (EAPL) accords the democratic provisions; in reality, its functioning largely reminds the Communist Party in a “bourgeoisie“ country back in the Soviet times. Parties of this sort had neither internal discussions, nor doubts in the leader's position. Contacts with the country's authorities were forbidden, but the bourgeoisie was always vociferously accused of neglecting and discriminating the working-class people while protest actions and demonstrations aimed at advocating their interests were organised. Instead of blaming the bourgeoisie, the EAPL stands in opposition to Lithuanian authorities, and posits the Lithuanian Polish minority instead of the working-class people. Convincing this minority in the positive changes that have taken place in Lithuania, or drawing comparisons with the status of Polish diaspora in other countries is not feasible, since ordinary members of the Polish Party are most likely prohibited to listen to this “adversary” propaganda. Besides, the majority of the Polish media in Lithuania are at the hands of the EAPL, therefore any communication with a regular Pole in Lithuania is hardly possible.

- **Secondly**, the communication with the diplomatic corps, Euro-Atlantic structures or independent international experts are of a little use. In fact, international organisations do not have any criticism to Lithuania regarding the status of national minorities in the country. As early as 1997, the Parliamentary Assembly of the Council of Europe adopted the Recommendation Nr. 1339 on Lithuania noted that miscellaneous administrative reforms „are being pursued within the frame of the Council of Europe’s pan-European co-operation and assistance programmes ... the right to use national minority languages is legally secured, in accordance with the principles of the European Charter for Regional or Minority Languages; other minority issues ... are approached in a spirit of mutual accommodation“. The Assembly also “welcomes the progress which has thus been made by Lithuania to consolidate the rule of law ... and to

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establish good relations with neighbouring countries”. Therefore, there is no need in providing any additional information to the diplomatic corps or international experts. Moreover, in 2000, Lithuania ratified the Council of Europe’s Framework Convention for the Protection of National Minorities without any reservations (unlike Poland, which ratified the Convention with some reservations) and has not so far received any claims from European institutions regarding its implementation. On the other hand, it has to be acknowledged that neither the favourable assessments of European institutions, nor, for example, the recognition of Lithuania at the World Congress of Polish teachers as the best region for the Poles to receive education outside Poland, nor statements made by intellectuals across the world (consider, for instance, the opinion by Edward Lucas in “The Economist” on the new Lithuanian Law on Education28) have managed to, at least slightly, change the current political standpoint of Poland and Lithuania’s Poles.

- Thirdly, the suggestion that Lithuania should more actively promote the positive rhetoric at the presidential level of both countries and further develop the coordination at the level of prime ministers may also be questioned. It would be possible if the information is not distorted, but Lithuania will not succeed in strengthening bilateral relations should Poland’s president or prime-minister be misinformed by Poland’s Foreign Affairs Ministry before attending a meeting with Lithuanian colleagues. Either way, even if the information is not misleading, e.g., regarding the education of Poles in Lithuania from kindergarten to a higher education institution, it might still be „skipped“ just to speculate on the violation of rights of Lithuania’s Poles.

One of the suggested solutions that could facilitate the two-way communication between Lithuania and Poland is the involvement of the Polish society in the Lithuania-Poland communication flows. On the one hand, Polish society gets the regular usually distorted information flow about Lithuania, where topics on the discrimination of the Poles in Lithuania and on Poland’s discontent prevail. Lithuania’s representatives – officials, social actors and journalists – should promptly respond to it and, in turn, should provide Polish society with articles that can prove wrong the misinformation appearing in the Polish media. These steps could induce changes not only in the media of the neighbouring country, but also in its overall policy towards Lithuania29.


A comparison of the status of national minorities in Lithuania and Poland

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<th>Poland</th>
<th>Lithuania</th>
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| **1. Legal protection of national minorities (Law on national minorities)** | There is no law on national minorities, but:  
- The statement that Lithuania lacks mechanisms ensuring legal protection of representatives of national minorities does not correspond with reality. The legal protection of minorities residing in Lithuania is guaranteed by the Council of Europe’s Framework Convention for the Protection of National Minorities adopted in 1995.  
- The Law on Education of the LR provides for the right of national minorities to receive education in their native language. The Law on the State Language regulates the use of languages of national minorities.  
- In addition, currently 2 draft laws on national minorities are being prepared. They may get to the Parliament already during the autumn session 2011. | There is a law on national minorities. |

| **2. The language of national minorities as an additional language in certain municipalities** | The statement that there is no such opportunity in Lithuania does not correspond with reality. The rights of national minorities to receive education in their native language, to use their native language, to have access to the media in their native language are subsidised across Lithuania, regardless of the fact whether or not national minorities densely populate a certain area. | This opportunity is available in locations where national minorities constitute over 20 per cent of the residents. |

| **3. The possibility to write names and surnames in the original language** | According to the 1994 Polish-Lithuanian Treaty, Lithuania’s Polish and Poland’s Lithuanian minorities were ensured the right “to use the names and surnames according to the sound of the national minority language” (Article 14 of the Treaty), thereby establishing that “specific norms on writing surnames will be established in a separate treaty”.  
To date, Lithuania and Poland have not signed the aforementioned special agreement on writing names and surnames. In Poland, the need to sign the special agreement is not discussed, and it is expected that Lithuania will unilaterally regulate the issue of writing Polish surnames.  
On 12 May 2011, the European Union Court of Justice (EUCJ) made a decision that regarding the case Runevič-Vardyn that the system of writing personal names adopted in Lithuania does not violate the EU law. However, the final decision on writing personal names with non-Lithuanian letters shall be | Latin-based characters of national minorities may be used to write names and surnames in passports, all additional expenses are to be covered by the individual himself / herself. However, some norms of the Lithuanian language are disregarded. Thus, in Lithuanian, the surname has three forms: the male form (e.g., Kovalskis), and two female forms – to designate married and unmarried women (Kovalskienė and Kovalskaitė respectively).  
In Poland, however, even though Polish citizens of ethnic Lithuanian origin may use their names and last names in accordance with the phonetics and spelling of the national minority language, they can only do so in the male form, which is then applied indiscriminately to both men and |

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(married and unmarried) women. A Polish citizen, wife of Mr. Makaukas, may be referred to as his spouse – “Makaukas”, and not “Makauskienė”, as required by the rules of the Lithuanian language and Lithuanian tradition in general. Consequently, their daughter cannot be “Makauskaitė”, but only „Makaukas“.

The Court stated that Lithuania's legal regulation, according to which a refusal to write an individual’s name or last name using non-Lithuanian letters does not contradict the EU law on condition that such a refusal is not liable to cause serious administrative, professional and personal inconveniences to those concerned. It is for the Lithuanian Court to decide whether and how to improve the status of a Lithuanian citizen who has married to a citizen of another EU state without affecting the legitimate protection of the Lithuanian language and its traditions.

4. **Bilingual topographic signs**

For over a decade, the Lithuanian community in Poland has sought to rename the street “Ul. 22 lipca” in Sejny after Bishop Antanas Baranauskas. As early as 1995, the Sejny Lithuanian community collected signatures of the residents of the street in question and turned to the then mayor of Sejny with the request to change the name of the street from “22 lipca” to Bishop Antanas Baranauskas’ Street. The present name of the street eternalizes the endorsement of the Socialist rule after World War II. The majority of the street residents gave their consent to rename the street; however, to date, the local authorities have not given their permission.

The Lithuanian community has not yet been granted the permission to hang 3 memorial plates in commemoration of the Lithuanian cultural heritage in Sejny. The plates have bilingual inscriptions: “Šaltinis” Printing House” [“Šaltinio” spaustuvė"], “Sejny Priest Seminary” ["Seinų kunigu seminarija"], “Bishops’ Palace” ["Vyskupų rūmai"].

It is crucial that Lithuanian tourists can see information written in Lithuanian next to historical objects in Sejny region. It is surprising that in Sejny, next to the tourist information office which disseminates information on Sejny region and sights in English, German and Russian, there is no information in Lithuanian available.

This naturally becomes a challenge to public services providers: a case is known when an ambulance failed to find a patient in Sudervė (information of the State Commission of the Lithuanian Language).

### Article 18 of the Law on the State Language establishes, in particular, that “Names of organizations of ethnic communities, their informational signs may be rendered in other languages along with the state language“ (Official Gazette, 1995, Nr.15-344).

However, the use of place and street names in the language of the national minority is illegitimate. The occasional arbitrary attempts to use them have been neither negotiated with, nor approved by relevant institutions. Frequently informational signs in Lithuanian were damaged or obliterated so that the inscription became illegible; on other occasions, rather than transcribing the name, its translation was provided, e.g., “Pirties Street” was changed to “ul. Lazenna”.

The official stance is that there are no See paragraph 4.
restrictions; see, however, paragraph 4.

### 6. Financing national minorities schools

| Poland's Embassy maintains that the financing provided amounts to 150 per cent; however, the data is selective. The aforesaid 150 per cent financing is allocated exclusively for small schools situated in rural areas. Large schools receive 120 per cent of financing. Besides, not all the funds declared reach Lithuanian schools. At the core of this old problem is the fact that financing comes from two sources: the headquarters (Ministry of Interior) and the municipality. The latter makes the decision where to allocate the funds. Lithuanian schools in Poland lack a third of the financing, i.e., the amount which has not been allocated by the municipality. The difference is covered by the Government of the Lithuanian Republic, as in the case of the “Žiburys” gymnasium in Sejny. |
| Small national minority schools located in rural areas are allocated additional financing amounting to 200 per cent. Large schools receive 115 per cent of financing. The pupil basket funds allocated to a national minority school to purchase books are 11.5 per cent more than the pupil basket funds allocated to a Lithuanian school. |

### 7. Obligatory examination in the native language

| The Ministry of National Education of the Republic of Poland does not provide substantial funding for the translation of examination assignments into Lithuanian. Therefore, the assignments are provided in Polish. Bilingualism and problems related to the translation of examination tasks encourage pupils to take tests and examinations in the Polish Language. The Lithuanian language examination is taken only when graduating from the lyceum, while the knowledge of Lithuanian is tested neither at the level of the lower secondary school, nor at the level of the gymnasium. The Polish language examination is included in the list of optional examinations, whereas school councils may decide whether or not the examination should be made obligatory for the school-leavers of the school in question. |

### 8. Subsidies for major national minority mass media

| In Poland, major mass media of national minorities are subsidised. Every Tuesday at 15 p.m., the Lithuanian Television broadcasts the information program “Vilniaus albumas” in Polish (by Edita Maksimovič, Valentas Voinilo). In general, national minorities programs constitute 0.7 per cent of all programs. In addition, the Lithuanian Radio broadcasts a daily program in the Polish language. It should be noted that Internet websites of municipalities of the Districts of Vilnius County |
| It should be noted that Internet websites of municipalities of the Districts of Vilnius County |
(Šalčininkai, Vilnius, Trakai, Švenčionys, et.al) provide official information both in the state language as well as in the languages of national minorities (including Polish).

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<th>9. The election threshold for political parties of national minorities</th>
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<td>Lithuanians residing in Poland are represented in local municipalities and in the National and Ethnic Minorities Commission under the Ministry of Home Affairs of the Republic of Poland; however, due to the current elections procedure, there are no Lithuanian representatives in the Polish Parliament.</td>
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<tr>
<td>There are no additional restrictions or thresholds for national minorities parties to participate in elections. All Lithuanian citizens have equal rights to run for office.</td>
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<td>There are 2 political Polish parties: the Electoral Action of Poles in Lithuania (EAPL) and the People's Party of Lithuania's Poles.</td>
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<td>In the 2009 elections, Valdemar Tomaševski, Chairman of the EAPL, was elected to the European Parliament.</td>
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<td>In the 2008 elections, 3 candidates from the EAPL – Valdemar Tomaševski, Michal Mackevič and Jaroslav Narkevič – were elected to the Lithuanian Parliament.</td>
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<td>In the 2007 municipal elections, a number of the candidates of the EAPL were elected to municipal bodies: 6 candidates into Vilnius municipality; 19 candidates to Vilnius District Municipality, 20 candidates to Šalčininkai District Municipality, 5 candidates to Trakai District Municipality, and 3 candidates to Švenčionys District Municipality.</td>
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<td>The 2011 municipal elections results are as follows: the Valdemar Tomaševski bloc formed by the EAPL and the Russian Alliance Coalition received 61 mandates, and the EAPL received 4 mandates.</td>
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