

THE COMPARISON OF THE CONTEMPORARY SITUATION OF NATIONAL MINORITIES IN POLAND AND LITHUANIA¹

M. Barwiński, K. Leśniewska

*University of Lodz, Department of Political Geography and Regional Studies,
Faculty of Geographical Sciences, Kopcynskiego 31, 90-142 Lodz (Poland)
E-mail: marbar@geo.uni.lodz.pl, katerina.lesniewska@gmail.com*

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Abstract. In the early 90s, significant changes in the political and geopolitical situation in Eastern Europe occurred inter alia the collapse of communist rule and the collapse of the Soviet Union. All these processes have caused also social, legal and organizational changes of the situation of national minorities in Eastern Europe. There have been the liberalization and empowerment of national minorities. After 1990 began to be formed many organizations which were connected with social, educational, cultural or political life of national minorities. But on the other hand the result of these changes was a revival of old conflicts in Eastern Europe.

Although the Eastern European countries are in one body like the EU, the legal status of national minorities sometimes is quite different, for example in Poland and Lithuania where changes are caused by the historical conditions. Despite of the fact that in the past Poland and Lithuania have been one country, nowadays many facts are evaluated totally different by both sides.

In Lithuania which is relatively a small country with low population, the national minorities represent a high proportion and this situation causes a lot of tensions. In Poland which is much bigger country with large population, minorities are a small percentage of the population and the rights of minorities are quite extensive.

References 19. Figs 4. Tables 7. In English, summary in Lithuanian.

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Introduction

In the early 90s, significant changes in the political and geopolitical situation in Central and Eastern Europe occurred: the collapse of communist rule, the unification of Germany, the collapse of the Soviet Union and the dissolution of Czechoslovakia. The creation, over a short time, of a number of independent nation-states in the immediate vicinity of Poland had a vast influence on individual national minorities, especially those living near the borders. There were huge changes to the political and economic relations between democratic Poland and its newly independent neighbours and, to a large extent, between individual nations, now divided by borders. The process of expanding the area of European integration began, which led, after a dozen or so years, to the inclusion of some Central and Eastern European countries in the NATO and EU structures, while leaving some of those countries outside the zone of political, economic and military integration, thus creating new division lines in the new political and legal reality. Not only did it not mean the resolution of earlier problems, but it created new ones. At the same, new opportunities

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to solve those problems emerged, and the national minorities were allowed to speak about their aspirations and problems openly.

All these processes have caused also social, legal and organizational changes of the situation of national minorities in Central and Eastern Europe. There have been the liberalization and empowerment of national minorities. After 1990 began to be formed many organizations which were connected with social, educational, cultural or political life of national minorities. But on the other hand the result of these changes was a revival of old conflicts in Central and Eastern Europe.

Although some Central and Eastern European countries are in one body like the EU, the legal status of national minorities sometimes is quite different. Huge differences can be seen on the example of Poland and Lithuania where changes are caused by the historical conditions. Although the fact that Poland and Lithuania were one country, lots of facts are evaluated totally different by both sides.

In Poland which is a relatively large country with large populations where minorities are a small percentage of the population, the rights of minorities are quite extensive². In Lithuania which is a small country with a small population, the national minorities represent a much larger proportion³. This situation causes a lot of tensions and the best example is Polish minority which demanding its rights.

Ethnic organizations in Poland

Political and social changes initiated at the end of the 1980s and the beginning of the 1990s resulted in, first of all, a great revival of economic and organizational activity of particular minorities.

Ethnic organizations fully controlled by the state had started to emerge several dozen years before as a result of political transformations in 1956. Genuine, although usually short-lived, revival of cultural and national life among particular non-Polish communities took place. The policy of resettling and assimilation that had been previously implemented was now replaced by the policy of restricted social and cultural activity. The state allowed to form 'minority social-cultural' organizations but for one minority only or even one organization for two minorities as was the case with Czechs and Slovaks (Cultural Society of Czechs and Slovaks in Poland)⁴. Soon, it turned out that the newly created organizations had little in common with genuine revival of national minorities and taking care of their welfare but that they became a method of control and a means of reinforcing the position of communist power among non-Polish communities. They were under the Ministry of Internal Affairs control and were totally loyal to the Polish United Workers' Party. They were supposed to disseminate and popularize the state's policy and socialist ideals among national minorities. However, despite their dependence on the state and few members they still dominated shaping social, educational and cultural lives of particular minorities, also because they had no competition (Barwiński 2010; Chałupczak, Browarek 1998; Madajczyk 1998).

After 1989 'social-cultural' organizations existing since mid-50s became independent of political supervision, changed their names and their activity type into definitely more national. Only

² During the last census in 2011 non-Polish nationality (or double, complex national identity) declared nearly 1.5 million of 38.5 million inhabitants (3.8%). They represented approximately 200 national, ethnic and regional minorities. The largest were the declarations of regional groups: Silesian (847 thous.) and Kashubian (233 thous.).

³ During the last census in 2011 non-Lithuanian nationality declared more than 482 thousands inhabitants (15,2%). They represented 154 national, ethnic and regional minorities. The largest were the declarations of Polish (more than 200 thous.) and Russian (approx. 177 thous.).

⁴ Before 1989, Byelorussians, Czechs, Slovaks, Greeks, Karaims, Lithuanians, Germans, Russians, Roma, Ukrainians and Jews had their organizations.

'Byelorussian Social-Cultural Society' kept its name and its obvious left-wing bias. The social-political reality of minorities became definitely more pluralistic. A number of new, often competitive organizations that broke the previous monopoly on representing affairs of particular nationalities were established. They increased activity of some minority communities and interest in ethnic issues, enabled the communities to manifest their identity and really participate in political and social life of the country. On the other hand, they also provoked numerous disputes over national and religious issues as well as within particular national minorities, e.g. Lemkos.

Before 1989 there were only 10 national minority associations. As early as in 1989 another 6 organizations were registered. A great increase in the number of national minority associations was observed in the following years. Between 1990–1992, 23–24 organizations were established annually. Just within these three years almost a half of the organizations existing at present were established. In the next 3 years (1993–1995) the growth in their number (from 17 to 21 annually) continued due to which at the end of 1995 there were 137 minority organizations registered in Poland whereas there had been only 10 of them 6–7 years before. A definite decrease in the dynamics of growth in the number of national organizations has been noticed since 1997. Only between 2004–2007 some revival concerning registration of new societies (mainly Romani ones) was observed. However, this dynamics (3–5 new associations are established annually) is incomparably slower than in the early 1990s (Barwiński 2010).

As a result, 160 national and ethnic organizations existed in Poland in 2011⁵ (Table 1). The straight majority of national societies is established by representatives of so-called 'traditional minorities' living in Poland for several centuries. According to the Central Statistical Office data, among 160 organizations only a dozen or so were registered by representatives of nationalities of relatively short immigration history in Poland (Greeks, Macedonians, Bulgarians, Vietnamese, Indians, Syrians, Chinese, Somalis, Yemenis). In total, 25 national and ethnic communities possess their 'national' organizations⁶.

Definitely, the German minority is characterized by the greatest organizational activity and forms 60 organizations, that is 37% of the total. Another very active organizationally minority are Roma, who registered 35 associations. Definitely, Byelorussians, Ukrainians and Jews have a lower number of organizations (11, 9 and 9 respectively). Other nationalities have only a few (from 1 to 6) registered organizations. Almost a half of the societies declare all-Poland operation. The majority is of a more or less local type operating in the whole region, sometimes even single communes, towns or villages.

As far as the number of members of national organizations is concerned, the German societies definitely dominate with more than 97 thousand members, that is as much as 70% of all members of all the national societies. Apart from the German minority, Roma, Ukrainians, Kashubians and Byelorussians join their organizations in greatest numbers. However, a continuous, clear tendency towards a decline or stagnation concerning the number of members of national societies has been observed for many years. Also, it must be remembered that the data concerning the number of members of national organizations are, actually, solely dependent on the accuracy of boards of particular societies⁷.

⁵ On the basis of *Wyznania religijne. Stowarzyszenia narodowościowe i etniczne w Polsce 2009–2011*, 2013, P. Ciecieląg, M. Haponiuk (eds.), GUS, Warszawa

⁶ They are: Germans (60 organizations), Roma (35), Byelorussians (11), Ukrainians (9), Jews (9), Lithuanians (6), Lemkos (5), French (3), Armenians (3), Syrians (2), Russians (2), Greeks (2), Bulgarians (2), Czechs (1), Chinese (1), Indians (1), Yemeni (1), Karaims (1), Kashubians (1), Macedonians (1), Slovaks (1), Somalis (1), Tatars (1), Hungarians (1), Vietnamese (1).

⁷ On the basis of *Wyznania religijne. Stowarzyszenia narodowościowe i etniczne w Polsce 2009–2011*

Table 1. Number of associations in terms of nationalities in Poland in 2011

Nationality	Number of organizations
Germans	60
Roma	35
Byelorussians	11
Ukrainians	9
Jews	9
Lithuanians	6
Lemkos	5
French	3
Armenians	3
Syrians, Russians, Greeks, Bulgarians	2
Czechs, Chinese, Indians, Yemeni, Karaims, Kashubians, Macedonians, Slovaks, Somalis, Tatars, Hungarians, Vietnamese	1
Total:	160

Source: own elaboration based on GUS data, 2011

Ethnic organizations in Lithuania

After 1990 in Lithuania there were two population censuses in 2001 and 2011. According to this data (Table 2) it is possible to notice that the whole number of population decrease (more than 12%). Compared to 2001 Census population ethnicity groups changed insignificantly, in 2001 there were 115 ethnicities in Lithuania and in 2011 even more 154.

Table 2. Ethnic composition of Lithuanian population in 2001 and 2011 based on the data census

Ethnicity	Number 2001	Percentage 2001	Number 2011	Percentage 2011	% of change compared to 2001
Lithuanians	2 907 293	83,45	2 561 314	84,16	-11,9
Poles	234 989	6,74	200 317	6,58	-14,8
Russians	219 789	6,31	176 913	5,81	-19,5
Byelorussians	42 866	1,23	36 227	1,19	-15,5
Ukrainians	22 488	0,65	16 423	0,54	-27,0
Jews	4 007	0,12	3 050	0,10	-23,9
Tatars	3 235	0,09	2 793	0,09	-13,7
Germans	3 243	0,09	2 418	0,08	-25,4
Roma	2 571	0,07	2 115	0,07	-17,7
Latvians	2 955	0,08	2 025	0,07	-31,5
Armenians	1 477	0,04	1 233	0,04	-16,5
Azerbaijani	788	0,02	648	0,02	-17,8
Moldavians	704	0,02	540	0,02	-23,3
Georgians	437	0,01	372	0,01	-14,9
Estonians	419	0,01	314	0,01	-25,1
Karaites	273	0,01	241	0,01	-11,7
Others	3 517	0,10	3 508	0,12	-0,3
Not indicated	32 921	0,94	32 978	1,08	0,2
Total	3 483 972	100,00	3 043 429	100,00	-12,6

Source: <http://db.stat.gov.lt>

Poles are the largest national minority in the country (more than 200 thousands people) (Fig. 1). Poles are concentrated especially in Vilnius Region and for example in the capital city – Vilnius they counted more than 100 thousands of the city’s population (19% of Vilnius inhabitants). Especially large Polish communities are found in Vilnius district municipality (they make up 61.3% of the population) and Šalčininkai (*Polish: Soleczniki*) district municipality (Poles make up 79.5% of total population).

Russians are the second largest minority in Lithuania (Fig. 1). They are concentrated in most-ly in Vilnius and Klaipeda, but they constitute the largest percentage in Visaginas (more than 50%) – in the city which was built in 70s especially for Russians worked in Ignalina Nuclear Power Plant.

Before 1990 existing of minorities’ organizations was strongly controlled and limited by the authorities of USSR. In 80s when M. S. Gorbachev started political changes it let creations of independent social organizations. They were formed in the regions which were compactly inhabited by minorities (Masłowski 2005).

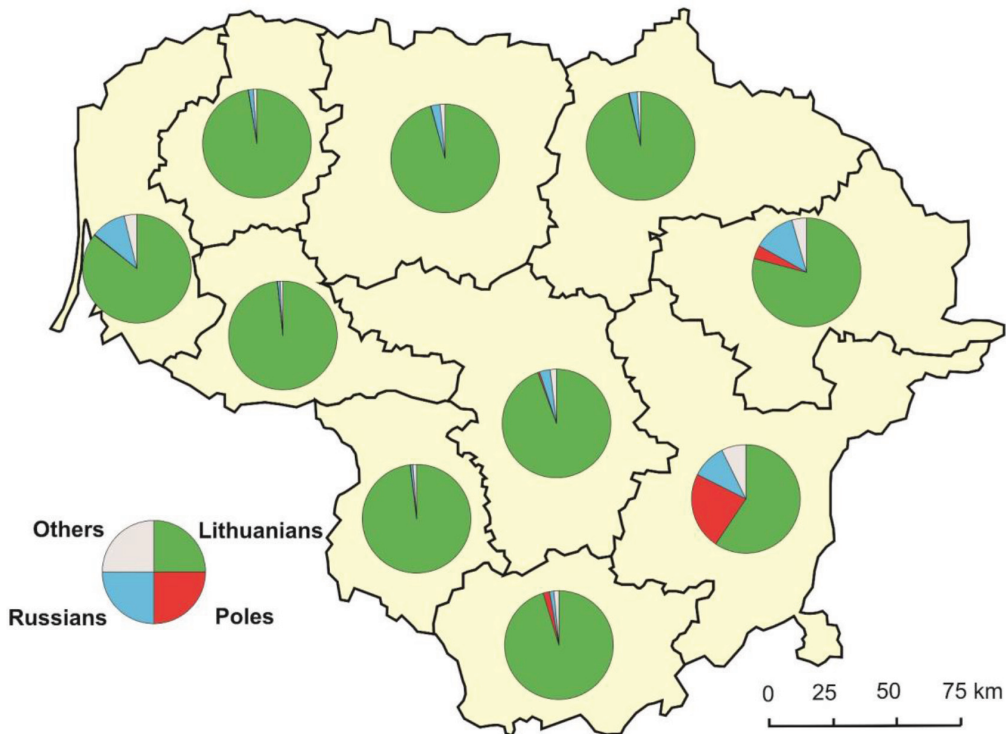


Fig. 1. The ethnic structure of Lithuanian population by districts in 2011
Source: own elaboration based on <http://db.stat.gov.lt/>

In Lithuania, there are 300 registered social organizations and cultural associations (Table 3) representatives of 24 nations (about 250 shows activity). Polish minority, which is the largest minority in Lithuania, has a several dozen organizations and more than 60 artistic groups. The most important Polish organization is the Association of Poles in Lithuania – ZPL. The Russian community is concentrated in the more than 60 non-governmental organizations, including: Russian Cultural Centre, Russian Community in Lithuania, Association of Teachers of Russian schools in Lithuania. Jewish minority has more than 20 organizations, including the most important like Jewish Community of Lithuania (Kuzborska 2012).

Table 3. Number of associations in terms of nationalities in Lithuania in 2005

Nationality	Number of organizations
Russians	68
Poles	56
Germans	31
Jews	24
Byelorussians	23
Tatars, Ukrainians	19
Roma	15
Greeks	9
Armenians, Latvians	8
Uzbeks	3
Azerbaijanis, Bulgarians, Chechs, Estonians, Georgians, Karaites, Koreans, Lebanese, French, Romanians, Tadjiks, Hungarians	1
Centres of others national minorities	5
Total:	300

Source: own elaboration based on Second Report Submitted by Lithuania Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities

Besides of minorities' organisations in Lithuania important role has got schools of national minorities (Table 4). It is worth to notice that in Lithuania the network of schools is very well developed. There are plenty of schools of national minorities which use Polish, Russian etc. as a language of instructions. In areas where schools of national minorities can not exist because of small number of students there exist schools with classes where the language of national minority is used as a language of instructions.

Table 4. Number of schools and students in Lithuania in 2003–2005 by language of instructions

Language of instructions	2003/04		2004/05		Number of schools changed	Number of students changed
	Number of schools	Number of students	Number of schools	Number of students		
Lithuanian	1 616	495 552	1 348	481 210	-268	-14 342
Russian	58	26 217	54	22 880	-4	-3 337
Polish	83	13 813	64	13 231	-19	-582
Byelorussian	1	159	1	138	0	-21
Lithuanian-Russian	17	6 476 (1 445 Russians)	16	5 498 (1 861 Russians)	-1	-978
Lithuanian-Polish	14	2 455 (744 Poles)	13	3 243 (846 Poles)	-1	+788 (+72 Poles)
Russian-Polish	18	7 201 (2 551 Russians; 4 650 Poles)	17	6 466 (2 122 Russians; 4 344 Poles)	-1	-735 (-429 Russians; -306 Poles)
Lithuanian-Russian-Polish	8	3 941 (252 Russians; 1 312 Poles)	6	2 919 (163 Russians; 1 086 Poles)	-2	-1022
Jewish	1	230	1	240	0	+10
German	1	470	1	500	0	+30
Total:	1 817	556 514	1 521	536 325	-296	-20 189

Source: Second Report Submitted by Lithuania Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities

In 2011 a new Education Act was adopted in Lithuania which made the situation of national minority worse. The new law increases a number of Lithuanian classes in minorities' schools. Thus, the Lithuanian side broke the Framework Convention for the Protection of National Minorities, which includes a stipulation the new legislation may not worsen the situation of minorities. In the beginning of September 2011, there were massive protests of Poles in Vilnius. Other difficulties for young representatives of national minorities include the new matriculation exam (also in Lithuanian) and more obligatory Lithuanian literature. The new law adapted in March 2011 requires students graduating from national minorities' schools where Polish or Russian are used to study Lithuanian history and geography in Lithuanian and to pass a uniform final state Lithuanian language exam, starting in 2013. Until now, national minorities in Lithuania could study almost any subjects in their mother tongue. Poles living in Lithuania believe that the law is discriminatory, against equal rights and that it is a beginning of the end of Polish schools in Lithuania⁸. In opposition to the opinions of national minorities are Lithuanian politicians who think that new Education Act gives the better opportunity to learn Lithuanian language. In the future it will give an advantage to the members of national minorities on labor market.

Changes in the state's policy in Poland

The state's policy towards the minorities was changed as well. As early as in 1989 the Commission for National and Ethnic Minorities was established in the Parliament which was supposed to regulate the situation of the minorities⁹. The 'minority' issues were moved from the Ministry of Internal Affairs to the Ministry of Culture and Art, which was supposed to demonstrate that the role of the state was undergoing a change from supervision into care. After many years, national minorities stopped being under police supervision. Within the Ministry of Culture and Art, Unit for National Minorities was formed and then transformed into the Office for Culture of National Minorities. The Joint Commission of the Government and the National and Ethnic Minorities was established in 2005 and it includes representatives of particular minorities and government administration. Unfortunately, consistent policy towards minorities has not been shaped yet and the work of various 'commissions' and 'offices' often is not coordinated enough.

The rights of national minorities are guaranteed by the Constitution passed in 1997¹⁰ and by numerous other acts accepted since 1989, among others: the Freedom of Conscience and Religion Act (1989), the Association Law (1989), the Law on Assemblies (1990), the Act on Education (1990), the Law on Political Parties (1997), the Electoral Law to the Sejm and Senate (2001). A number of bilateral treaties with all the neighboring countries concluded by Poland were a significant element of the protection of the rights of minorities, especially at the beginning of the 1990s. Moreover, due to Poland's membership in the Council of Europe, the Polish government signed and a few years later the Sejm ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (1993), the Framework Convention for the Protection of National Minorities (2000) and the European Charter for Regional or Minority Languages (2009).

However, the most important legal document for the national and ethnic minorities in Poland is the act of 6 January 2005 on National and Ethnic Minorities and on the Regional Languages¹¹

⁸ <http://www.tvn24.pl/0,1716025,0,1,tusk-jedzie-na-litwe-po-protestach-polakow,wiadomosc.html> – 09.09.2011

⁹ L. Nijakowski (2005) gives a comprehensive analysis of the issues of contemporary policy of Poland towards national and ethnic minorities.

¹⁰ Article 35 is fully devoted to this issue. The constitution includes also other articles directly or indirectly tackling protection of rights of national minorities (art. 13, 25, 27, 32, 53, 57, 58, 60) Journal of Laws, no. 78, item 483 (*Dz. U. nr 78, poz. 483*).

¹¹ Journal of Laws, no. 17, item 141 (*Dz. U. 2005 nr 17 poz. 141*).

which defines the notion of minority and includes a detailed list of rights and duties of the representatives of national minorities in democratic Poland. It was passed after numerous disputes as late as at the beginning of 2005 although deliberations over it started in 1989. The main objections to the act were costs of its implementation, the possibility of ethnic conflicts outbreak, extensive rights granted to the languages of the minorities, and especially bilingual names of towns and lack of the reciprocity principle as the situation of Polish minority in other countries is not taken into account¹².

Defining national and ethnic minorities, the act refers to features mentioned in scientific definitions but also adds two other conditions which are not commonly mentioned although they do occur in works by researchers focusing on this issue. They are the following: *'identifying itself with a nation organized in its own state'* as the basic and the only element distinguishing national and ethnic minorities and *'its ancestors have been living on the present territory of the Republic of Poland for at least 100 years'*¹³. These conditions are indeed disputable and controversial and their introduction has far-reaching results. According to these criteria, the act recognizes 9 national minorities – Byelorussian, Czech, Lithuanian, German, Armenians, Russian, Slovakian, Ukrainian, Jewish ones – and four ethnic minorities – Karaim, Lemko, Romani and Tatar ones and recognizes Kashubian as the only regional language in Poland¹⁴.

The act offers the national and ethnic minorities opportunities to maintain their own cultural and linguistic identity, bans discrimination and assimilation. For some of the minorities (among others, the Lithuanian ones) the particularly significant regulation included in the act is the right to spell their names and surnames in accordance with the spelling rules of the minority language also in official documents. Furthermore, the act assures the possibility to use the minority language as 'auxiliary language' in municipal offices. The condition of implementing this regulation is the minimum of 20% declarations of a national minority of the total number of residents in a commune in the national census and submitting an application by the commune council. After the last census, such a possibility occurs in 51 communes. However, it has been taken advantage of on the authorities' motion only in 31 communes until June 2013. Among these, German is the auxiliary language in as many as 22 of them (Fig. 2).

Moreover, the act offers the opportunity to use additional 'traditional' names of towns and villages and other physiographical objects in the minority language along with the names in Polish (Fig. 4). Bilingual names may be introduced due to the commune council application in any town or village, even the one inhabited by few national or ethnic minority representatives after 'consultations' with the residents. The consultation is usually the residents' vote (a referendum) with no minimum voter turnout requirement. Mainly due to very liberal regulations on bilingual names introduction, they become more and more popular. As many as 800 bilingual names have been introduced in Poland by June 2013. Two communities are definite leaders with regard to bilingual names introduction. They are Kashubians (399 names in the Kashubian language) and Germans (335 names in German). Bilingual names of towns and villages in Polish and Kashubian or German constitute 92% of all the names of this kind in Poland (Fig. 3).

Bilingual names have been provoking disputes and stirring up emotions in Poland just since

¹² Among others S. Łodziński (2005, 2006) and Janusz G. (2011) analyze in detail the very act and controversies over its passing.

¹³ Journal of Laws, no. 17, item 141, chapter 1 (*Dz. U. 2005 nr 17 poz. 141, rozdział 1*)

¹⁴ Kashubians did not gain the official status of 'ethnic minority'. However, due to considering the Kashubian language to be 'regional' they may benefit from many privileges mentioned in the act concerning teaching the Kashubian language at school, treating the Kashubian language as 'auxiliary' in municipal offices and using bilingual names of towns and villages (*Journal of Laws 2005, no.17, item 141, chapter 4*) *Dz. U. 2005 nr 17 poz. 141, rozdział 4*)

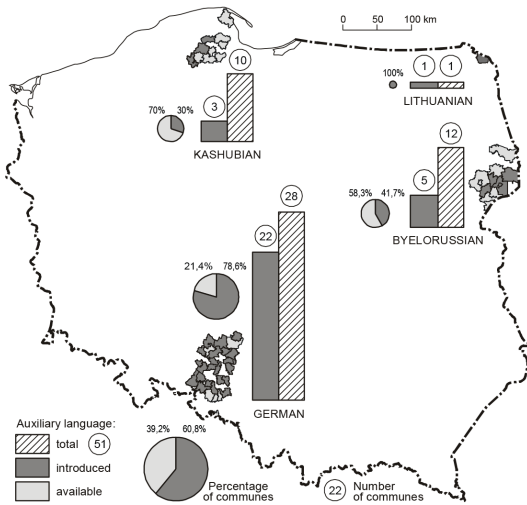


Fig. 2. Distribution of communes where the minority language is, or in accordance with the act may be, used as an auxiliary language (as of June 2013)
 Source: the author's own analysis on the basis of the data by the Ministry of Administration www.mac.gov.pl/wp-content/uploads/2011/12/

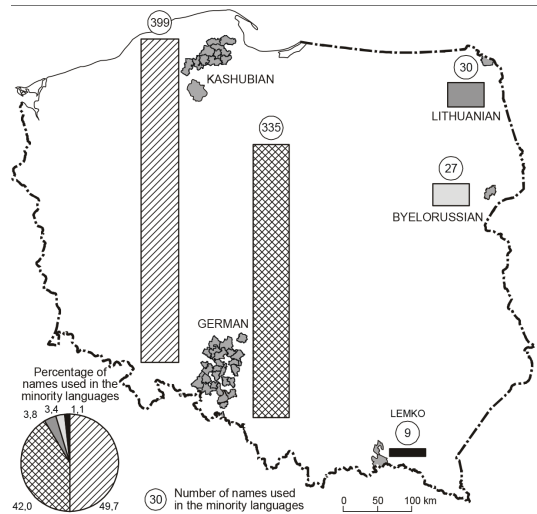


Fig. 3. Distribution of communes where bilingual names are used (as of June 2013)
 Source: the author's own analysis on the basis of the data by the Ministry of Administration www.mac.gov.pl/wp-content/uploads/2011/12/

the beginning of the 1990s. This has concerned mainly Polish-German names in the Opole region as well as Lemko and Byelorussian names which are the first names in contemporary Poland spelt in Cyrillic. In addition to various types of verbal protests and conflicts among local communities, bilingual names are also painted or destroyed in some other way. However, from the point of view of the minority they are one of most important ways of manifesting and maintaining their identity as well as a kind of confirmation of multinational history of a particular region (Barwiński 2010, 2013a).



Fig. 4. Examples of bilingual Polish-Lithuanian and Polish-Byelorussian names of villages
 Source: photo by the author

In practice, the German, Kashubian and Lithuanian communities make the best use of the regulations although they are similar for all the 14 minority groups mentioned in the act.

Certainly, the regulations in the act in question do not apply to all the nationalities living in Poland at present. This is basically so because one of the assumptions underlying the act was to regulate all the issues connected with the functioning of so-called “traditional minorities”, i.e.

minorities that have been connected with the Polish state for centuries, as opposed to “new” immigration minorities. It may be stated that the act is a greatest success of Lemkos, who were recognized as one of the four ethnic minorities. This is the first legal recognition of Lemkos as a separate group and, hence, a clear differentiation from Ukrainians, which had been demanded by a part of the Lemko community as early as since the mid-19th century. On the other hand, since mid 1990s a number of controversies have been provoked by the issue of recognizing or not recognizing ‘Silesian nationality’. These disputes became more heated after the national census in 2002 in which ‘Silesian nationality’ was declared by over 173 thousand people. The next census, which was only nine years later, in 2011, the number of declarations of Silesian nationality exceeded 847 thousand people. This made Silesians the largest non-Polish community. On this basis, representatives of the Association of Residents of Silesian Nationality attempted to no avail to have Silesians included in the act in question as ‘ethnic group’¹⁵. Until now, the issue of official, legal recognition of ‘Silesian nationality’ has not been solved.

Many a time the solutions presently included in the Polish law and tackling many issues connected with non-Polish nationalities considerably anticipate recommendations mentioned in international conventions regarding the rights of national and ethnic minorities. At present, the main problem seems to be a frequent lack of reciprocity in legal regulations on national minorities in Poland and the Polish minority in the neighboring countries. This is especially the case in Lithuania and Germany (Barwiński 2013b).

Changes in the state’s policy in Lithuania

The main legal act in Lithuania which regulates the rights of national minorities in Lithuania is the Constitution of the Republic of Lithuania adopted in 1992. The article No 37 refers to the citizens belonging to the ethnic communities have the right to take care of their language, traditions and culture. Moreover, representatives of national communities take care about issues of national culture, philanthropy, education and mutual support (article No 45). In addition, ethnic communities are supported by the state. Article No 29 of the Constitution prohibits restrictions on human rights and also preferential treatment based on gender, race, nationality, language, origin and social status. In addition, art. No 25 for the criminal acts defines national, racial and religious hatred, thereby limiting the freedom of expression and dissemination of information in this regard (Łodziński 1998; Zakrzewski 2000; Białek 2008).

As noted T. Białek (2008) the provisions of the Lithuanian Constitution are rather laconic, in particular, statements such as “the state supports national communities”. E. Kuzborska (2012) notes that the Constitution does not guarantee national minorities in Lithuania any rights just because of their existence and limited only to the non-discrimination, without giving them any special status.

The act which regulated the rights of national minorities in Lithuania until recently was Law on National Minorities adopted on 23 November 1989. The document guaranteed the fundamental rights for national minorities and in the preamble emphasized that the state guaranteed equal rights and political, economic and social freedom for all citizens independently of their nationality. Furthermore, it admitted the national identity, cultural continuity and also encourage the manifestation of national awareness (Białek 2008). In addition, the preamble emphasized that inhabitants of the Lithuanian Republic, regardless of their nationality, should follow the Constitution and protect the state sovereignty and territorial integrity of Lithuania (Łodziński 1998).

¹⁵ For more detail see: S. Łodziński 2005, p. 167–173.

One of the biggest weaknesses of the Lithuanian Law on national minorities was the fact that it has not defined the concept of a national minority and it did not give guidelines who belonged to the national minority. Article No 1 of the Act as introducing said that Lithuania was guided by the principles of equality of nations guaranteed the representatives of national minorities living in its territory the free development, expressing respect to all nationalities and languages. Also prohibited was any discrimination based on race or national background (Łodziński 1998; Białek 2008).

Article No 2 of the Law on National Minorities in 1989 guaranteed the representatives of the minorities the rights to:

- culture and education in the mother tongue in the teaching and print information;
- freedom of religious belief;
- associate in the national, cultural organizations;
- take the function in the organs of state authority (Białek 2008).

The Act also allowed for bilingualism in the offices and using of information boards in minority languages in areas inhabited by them (Articles No 4 and 5). In addition, article No 8 said that every citizen of Lithuania was free to determine their ethnic identity based on the nationality of their parents or one of them (Łodziński 1998). Unfortunately the Law on National Minorities in Lithuania is no longer in use since 1st January 2010 (Kuzborska 2012).

Among the Lithuanian authorities dealing with the protection of national minorities, it is worth noting set up in 1989, the Department of National Minorities and Lithuanians Living Abroad, operating under the Ministry of Interior, and under the auspices of that department, the Council for National Minorities, established in 1995. The main aims of the department were:

- implementation of government policy in the sphere of relations between national minorities and Lithuania on the basis of existing acts,
- drafting of the project of changes in regulations,
- drafting and implementation of government programs to improve the situation of national minorities in Lithuania (Białek 2008).

The Council for National Minorities was tasked primarily involved in the processes of development and implementation of the law relating to national minorities, as well as coordinate the activities undertaken by national minorities. In addition, the council has set itself the objectives such as supporting the participation of minorities in public and cultural life of the country, as well as observation of the implementation and enforcement of the laws relating to national minorities (Białek 2008).

The Department was abolished in 2009, and in its place established the Commission for the Coordination of National Minorities. The Commission coordinates the activities of the state on the integration of minorities in the political, social and cultural life in Lithuania. In the following years to solve the problems of minorities established teams of experts who have worked on the problems of unifying of the matriculation exams for national minorities, and the financing of minority education.

National minorities in parliamentary elections in Poland

Political transformations in Poland in late 1980s and early 1990s, first of all, brought about a great intensification of political activity of particular national minorities, especially their intellectual elite. This was manifested not only by means of organizational activity of various national associations but by means of political activity as well, i.e. both by means of founding political parties and active participation of electoral committees of national minorities in parliamentary and municipal elections.

At the beginning, the candidates of Byelorussian, Ukrainian and Lithuanian organizations were not successful in Polish parliamentary elections. Only when they were included in the list of the left-wing parties, did the situation slightly improve. The representatives of national minorities are much more successful in municipal elections, certainly in regions with a relatively high percentages of non-Polish residents, especially in the Opole, Podlasie, Suwalszczyzna, Podkarpacie regions (Chałupczak, Browarek 1998; Kowalski 2000).

In all the elections since 1990s, members of national and religious minorities in Poland have been noticed to have very clear left-wing sentiment taking into consideration their election preferences. The strong and consistent support for left-wing options in regions and communes inhabited densely by Byelorussians, Ukrainians or Lithuanians may be explained by various economic, social, historical and cultural factors. However, a significant reason for such behavior must be clear association of right-wing parties with Polish nationalism and Catholicism. Hence, from the point of view of non-Polish residents' national and often religious interests, their voting for the left wing is most rational (Kowalski 2000).

The fact that Orthodox Byelorussian residents usually vote for left-wing parties and the domination of left-wing ideology over national identity is one of the main reasons why Byelorussian electoral committees in Podlasie fail to succeed in election after election and to have their representatives in the Parliament.

The only national minority in Poland that has kept having their representatives in all the Sejm's terms of office since 1991 is the German minority. The largest German organization, i.e. the Social-Cultural Society of the Germans in the Opole region has its candidates listed together with the German Minority electoral committee on a regular basis. According to the electoral law, electoral committees of national minorities do not have to exceed the electoral threshold of 5% votes nationwide in order to participate in the allocation of seats in the Sejm. Due to these legal regulations and motivation of German minority voters in the Opole region, this community is always represented in the Polish Parliament although the number of seats won by the German minority and a percentage of votes cast for their lists has been steadily decreasing since the beginning of the 1990s and until the last parliamentary elections in 2011 (Table 5).

Table 5. The German minority election results in the parliamentary elections between 1991–2011

Year	Number of Sejm seats	Number of Senate seats	% of votes in the Opole region	% of votes nationwide
1991	7	1	–	1,18
1993	4	1	–	0,44
1997	2	0	16,96	0,39
2001	2	0	13,62	0,36
2005	2	0	12,92	0,29
2007	1	0	8,81	0,20
2011	1	0	8,76	0,19

Source: the author's own analysis on the basis of the data by the National Electoral Commission (*Państwowa Komisja Wyborcza*) www.pkw.gov.pl

National minorities in elections in Lithuania

In 1994, the Lithuanian parliament adopted a law on social organizations which ordered them to precisely specify the character of their activities. This led to a situation, in which an organization cannot serve both social and political functions, and its representatives do not have the right to take part in the elections. This forced the Unions of Poles in Lithuania (ZPL) to become a social

organization. However, a new political party emerged from ZPL namely the Electoral Action of Poles in Lithuania (*Polish: Akcja Wyborcza Polaków na Litwie – AWPL*) (Bobryk 2006; Masłowski 2005; Trusewicz 2005). Currently the party has more than 1100 members (Godek 2005).

The most important promises concerning the national minorities in Lithuania are:

- the promotion of education of national minorities in schools,
- the ratification of the European Charter for Regional or Minority Languages,
- changing the Citizenship Act – to ensure the representatives of national minorities can possess dual citizenship,
- in the administrative units where national minorities represent are more than 10%, the introduction of a minority language in offices¹⁶ (Leśniewska 2013).

Poles have started in parliamentary elections since 1992 (Table 6), initially as ZPL, after 1994 as AWPL, and always have obtained some seats in Lithuanian Seimas. The best results AWPL party achieved in last parliamentary elections in 2012 and had got 8 seats and it is in coalition.

Table 6. Polish minority election results in the parliamentary elections in Lithuania between 1992–2012¹⁷

Year	Number of seats in Seimas			Number of votes	% of votes
	Proportional	Constituency	Total		
1992	2	2	4	39 772	2,10
1996 (1997)*	0	1 (+1)	2	40 941	2,98
2000	0	2	2	28 641	1,95
2004	0	2	2	45 302	3,79
2008	0	3	3	59 237	4,79
2012	5	3	8	79 840	5,83

* In 1997, the elections were repeated in some districts

Source own elaboration based on <http://www.vrk.lt/>; <http://www3.lrs.lt/>

The party also starts in local elections and have good results where Poles are the majority (in municipalities Vilnius (lit. *Vilniaus*) and Salcininkai (lit. *Šalčininkų*). Moreover in last elections to the European Parliament in 2009 the party achieved one seat. Waldemar Tomaszewski (lit. *Voldemar Tomaševski*) became a first Pole from Lithuania who is in Euro-parliament.

Also Russians have got a political party which has started in elections – Lithuanian Russian Union (lit. *Lietuvos rusų sąjunga*). In many elections in local level, the party formed an alliance with the AWPL. In elections to the Lithuanian parliament in 1996 they achieved 1.71% of votes. In elections in 2000 Lithuanian Russian Union decided to start in a Social-Democratic Coalition of Algirdas Brazauskas which won the elections and achieved 31.08% of votes (Russians had 3 seats).

It is worth to notice that in 2003 was created Labour Party (lit. *Darbo Partija*) by Viktor Uspasich who was born in Soviet Union. In 2012 in elections to Seimas party achieved 19.82% of votes and had got 3rd place (with 17 seats).

Conclusion

The political, legal and social transformations which have taken place over the last 20 years brought about both positive and negative consequences for the situation of non-Polish and non-Lithuanian nationalities in the both countries (Table 7).

¹⁶ Source: <http://www.awpl.lt/>

¹⁷ In 1992 Polish minority started in election as Movement of Lithuania's Poles. After the changes in Lithuanian law in 1994 they started as AWPL.

Table 7. Positive and negative consequences of political changes after 1990 in Poland and Lithuania for national minorities

Positive consequences	
Poland	Lithuania
<ul style="list-style-type: none"> • The end of discrimination policy towards national minorities • Changing the state's 'supervision' into 'care' • Political subjectivisation of national and ethnic minorities • Introducing a number of legal regulations which allowed all the nationalities living in Poland latitude in national, political, social and cultural functioning • A very dynamic development of organizational activity • Development of national and ethnic minorities education • Revival of various kinds of nationality statistics • Passing the Act on National and Ethnic Minorities and the Regional Languages by the Sejm after many years of disputes 	<ul style="list-style-type: none"> • Active participation of the largest national minorities in political life in local and national level • Very dynamic development of organizational activity • Good network of minorities' schools • Education in languages of minorities at all levels • Religious practice in languages of minorities • Fight for the rights of national minorities by the Lithuanian authorities (including numerous protests)
Negative consequences	
Poland	Lithuania
<ul style="list-style-type: none"> • A significantly improved political and legal situation of members of national and ethnic minorities after 1990 did not slow down the process of shrinking of 'traditional' (historical) minority communities in Poland • Assimilation of national and ethnic minorities is still progressing, which is proved by their continuous shrinking (the results of the national census, decrease in the number of members of minority organizations, decrease in support for electoral list of candidates of national minorities, decrease in the number of students learning minority languages) • Fewer members of a particular minority leads to the decrease in their political and social significance • Establishing numerous, often competing organizations within one minority often results in arguments and conflicts • New local divisions and animosity due to bilingual names of towns and villages • Frequent lack of reciprocity concerning legal regulations on national minorities in Poland and the Polish minority in the neighboring countries, Lithuania and Germany in particular 	<ul style="list-style-type: none"> • Lack of Act on National Minorities causes lots of conflicts • No consent on bilingual names in areas where national minorities live densely • Assimilation of national and ethnic minorities is still progressing • A large number of organizations but only a few are active • Conflicts between majority and minorities because of the different interpretation of mutual historical facts • Many conflict discourage Lithuanian population to minority communities • Disclosure in Lithuania nationalist attitudes against minority communities

Source: own elaboration

The Polish law forbids discrimination and protects all the nationalities living in the Republic of Poland. Yet, as a result of passing the Act on National and Ethnic Minorities and the Regional Languages (in 2005), 14 minority communities are particularly privileged from the legal perspective. These are: Byelorussians, Czechs, Lithuanians, Germans, Armenians, Russians, Slovaks, Ukrainians, Jews, Karaims, Lemkos, Roma, Tatars, Kashubians. Despite similar rights and privileges for all the 14 communities mentioned in the act, the relevant communities differ with respect to how they take advantage of them. The recent years have shown that the German, Kashubian and Lithuanian communities can, or want to, make best use of the privileges guaranteed by the Polish law.

In legal terms, the situation of minorities in Poland, it is now much better than in Lithuania. In Lithuania the biggest problem is lack of Act on National Minorities which causes lots of conflicts between Lithuanian authorities and national minorities. All activities of Lithuanian government

which are connected with education, electoral system etc. are perceived as the acts of discriminations of minorities. The only excuse for Lithuanian authorities is fact that minorities are a large and strong group in small Lithuania.

Generally, despite of some negative consequences for national minorities, the situation of them in Poland and in Lithuania nowadays is much better than it was used to be in the communist period.

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Etninių mažumų situacijos Lietuvoje ir Lenkijoje palyginimas

M. Barwiński, K. Leśniewska

University of Lodz, Department of Political Geography and Regional Studies,

Faculty of Geographical Sciences, Kopcinskiego 31, 90-142 Lodz (Poland)

E-mail: marbar@geo.uni.lodz.pl, katerina.lesniewska@gmail.com

Santrauka

Dešimtajame XX a. dešimtmetyje Rytų Europoje įvyko reikšmingų politinės ir geopolitinės situacijos pokyčių, kurių svarbiausieji buvo komunistinio režimo ir Sovietų Sąjungos žlugimas. Visi šie procesai pakeitė taip pat ir etninių mažumų padėtį Rytų Europoje. Pasikeitė socialinės, teisinės ir organizacinės jų veiklos sąlygos. Po 1990 m. susikūrė daugybė visuomeninių organizacijų susijusių su socialiniu, politiniu, kultūriniu ir edukaciniu etninių mažumų gyvenimu. Kita vertus, vienas iš įvykusių pokyčių rezultatų yra ir ankstesnių konfliktų Rytų Europoje atgaivinimas.

Nors dauguma Rytų Europos šalių priklauso tai pačiai Europos Sąjungai, tačiau etninių mažumų teisinė padėtis skirtingose valstybėse reikšmingai skiriasi. Šie skirtumai Lenkijoje ir Lietuvoje yra nulemti istorinių raidos sąlygų skirtumais. Nepaisant to, kad praeityje abi šalys sudarė vieningą valstybę, šiandien daugelis faktų abiejų pusių vertinami visiškai skirtingai.

Lietuvoje, kuri yra palyginti maža valstybė su nedideliu gyventojų skaičiumi, etninės mažumos sudaro didelę gyventojų dalį. Tokia situacija kelia tam tikrų įtampų čia. Lenkijoje, kuri yra žymiai didesnė valstybė, nacionalinės mažumos sudaro nedidelį procentą visų gyventojų ir mažumų teisės yra platesnės.