

The Controversies around the Law on the “Polish Charter” in the Lithuanian Parliament

In 2007 the Parliament of the Republic of Poland passed the law on the “Polish Charter” (*Karta Polaka*), which entered into force in early 2008. In the frame of this act, the Polish State provided for preferential treatment of Polish nationals abroad. The privileged persons – citizens of the former Soviet Republics and members of the Polish minority – are entitled to certain benefits on the territory of the Polish State. Those benefits relate to visa costs, work permits, commercial activities, education and culture, health care and travelling benefits (Art. 5 – 8 of the Act). These are the usual benefits that other States provide for in their laws on the preferential treatment of their minorities abroad (e.g. Hungary, Slovakia, Romania and Bulgaria). Moreover, the Council of Europe Venice Commission as well as the OSCE High Commissioner on National Minorities declared that states may extend such benefits to foreign citizens upon respecting certain rules defined by the Venice Commission. In October 2008 the OSCE High Commissioner on National Minorities presented the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations at the European Academy Bolzano/Bozen, providing states with guidance on how to address questions relating to national minorities arising in inter-states relations.

The entitlement to the benefits under the law is proven by the so called “Polish Charter” which is issued upon application and fulfillment of the certain conditions by the Consulates of the Republic of Poland in the aforementioned countries.

The citizens of the Republic of Lithuania, out of whom ca. 7% (240 000) belong to the Polish minority are also entitled to apply for the Polish Charter. Not until the parliamentary elections in October 2008 was the issue of the Polish Charter discussed much in Lithuania. In those elections three members of the “Electoral Action of Poles of Lithuania” got the mandates. The first to take the floor was the Lithuanian candidate of the conservative party (which won the elections), who was defeated in the last stage of the elections by the candidate of the party of the Polish minority. He argued that holding of this document does not only confirm the ties to the Polish nation but also create the political obligations towards Poland. This statement provoked the discussion in media as well as among the politicians. The leader of the conservative party’s national fraction – Gintaras Songaila – also claimed that two of the elected Polish politicians, holders of the Polish Charter (Waldemar Tomaszewski and Michal Mackiewicz) are obliged to loyalty towards Poland. Therefore holders of the Polish Charter cannot serve as members of the Lithuanian parliament.

Upon these controversies, the Central Electoral Commission of Lithuania was asked to interpret whether holding of the Polish Charter and not declaring it to the Commission could have been understood as concealing the obligations towards another state. The Electoral Commission directed this question to the Legal Department of the Parliament. Depending on the opinion issued by the Department, the case of the politicians holding the Card of Pole might be finally examined by the Constitutional Court. Also the President of the Republic of Lithuania, Valdas Adamkus, expressed his concern about the existing problem and stated the issue shall be examined by the Constitutional Court.

The third member of the Polish minority party, Jaroslaw Narkiewicz, was appointed on 25 November 2008 by the Parliamentary Committee for Education, Science and Culture to be its vice-chairman. However, on 27 November the parliament rejected his candidature. During the debate the politicians of the conservative party demanded from the candidate that he would not apply for the Polish Charter in the future. As long as the Constitutional Court has not examined the Act on the Polish Chapter and its impact on the holders of the Card, the conservatives state its potential holders should not be allowed to serve in the Parliamentary Commissions.