

MEASURES TAKEN BY LITHUANIA IN HER STRUGGLE TOWARDS THE RE-ESTABLISHMENT OF HER INDEPENDENCE

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The three Baltic states Lithuania, Latvia and Estonia were the first states which became independent of the Soviet Union when the Communist Empire began to crumble. Until 1914 they were under Russian rule later they had become independent.

Lithuania became independent by the Act of Independence of 16 February 1918 of the Council of Lithuania and the Constituent Assembly Decree of 15 May 1920¹.

The *de jure* independence of Lithuania was recognized by Germany on April 23, 1918, by Soviet Russia on July 12, 1920, by Latvia and Estonia in February 1921, by the Argentine Republic in March 1921 but owing to Vilna dispute, by the Allies and the United States only in the end of 1922².

Lithuania was forcibly occupied by the armed forces of the USSR in June 1940 pursuant to the secret protocols of the Nazi-Soviet Non-Aggression Pact of August 23, 1939.

The annexation of Lithuania by the USSR violated the terms of Lenin's Declaration of Rights of the Peoples of Russia of November 1917, the Soviet-Lithuanian Peace Treaty of

July 12, 1920, the Lithuanian-Soviet Treaty of Non-Soviet Treaty of Non-Aggression of September 28, 1926, the Kellogg Briand Pact of 1929 and the Covenant of the League of Nations. The struggle for the re-establishment of the independence of the three Baltic States had started in 1989 and was not an easy one.

Lithuania took some measures for the re-establishment of her independence. First she changed her constitution and adopted the Lithuanian as the official language of the Republic. This was done at two steps. First on January 25 1989 the Presidium of the Supreme Soviet of the Lithuania SSR decreed a decree which reads:

Under the constitution of the Lithuanian SSR, the Lithuanian language shall be the official language of the Republic.

In order to ensure the development and the use of the Lithuanian language in state and social life without abridging the constitutional right of those whose native language is not Lithuanian to use their native language, the Presidium of the Supreme Soviet of the Lithuanian SSR

decrees:

1. That the Lithuanian language shall be the official language, that is the principal means of official communication for the people of the Republic. Lithuanian shall be used in carrying out the business of state and social bodies, in all spheres of public education, culture, science, industry, public services, communications and other areas of social life, and in all enterprises, institutions, and organizations of the Lithuanian SSR, irrespective of their institutional chain of command (with the exception of the armed forces).

2. That the highest bodies of state power and government, ministries, departments, Soviets of People's Deputies and their executive committees, social organizations, enterprises, institutions, and other organizations shall conduct their business and correspondence in the Lithuanian language.

Enterprises, institutions and organizations whose internal business until recently was conducted in the Russian language, shall begin to make the transition to conducting business and correspondence in the Lithuanian language within two years, from the date of entry into force of this Decree. In certain cases, for valid reasons, and with the permission of the presidium of the Supreme Soviet of the Lithuanian SSR, this transitional period may be

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1. Supreme Council of the Republic of Lithuania, *The Road to Negotiations* Vilnius, 1990, p.33

2. Encyclopedia Britannica, 1929, *Lithuania*

extended by particular enterprises, institutions and organizations for an additional year, but these must guarantee that other organizations and citizens will be provided with the opportunity to communicate with the opportunity to communicate with them, solve problems and receive documents in the Lithuanian language.

Correspondence with the bodies of state power and the government of the USSR, with the ministries and departments, social organizations, enterprises, institutions, and other organizations beyond the borders of the Lithuanian SSR, shall be conducted in the Russian language or in whatever language is acceptable to both parties.

3. That laws of the Lithuanian SSR, acts of the Supreme Soviet of the Lithuanian SSR and its Presidium, resolutions and directives of the Council of Ministers, and documents of social organizations shall be issued in the Lithuanian language, promulgated in the Lithuanian language, and, as necessary, in the Russian language, as well.

Resolutions, directives, and other documents of ministries, departments, the Soviets of People's Deputies and their executive committees, enterprises, institutions, and organizations shall be issued in the Lithuanian language and, if necessary, translated into another language.

4. That official assemblies, sessions, plenary sessions, meetings, sittings, congresses, and other events shall be conducted in the Lithuanian language. Persons who do not know Lithuanian shall have the right to speak in their language. In such cases, their language will be translated into Lithuanian.

5. That seals, business forms, signs and plaques used in offices and in public places, as well as designations on goods produced in the Republic and their descriptions, shall be in the Lithuanian language. Official letterhead and other documents used in international and all-Union correspondence, as well as correspondence with the republics of the USSR shall be provided in Lithuanian and in translation into other languages.

6. That heads and other senior officers of the supreme bodies of state power and government of the Lithuanian SSR, ministries, department, the Soviets of People's Deputies and their executive committees, social organizations, enterprises, institutions, and other organizations of the Republic shall know the Lithuanian language.

Senior officers of the People's Courts, state notarial offices, bodies of the Procuracy and Internal affairs, institutions of public health, social security, trade, public service, transportation, communications, finance, housing, as well as other institutions shall provide their services in the Lithuanian language or in the language acceptable to both parties.

7. That the people of the Lithuanian SSR shall have schooling and obtain elementary and secondary education, vocational, specialized and higher education in the Lithuanian language. For persons whose native language is a language other than Lithuanian, so that they may taken an active part in the state, public, and cultural life of the Republic and so that they may avail themselves of education at institutions of higher learning of the Lithuanian SSR, adequate means shall be provided for such persons to learn the Lithuanian language in educational institutions where the language of instruction is not Lithuanian, as well as in special courses provided for that purpose.

8. That persons whose native language is a language other than Lithuanian shall be provided with appropriate facilities for organizing pre-school education, classes, elementary and secondary education, for training teachers, for publishing books and newspapers in their native language, and for establishing societies of language and culture, clubs, museums, theaters, musical groups, etc.

In pre-schools, and cultural organizations, elementary and secondary schools, and cultural organizations established for persons whose native language is other than Lithuanian, correspondence and other business may be conducted in the appropriate language.

9. That state government bodies of the Lithuanian SSR shall enhance the prestige of the Lithuanian language, preserve Lithuanian personal names and place-names, as well as provide general assistance to scholarly institutions devoted to the Lithuanian language, and create the material basis necessary for the development, research and expansion of the Lithuanian language. At the same time, conditions shall be provided for the development of other languages used in the Republic.

The Lithuanian SSR shall contribute to schooling and studying of the Lithuanian language outside Lithuania.

10. That heads of ministries, departments, the Soviets of People's Deputies and their executive committees, enterprises,

institutions, and organizations shall be directly responsible for the implementation of this Decree within their respective situations.

The Council of Ministers of the Lithuanian SSR shall oversee the implementation of this Decree throughout the Republic.

The Council of Ministers shall be responsible for providing facilities for the implementation of this decree.

Chairman of the Presidium of the Supreme Soviet
of the Lithuanian SSR

V. Astrauskas

Secretary of the Presidium of the Supreme Soviet
of the Lithuanian SSR

J. Gureckas

Vilnius, 25 January 1989

The second step was the promulgation by the Supreme Council of the Republic of Lithuania the Decree on the term of Realization of the status of the State Language on 25 November 1990 in Vilnius. This decree reads:

Taking into account the problems of realization of the status of the state language in Lithuania, the Supreme Council of the Republic of Lithuania decrees:

1. In those cities, settlements and country-side districts, where the majority of non-Lithuanian speaking minorities live, only minimal knowledge requirements of the state language apply to high-ranking officials and service sphere workers until January 1, 1995.

2. Knowledge requirements of the state language do not apply to those specialists, who in accordance with their duties and official status, don't need to constantly communicate with residents and to do office-work.

3. To extend the term of transition of office-work into the state language to January 1, 1995 in those cities, settlements and country-side districts, where the majority of residents consist of non-Lithuanian speaking minorities, if they wish and have the permission of the State Language Inspectorate. District Councils are responsible for providing the local governmental units of the cities, settlements and country-side districts with office-work supplies in the state language (special forms, type-writers etc.) from the funds provided by the

Government of the Republic specially for that purpose.

4. To entrust the Government of the Republic of Lithuania to approve the differentiated norms of language knowledge applied to high-ranking officials and service sphere workers and the program of concrete means to provide them with the conditions to learn and use the Lithuanian language by January 1, 1991 (the establishment of free and optional Lithuanian language courses; the reorganization of the Lithuanian language teaching center; the preparing and publishing of textbooks and other means of teaching; the improvement of the teaching of the Lithuanian language the development of the material base of the educational and cultural offices, etc....) To foresee financial means and sources for the implementation of this program.

Vytautas Landsbergis
President
Supreme Council
Republic of Lithuania

Vilnius, 25 November 1990

The Second measure taken by Lithuania towards her struggle to independence was the adoption of the Law on Ethnic Minorities. Only Eighty percent of the population are Lithuanians and twenty percent are ethnic minorities and foreigners.

The Law on Ethnic minorities reads:

The Lithuanian SSR shall guarantee to all its citizens regardless of ethnicity, equal political, economic, and social rights and freedoms; shall recognize its citizens ethnic identity, the continuity of their culture, and shall promote ethnic consciousness and the expression thereof.

People of all ethnic groups residing in Lithuania must observe the Fundamental Law of the Lithuanian SSR and other laws, protect Lithuania's state sovereignty and territorial integrity, contribute to the establishment of an independent, democratic state in Lithuania, and respect Lithuania's state language, culture, traditions, and customs.

Article 1: The Lithuanian SSR, adhering to the principles of ethnic equality and humanism, shall guarantee to all ethnic minorities residing in Lithuania the right to freely develop, and shall respect every ethnic minority and language.

Any discrimination with regard to race, ethnicity or nationality, language or anything

else related to ethnicity shall be prohibited and punished under the procedures provided by the laws of the Lithuanian SSR.

Article 2. The state shall provide equal protection for all the citizens of the Lithuanian SSR, regardless of ethnicity. The Lithuanian SSR, taking into account the interests of all ethnic minorities shall guarantee them the right under the law and the procedures thereunder:

to obtain aid from the state to develop their culture and education;

to have schooling in one's native language, with provision for pre-school education, ether classes, elementary and secondary school education, as well as provision for groups, faculties and departments at institutions of higher learning to train teachers and other specialists needed by ethnic minorities; (amended on January 29,1991);

to have newspapers and other publications and information in one's native language;

to profess any or no religion, and to perform religious or folk observances in one's native language

to form ethnic cultural organizations;

to establish contact with persons of the same ethnic background abroad;

to be represented in government bodies at all levels on the basis of universal, equal, and direct suffrage; and

to hold any post in the bodies of state power or government, as well as in enterprises, institutions or organizations.

Article 3. Depending on demand and [economic] capacity, Lithuanian institutions of higher learning and specialized secondary schools, through contract with state and public organizations, shall train specialists to respond to the needs of particular ethnic cultures.

When necessary, citizens of Lithuania may be sent abroad to study.

Article 4. In offices and organizations located in areas serving substantial numbers of a minority with a different language, the language spoken by that minority shall be used in addition to the Lithuanian language. (amended on January 29,1991)

Article 5. Signs used in the areas indicated in Article 4 of this law may be in the Lithuanian language and in the language used by that minority. (amended on January 29,1991)

Article 6. Historical and cultural monuments of ethnic minorities shall be considered part of the cultural heritage of Lithuania and shall be protected by the state.

Article 7. Cultural organizations of ethnic minorities shall also have the right to establish educational and cultural institutions on their account. The state shall provide aid to organizations and institutions that serve these minorities educational and cultural purposes. (amended on January 29,1994)

Article 8. Every citizen of the Lithuanian SSR upon obtaining a passport shall be free to identify his ethnicity on the basis of the nationality of his parents or of one of his parents.

Article 9. Public and cultural organizations of ethnic minorities shall be established, shall function, and shall be dissolved or terminated according to the procedures established by law. (amended on January 29,1991)

Article 10. Public committees of ethnic minorities may be established through the Supreme Soviet*** and Local Soviets*** of People's Deputies of the Lithuanian SSR. The composition of such committees shall be coordinated with the public organizations of such ethnic minorities. The powers of these committees shall be established by the bodies that from them.

Under the Council of Ministers of the Lithuanian SSR, a Committee on Ethnic Minorities shall be established to address the social and cultural needs of ethnic minorities.

V.Astrauskas
Chairman of the Supreme Council of the Lithuanian SSR
L.Sabutis
Secretary of the Presidium of the Supreme Council of the Lithuanian SSR

Vilnius
23 November 1989

Lithuanian SSR, Supreme Soviet and Local Soviets of People's Deputies are the terms of the "Soviet" era, and have been substituted with new terms reflecting Lithuania's re-establishment of independence.

In all current laws these terms are: The Republic of Lithuania, the Supreme Council,

and Local Council. The Functions of the Supreme Council and of the Local Councils are changing, as Lithuania moves away from Soviet models and Soviet ways of thinking to Western models and Western modes of thought. This is a painful process, but is real and should be taken seriously by all foreigners who wish to understand what Lithuania is trying to accomplish, not only for Lithuanians, but for the benefit of all of the people of Lithuanians, but for the benefit of all of the people of Lithuania.

The Supreme Council of the Republic of Lithuania adopted Act on the Restoration of the Independent Republic of Lithuania and other legal acts, including the Provisional Basic Law of the Republic of Lithuania on March 11, 1990, which reads:³

**SUPREME COUNCIL
OF THE REPUBLIC OF LITHUANIA
ACT**

**On The Re-establishment of the State of
Lithuania**

The Supreme Council of the Republic of Lithuania, expressing the will of the nation, decrees and solemnly proclaims that the execution of the sovereign powers of the State of Lithuania, abolished by foreign forces in 1940, is re-established, and henceforth Lithuania is again an independent state.

The Act of Independence of 16 February 1918 of the Council of Lithuania and the Constituent Assembly decree of 15 May 1920 on the re-established democratic State of Lithuania never lost their legal effect and comprise the constitutional foundation of the State of Lithuania.

The territory of Lithuania is whole and indivisible, and the constitution of no other State is valid on it.

The State of Lithuania stresses its adherence to universally recognized principles of international law, recognizes the principle of inviolability of borders as formulated in the Final Act of the Conference on Security and Cooperation in Europe in Helsinki in 1975, and guarantees human, civil, and ethnic community rights.

The Supreme Council of the Republic of Lithuania, expressing sovereign power, by

this Act begins to realize the complete sovereignty of the state.

Vytautas Landsbergis	Liudvikas Sabuotis
President	Secretary
Supreme Council	Supreme Council
Republic of Lithuania	Republic of Lithuania

Vilnius
11 March 1990

By order of the Supreme Council of the Republic of Lithuania, the President of the Council Vytautas Landsbergis sent an official written proposal to Mikhail Gorbachev, the President of the U.S.S.R. to commence negotiations. To this Gorbachev answers with the a telegram ant the March 15 Resolution of the Third extraordinary Congress of USSR People's Deputies which took place between March 10-12, 1990. In this resolution the decisions of the Supreme Council of the Republic of Lithuania were declared to have no just legal power. In it, as in the telegram the issue of negotiations was ignored. The resolution of March 15, 1990 of the Extraordinary Third USSR Congress of People's Deputies reads⁴

**EXTRAORDINARY THIRD USSR
CONGRESS
OF PEOPLE'S DEPUTIES
DECREE**

**On the Decrees of 10-12 March 1990
Adopted by
the Supreme Soviet of the Lithuanian
SSR**

On 10-12 March 1990 the Supreme Soviet of the Lithuanian SSR declared: "The independence of the State of Lithuania is being re-established" and that the Constitution of the Lithuanian SSR and the Constitution of the USSR are no longer in force on the territory of the [Lithuanian Soviet Socialist] Republic.

Although it has constitutional right to self-determination, a union republic cannot, when joining or seceding from the federation, ignore the political, economic, social, territorial, legal, and other problems that arise.

The Congress of People's Deputies regards the mentioned decrees of the Supteme Soviet of the Lithuanian SSR as not having any legal validity.

³ Road to Negotiations op.cit.s.33

⁴Road to Negotiations op. cit. p.35.

The USSR Congress of People's Deputies asserts that according to Articles 74 and 75 of the Constitution of the USSR, the sovereignty of the USSR and the validity of the Constitution of the USSR still apply to Lithuania as a Union Soviet Socialist Republic.

The USSR Congress of People's Deputies decrees:

1. Affirming the right of every Union republic to freely secede from the USSR (Article 72 of the USSR Constitution), the Congress establishes that until the procedure by law the unilateral decrees of the Supreme Soviet of the Lithuanian SSR, which violate Articles 74 and 75 of the Constitution of the USSR, are invalid.

2. That, until the proper decrees regarding this matter are adopted, to commission the President of the USSR, the Supreme Soviet of the USSR, and the Council of Ministers of the USSR with ensuring the defense of the legitimate rights of every person living in the Lithuanian SSR, as well as ensuring the observation of the rights and interests of the USSR, as well as Union republics, on the territory of the Lithuanian SSR.

3. That state governmental and executive organs of the Lithuanian SSR take all measures to ensure that law and order on the territory of the [Lithuanian Soviet Socialist] Republic be maintained.

The Kremlin

Moscow

15 March 1990

Upon the activities of Lithuania for the re-establishment of independence Soviet Union resorted to brutal actions.

The USSR's brutal actions were designed to squelch the implementation of the self-determination of the people of Lithuania, the USSR also violated the Helsinki Final Act, provides that "all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development." By the same token the USSR violated the Paris Charter for a New Europe which states that "We reaffirm the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law..."

By violent actions that are directed at the overthrow of the democratically elected Government of the Republic of Lithuania and at imposing on Lithuania an unconstitutional and anonymous "national salvation committee," the Soviet Union has also violated the Final Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE of June 29, 1990, whereby the USSR undertook to defend and protect "the democratic order freely established through the will of people against actions of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order..."

In occupying the mass media, Lithuania's state publishing house, and paper warehouse, and in closing down Lithuania's means of mass communications, the Soviet Union also violated its human rights obligations under the International Covenant on Civil and Political Rights. Paragraph 2 of Article 19 states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." This also violated the principles of the Paris Charter for a New Europe regarding the freedom to express opinions and convictions.

By abducting citizens of the Republic of Lithuania, the armed forces of the Soviet Union grossly violated its obligations in the field of human rights, democracy and the supremacy of law in accordance with the Paris Charter for a New Europe, which states that on one will be "subject to torture or other cruel, inhuman or degrading treatment of punishment..."

Lithuania chose the peaceful way of negotiations for re-establishment of her independence. The patient efforts of Lithuania and understanding of the USSR resulted in bilateral talks with the USSR. In the end Lithuania regained her independence.