

## **Contesting citizenship: To what extent do the linguistic challenges of the Polish minority in Lithuania pose a threat to the minority's integration?**

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**Abstract.** This paper seeks to investigate the recent language-related challenges posed by the Polish ethnic minority in Lithuania. While exploring the unique historical circumstances between the neighboring countries, a particular attention is given to the general and specific rights and duties of citizenship and the Polish minority in Lithuania. The Poles enjoy the power of using general rights to vote, establish their religious institutions, set up businesses and cultural organisations, use Polish language in the radio or television. The minority has an exceptional right to study in Polish from secondary to tertiary level, yet is also expected to comply with and adapt to state's legal provisions to become proficient in the Lithuanian language. Although the Lithuanian educational system for minorities is considered as one of the most liberal models in Europe, the ethnic group has responded negatively to the recent provisions by stating that the reform on education, reform on spelling of personal names and place names and land reform are threatening its national identity. The ongoing domestic disputes between Poland and Lithuania disrupt bilateral negotiations on energy security and thus delay further states' integration into European markets. This study of citizenship and linguistic rights in Lithuania serves to our understanding of politics and language and the function of the latter in the development and preservation of national identity.

### **Introduction**

The topic of this research comprises the Polish minority linguistic challenges in Lithuania and the influence of the domestic conflicts on Polish integration in Lithuanian society. Several specific issues of conflict will be presented as case studies and analysed in this research. We shall see how domestic issues reflect different standpoints of both nations. It is essential to understand that the purpose of this research is not to offend, discriminate or otherwise confront any of the parties involved, but rather to critically observe the current Polish minority situation in Lithuania from different angles, and measure the EU power to intervene and present a solution to the conflict. Furthermore, this paper may contribute to the ongoing research on linguistic pluralism, EU

citizens' and minority's rights, and may be used as a source of information on a very particular case study on Polish minorities in Lithuania.

Specifically, I am interested in the country's political, social and legal systems assuring the maintenance and active promotion of citizens' rights and freedoms. This topic incorporates a diverse combination of aspects, including my historical relation to Lithuania and personal interests in social sciences, particularly politics, international relations, sociology and socio-economic geography. Additionally, this research is based on bachelor thesis (Gribulyte, 2013, unpublished) and intends to apply the theoretical discussion to the case of Polish minorities in Lithuania. The issue discussed is closely related to the multi-level governance, as well as the discussion on universal and European definitions of citizenship and minority.

This research aims to identify, examine and analyse citizenship and minority rights as well as duties, and explore the complexity of defining citizenship and minority. Not only does this research deal with theoretical understandings and conceptual frameworks, but it also operationalises the questions to the specific case of the Polish minority in Lithuania. It shall analyse current issues of conflict with regards to the Polish minority linguistic and general rights and freedoms in Lithuania, and further address how the inability of the two parties to come to an agreement adds pressure to already shifting bilateral relations.

The purpose of this study is to measure the extent Polish minority linguistic issues in Lithuania influence changes in Polish-Lithuanian social, political and economic relations, and investigate how, if at all, the EU intervenes in Polish-Lithuanian citizenship and identity politics. This paper intent to debate to what extent if at all changes in language knowledge may alter ethnic identity. By way of measuring the independent variables (EU citizenship rights, Citizenship rights of Polish minority in Lithuania, the link between language and ethnicity), I shall aim to determine the causal relationship with the dependent variable (Polish minority's position in Lithuanian society and Polish-Lithuanian social, political and economic relations). This study is based on a qualitative research, and provides a critical analysis of the academic articles and theoretical understandings. The descriptive method particularly focuses on the Polish minority situation in Lithuania by using legal documents, academic articles, news websites and reports.

The distinctiveness of this study lies behind the extensive analysis of the linguistic challenges of the Polish minority in Lithuania, the analysis of the European citizenship and minority rights and duties, as well as the influence of domestic language related disputes between

the Poles and Lithuanians on Polish minority integration. Similar studies have been done before, yet, they did not put enough emphasis on the current linguistic and socio-economic minority's issues in Lithuania. Previous studies neither focused on the extent to which current domestic issues and linguistic affairs affect Polish integration to Lithuanian society nor how, if at all, the EU intervenes in Lithuanian national minority issues. Thus, this research provides a significant contribution to the ongoing research on European citizenship, minority rights and linguistic challenges. It also presents an analysis of Polish-Lithuanian domestic relations, which consequently exert a significant impact on international relations.

Throughout much of history, international law and politics encompassed mutual relations of the states, yet an individual's rights were set aside. For a long time individual's, as well as ethnic minorities' rights protection was purely a state's concern (Rackauskaite-Burneikiene, 2012). Significant changes occurred after the two World Wars, when it became clear the individual's right protection cannot be only a national concern. By discussing the universal treaties adopted after WWII that established international human rights conventions, we shall see how those have affected individuals belonging to ethnic communities (Rackauskaite-Burneikiene, 2012).

This study is therefore relevant to the ongoing discussion on European citizenship and ethnic minorities' rights and obstacles which arise as a result of plural society, as well as the lack of a universal conceptualisation of the definition of the term "minority". Such a universal definition would be essential due to its legal implications, which distinguish individuals from minority backgrounds and their rights and duties from natives according to their features (language, religion, culture, traditions) (Rackauskaite-Burneikiene., 2012). Therefore the status and the definition of the minority are essential in order to identify the individuals concerned and protect their rights, freedoms and identity.

This research contributes to the historical analysis of Polish-Lithuanian bilateral relations and the long-standing disputes between the two neighbours. Before 2009 one of the major mutual concerns of two nations, Lithuania and Poland, was becoming a member of NATO and the European Union. The two states moreover felt a continuous pressure from Russia, and this very much influenced their important political considerations and decisions (Bagdonas et al., 2011). Recently, a clear shift has been noticed in Polish-Lithuanian foreign relations, which gradually

distanced the neighbours even further away from one another. It is also interesting to analyse the current Polish-Lithuanian relations due to the rising uncertainty of Russia's power play.

Poland is becoming a leading nation in the region, and aims to join a club of economically and politically strong nations. Thus, Lithuania, although part of the so-called Baltic-Tigers, is becoming less strategically attractive for Polish leaders. On the other hand, Lithuania itself does not actively initiate friendly relations and shifts its focus towards the Nordic countries. Particularly Polish demands for expanding linguistic rights for national minorities in Lithuania were seen as interference with the internal affairs on the side of Lithuania ([Vilnius.mfa.gov.pl](http://vilnius.mfa.gov.pl), 2012). Until now linguistic and educational matters raise major concerns and discussions between the two neighbours.

Discussions on domestic conflicts will provide interesting insights into recent tensions between the Polish minority and Lithuania. Lithuanian-Polish politicians expressed their discomfort with recently introduced reforms in education, which establish that subjects such as history and geography will be taught in Lithuanian in all ethnic minority schools. The most recent picket was organized by the representatives of the Polish minority as they disagreed with Vilnius City Administration's decision to reorganize all schools by abolishing or restructuring those schools, which do not comply with the standards. Other issues such as name and street name spelling, as well as rights to land restitution continue to foster tensions between the two nations. It is yet essential to understand that some disputes may be escalated by the politicians themselves in order to attract a larger share of voters on their side.

Poland shares long history with Lithuania and their relations are bound by a number of treaties, agreements and declarations. The two neighbours have therefore developed good export relations over the years (Molis, 2011). Poland is one of the biggest European nations, which makes it an essential strategic partner for Lithuania's economy and stability of foreign relations. Thus, it is interesting to analyze their current bilateral relations, which have recently been experiencing a decline. Since the domestic problems concerning the Polish minority seem to affect the solidity of their mutual relations, it is essential to examine the EU's position regarding ethnic minority rights and obligations. Here, a concept of citizenship becomes helpful since it provides a framework, which identifies and distinguishes rights and responsibilities of people according to their nationality, race, language, and religion. The ambiguity of the definition of "minority" shall be

further discussed, as it influences the political and legal decision-making concerning the minority rights in each member state. As minority's language use is one of the central issues of conflict between the neighbours, this paper also discusses the language-ethnicity relationship. The debate on complex language-ethnic identity relation aims to adhere to what extent, if at all, the change in knowledge of one's language may alter one's ethnic identity. Hence, by focusing on the minority's linguistic rights, freedoms, duties and obstacles, this research contributes not only to the studies on Polish-Lithuanian mutual relations, but also examines the EU and international theoretical frameworks on the citizenship and minority rights in multicultural society. It further provides unique case studies analysing the EU's power to intervene in intra-national disputes concerning minorities.

The following three core chapters focus on the multi-dimensionality of Polish-Lithuanian relations, particularly focusing on the long-standing political-linguistic disagreements and Polish minority treatment in Lithuania. The following chapter deals with the concept of European citizenship, elaborates on ethnic minority rights, especially emphasising the absence of commonly agreed definition of national minorities, and debates the link between the language and ethnic identity. The chapter on the domestic issues examines the internal political, linguistic, and socio-economic tensions between the Poles and Lithuania. The last core chapter on bilateral relations illustrates the result of ever-lasting disputes between the Polish minority and Lithuanians.

## **Literature review**

The existing literature on the conceptualisations of European citizenship and national identities encompasses a variety of themes. There are numerous works that analyze issues of citizens' and minorities' rights in Europe and on a global scale. Hence, this literature review aims to explore the already existing work on European citizenship and identity crisis in Eastern Europe, particularly highlighting the case of Lithuania. The literature review also seeks to investigate whether language and ethnicity have a common link between one another. It is essential to analyse whether one's understanding of his/hers ethnic identity is strongly connected to the language he/she practices. The debate on the language-ethnicity relationship may therefore be of use for language and education policy makers in multilingual societies. The literature review shall further discuss

increasing intergovernmental concerns about intolerance and internal discrimination between the nationals and minorities, followed by a conceptual analysis of citizenship and minority rights from an EU perspective.

The findings of this study suggest that it is yet debatable whether there is a clear link between language and ethnicity. On the one hand language is seen as an essential element to one's identity. On the other hand, literature illustrates language and ethnic identity as two separate structures independent from each other. This may suggest that a further research is needed to clearly evaluate the link between the language and ethnic identity, and whether the shift in one's language knowledge may have a significant influence on understanding of one's ethnicity. Further findings suggest that diverse cultures and the distinct social structures of states increase the complexity when defining such concepts as citizenship, national identity and minority. This poses a problem for states and governmental institutions to find universal definitions. Thus, citizenship, identity and minority issues are mainly dealt with within the state's constitutional framework. The EU cannot overrule its member states' legal structure, and only provides additional provisions, and standards as well as country reports to ascertain that human rights conventions are not violated in EU member states.

#### *A glance at Eastern European nations*

After European enlargement, Eastern European states contributed to the complexity of EU citizenship construction. The idea of belonging to the EU and holding European citizenship has often been used as a policy instrument to attract new member states (Dolesjova and Lopez, 2009). Other aspirations to bring about socio-economic development, foster civic and contemporary identities or assure security in a competitive region were often incorporated in the nations' agendas. The course of multiple transitions in eastern European states fostered more nationalistic attitude (Balescu, 2009). This in turn creates a challenging process of renegotiating with, tolerating and acknowledging others. The example of the Baltic States provides valuable insights into countries that developed a socio-political agenda to promote modern civic identities (Brusis, 2000). The threat of a hegemonic neighbour and historical memories of communism influence states to maintain protectionist behaviour. Rising intolerance on national levels and the apparent

distinction of “insider” and “alien” caused social discrimination and unequal accessibility to political participation, education, social rights and job opportunities. Thus, Central and Eastern European states may find their political identity “... in the framework of an integrated Europe and not on the basis of an ethno-nationalism isolated from the integration process in Western Europe” (Petev, 1998: 93). Kuris (2009) provides an exceptional account of the case of Lithuania, which adopted a ‘zero-option’. This means that Lithuanian citizenship may be granted to “all the persons who on the day of coming into force of the law were legally permanent residents of Lithuania, irrespective of the grounds on which such their residence rested” (Kuris, 2009: 14) after they successfully passed the Lithuanian language state exam. The citizenship was therefore established not ‘from above’ by national consent to a citizenship to residents, but ‘from below’ by means of allowing individuals to freely decide on citizenship (Kuris, 2009: 14).

### *Citizenship as a privilege*

The theoretical framework of citizenship is widely discussed in recent literature. Some argue the concept of citizenship has developed a long-standing sense of exclusivity (Horvath, 2007: 27). It is often referred to as a legal construction serving as an instrument to distribute burdens and benefits (Galloway, 1998: 80). Inherently, society itself stimulates group differentiated rights and multiple memberships (Singh, 2009). On the grounds of the notion of “us” and “other” apparent in European nations, societies shaped the process of the construction of European identity through their historical colonies (Singh, 2009).

Moreover, citizens’ rights and issues of youth minority participation in political decision making are crucial when examining citizenship and minority concepts (Ekman, 2009). The citizens of the Union, for example, have a right to move and reside freely, right to vote, right to petition, right to language, right to access the European Parliament, Council and Commission documents (ecb.int Art. 8, 1992). The enjoyment and exercise of these rights entail duties and responsibilities for the EU citizen (Europa, 2000). Such essential factors as gender, socioeconomic background and the selection of study program may have a substantial influence on active participation in society and knowledge of one’s responsibilities (Ekman, 2009). Therefore, there is an increasing need of citizenship education, communication strategy and practical policy applicability in districts

where youth migrants represent a majority (Sullke, 2009). Improved educational and language policies may help narrowing the social distance gap, which often explains the ethnic polarisation between majority and minority in Eastern Europe (Evans and Need, 2002).

### *Complexity of minority definition*

In spite of numerous conceptualisations of ‘minorities’ in international legal systems “there is no universally agreed, legally binding definition of the term” (Capotorti, 1991: 5). Inherently, this is so because the concept of ‘minority’ bears rather vague and ambiguous implications while trying to encompass diverse contexts of different groups of minorities. Accordingly, international law is not yet able to establish any clear boundaries with regards to this definition. The implications of the absence of definition of “minority” increase the possibility for “unfounded, unwarranted or ‘unjust’ invocations” of the rights (Packer, 1996: 121). This exacerbates social as well as political tensions between the nations and increases the difficulty of assessing compliance by states. The rights of national minorities also go beyond the scope of European Union law, and thus the EU does not have any legal influence on ‘group rights’ of ‘traditional minorities’ (EUFRA, 2011: 18).

Minority rights were particularly highlighted in the context of the EU enlargement in Copenhagen criterion of 1993 (EUFRA, 2011: 19). This criterion established as a prerequisite that States may only enter the EU if they assure “respect for and the protection of minorities” (EUFRA, 2011: 19). The Central European Initiative (Art. 1, 2004: 24) additionally provided a more definite conceptualisation of minority rights stating minorities “...shall mean a group which is smaller in number than the rest of the population of a State, whose members being nationals of a State, have ethnical, religious or linguistic features different from those of the rest of the population, and are guided by the will to safeguard their culture, traditions, religion or language”. Further, the European Commission established that “minority rights... include the right to non-discrimination of a person belonging to a national minority; the freedom of association, to assembly, of expression, the freedom to religion; the right to use one’s language; and the effective participation in public affairs” (EUFRA, 2011: 19). The existence of a group as a minority is established by these laws, and minority rights are distinguished accordingly. However, the lack of a universal



definition of the term “minority” makes it difficult to comply with those diverse minorities’, rights and responsibilities when numerous EU member states are involved.

### *Debating the language-ethnicity link*

The aim of this chapter is to discuss the language-ethnicity link in order to later apply the theoretical background to the Polish minority case. It would be interesting to see whether the longstanding linguistic conflict between the Polish and Lithuanian nations have any substantial grounds or whether it may solely be a tool to advocate parties’ political interests. We shall see that two approaches on language and ethnic identity relationship

Language and the values ascribed to the linguistic forms and practices play an important role in processes of nation-building (Heller, 2006). Language carries essential material and symbolic resources which themselves are constructed through social interaction, ideologies of nationalism and linguistic ideologies. By way of using language we tend to reconstruct our understanding of the world and relationships to it and to each other, whilst positioning ourselves within societal norms and structures.

Be it a whistled language of the La Gomera Island of Spain or any other spoken language across the globe – they all at their core facilitate communication and survival and are manipulated from generation to generation. Similarly to the dying whistled language of the Island of La Gomera, numerous other languages are threatened to be extinct within a couple of decades (Fishman, 2001). Declining numbers of native speakers, natural disasters, voluntary or forced assimilation, globalizing consumer culture and use of the mobile phones may account for decreasing popularity of the use of certain languages. Widespread use of English – the language that is often considered as a language of power and prestige - may also threaten the endangered languages by sweeping away the locally authentic (Pennycook, 2013). To some extent English has become a gatekeeper of social and economic progress by way of positioning itself in professional domains on an international scale. According to Pennycook (2013) English is closely linked to a large portion of national and non-national types of culture, knowledge and education, politics and global relations, and such linguistically hierarchical position of English is unlikely to change soon (Pedrioli, 2011).

Such process of symbolic language domination may be also visible on a national scale where the state language and the languages of minorities come into play. Commonly used in both private and public domains, state language may acquire a superior position over the minority's language. Knowing the state language may open up more possibilities to successfully enter the job market or critically value country's political affairs by way of having a linguistic access to a wider scope of news and literature. Those with the lack of knowledge of the state language may often be put at an economic, social or political disadvantage: be it the job market opportunities, educational attainment or active political participation. Although disadvantageous, some groups may choose not to speak the state language and operate in a country using their group language. This may be because of the historical, political or cultural reasons which encourage groups to maintain or advocate their ethnic identity.

Here Fishman remarks that "language is often put forward as representing the authenticity of one's group and can be used to distinguish oneself from others", (Fishman and Garcia, 2010: 20) It seems to be evident that if groups continue to practice such cultural markers of ethnicity as language, religion, dress, etc. in their behaviour, in order to distinguish themselves from the majority, they tend to be structurally restrained from the leading society. Here, linguistic diversity challenges multicultural policies and requires a sound management of linguistic differences within society (Vieyetz, 2007). In some complex societies where historic, linguistic minorities and the dominant society meet, it is essential to maintain the balance between the promotion of native language and tolerance to minority's language in the public sphere, (Eastman, 1984).

It is essential to acknowledge that the language-ethnicity relationship has been subject to substantial debate. On the one hand Fishman (Fishman and Garcia, 2010) argues that language is not only an instrument of cultural communication, but a characteristic of identity and human behaviour, and shares a great part of its speakers identity and the local environment (Nau, et al. 2008).

Ceremonies, songs, rituals, prayers, laws and basic conversations are all practices of speech that are at the heart of ethnic identity (Fishman and Garcia, 2010). As Fishman (Fishman and Garcia, 2010) argues, language is a symbol of a culture with which it is mostly associated, thus through language we tend to share our experiences, views, knowledge, etc. Language allows us to

get acquainted to one another and by way of practicing a language we may determine one's ethnic group (Nau, et al. 2008).

Pedrioli (2011) acknowledges that language is a component of one's ethnic identity – if language dies, the manner in which its speakers understood the world dies with it. Language is once again not only a tool for communication, but it provides us with the means to understand different realities. Here, differences in vocabulary may reflect cultural and societal characteristics thus words can be the carrier of traditional wisdom of knowledge accumulated by a people through experience over a long time. The ways of expressing human emotions or behaviour are also language specific. For some, although living in a different community for a long time, certain terms of their native language can only be roughly translated by using the English language, and may include various implications. For example, Lithuanian word 'knygnešys' in English would mean book smuggler or book carrier. To a general person this word itself would not make much sense, and one may even doubt the necessity of this word. Yet, Lithuanian linguistic history may provide us with an explanation to the existence, necessity and meaning of this word. In the XIX century Lithuania was occupied by Russian Empire. The tsar aimed that Lithuanians forget their roots by way of banning printing of Lithuanian books in the Latin alphabet. Printing Lithuanian books in Cyrillic was allowed only at that time. Lithuanian people felt strongly against such initiative as they wanted to read Lithuanian books in Lithuanian alphabet. People would print Lithuanian books outside of Lithuania and the book smugglers would smuggle them through the boarder and give the books to people. The smugglers were deliberately trying to hide from Russian officials as those caught were sent to Siberia.

Another interesting Lithuanian word that has over a 100 synonyms is a word 'eiti' or to go/walk (letyourlanguagespeak.wordpress.com, 2012). In English these synonyms would be translated simply as 'to go' with a short explanation going along with it. For example, 'typenti' – to walk in small step, 'sliūkinti' – walk slowly. To a Lithuanian such words would immediately create an image in their minds. Due to a large amount of explanatory synonyms a rich picture of walk can be created just by using the word itself (letyourlanguagespeak.wordpress.com, 2012)

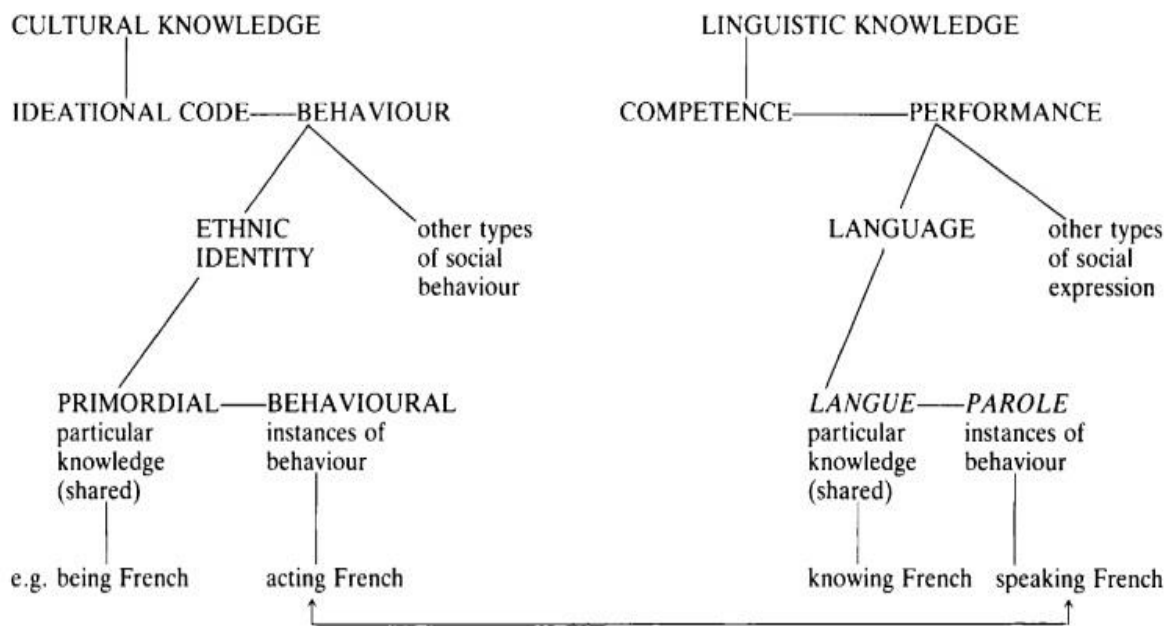
Examples given above may let us understand the importance of language distinctiveness and the social, historic and cultural meaning that the language often carries with it. Fishman (Fishman and Garcia, 2010) argues to engage in and fully understand a particular ethno culture

one must master the language thereof. Accordingly, only by way of speaking the language one is likely to locate oneself within that culture by actively taking part in and experiencing culture, as well as understanding society's historic implications. The loss of language or a shift of language firmly associated to particular culture may result in cultural change, cultural dislocation or even destruction (Fishman and Garcia, 2010). Thus, languages could be seen as essential conceptual tools which reflect a society's past and present experience of doing, and thinking about things in certain ways.

### *A divided structure of language and ethnic identity*

On the other hand, a considerable amount of literature argues that the language change and change of ethnic identity are two different processes, therefore making the link between the two ever more complicated. As Fishman (Fishman and Garcia, 2010) claims, losing the knowledge of one's language may not mean losing one's group membership, solidarity or a sense of belonging. Eastman (Eastman, 1984) claims that the language we associate ourselves with is not necessarily the language we use regularly. This is so because the language we practice accommodates to satisfy communicative needs in dominant society (Eastman, 1984). For example, one may speak Lithuanian and Russian due to job market demands yet feel that historically he/she belongs to the Poles. As Fishman (Fishman and Garcia, 2010) claims people often hold on to their ethnic group identity, to what they feel a historical continuity, although their culture including language becomes intermingled with other culture. Therefore, many groups manage to continue living as distinct groups even after communicative language shift. A good example could be the Russian minority in Lithuania, which strongly associates itself with the historical events in the past and aims to maintain minority's identity, yet has integrated in Lithuanian society comparatively well. Learning Lithuanian and sending their children to Lithuanian schools allowed Russian families to seek for better economic and social opportunities within Lithuanian society (Hogan-Brun and Ramoniene, 2008).

According to Eastman (Eastman, 1984), language and ethnic identity resemble two different levels of structures - whilst language behaviour represents variable use of knowledge and is purely a mental competence, ethnic identity is more a form of social behaviour.



**Figure 1.** Illustrates two different structures of cultural knowledge and linguistic knowledge.

In the figure 1. Eastman (1984) illustrates a clear explanation of the divided structure of language and ethnic identity. As it is illustrated above, ethnic identity belongs to the type of social behaviour whilst language behaviour belongs to linguistic competences (Eastman, 1984). Here language is our mental capacity, which we use according to the existing rules that are determined by the community in order to behave appropriately (Eastman, 1984). As Eastman (1984: 269) claims:

“We know these rules and when we speak we try to live up to them; if we have them wrong our culture lets us know and we make adjustments”.

Thus language may transform when affected by other cultures. Some language transformations may be also forced by other cultures. For example, when Russians banned the Lithuanian language more people were forced to practice Russian. Although the influence was great as children were forced to learn Russian in schools, Lithuanian language remained the same and Lithuanians still felt being Lithuanians. As the table shows, behavioural-cultural language transformation does not strongly amend the structure of a certain language, nor does it change the

manner in which we define ourselves (Eastman. 1984). The author gives an example of the French language:

‘If a person stops speaking French that person may still act French with regard to food, dress, music and so forth and will still believe that French is the language of his or her group’ (Eastman, 1984: 269).

Therefore, one’s language use and knowledge may change or be substituted by another language, while ethnic identity remains the same. Although language may function as an essential element of ethnicity, its practice and competence in language may not significantly influence understanding of one’s ethnic identity (Hogan-Brun and Ramoniene, 2008). Ethnic identity reflects a cultural or behavioural knowledge and relates to socio-cultural factors and is comparatively resistant to change in other than its surface behavioural characteristic. As Hogbrung (Hogan-Brun and Ramoniene, 2008) argues, minority’s bicultural identity depends on the strengths of in-group identification, and that language may not be an essential component of that identification the individual chooses to preserve. Although language may be considered an element of ethnicity, the use and knowledge of language may not essentially influence self-identification (Hogan-Brun and Ramoniene, 2008). Therefore language knowledge or lack of it does not alter our belief of who we are and how we define ourselves.

### *Overview of the debate*

The ongoing debate on language-ethnicity link may have a valuable contribution to the development of socio-linguistic policies in complex multidimensional societies. On the one hand it is argued that language is simply imbedded in our culture through songs, rituals, stories and carries essential elements that help us define and place ourselves in a certain cultural context. Language therefore becomes one of the main factors defining and sustaining the ethnic identity. It is through the language that we shape and construct our understanding of us (of who we are) and the other. In case of loss of ethnic language to which we associate ourselves our ethnic culture and ethnic identity may be also threatened. Here, language shift or language loss may influence changes in culture and may result in the destruction of ethnic culture and ethnic identity. On the other hand, as it has been previously argued, change in language knowledge does not influence

changes in our ethnicity. Language and ethnicity belong to two different structures: language – to linguistic knowledge, ethnic identity – to cultural knowledge. As Eastman (1984: 274) argues:

“Language is a context sensitive system of knowledge manifested differently in particular speech communities. Ethnic identity is analogous to the behavioural manifestation of a particular language in a particular speech community in terms of what we believe it should be and how it is used. Like particular language, ethnic identity is specific to particular cultures and in each culture it has an underlying system of rules or beliefs (primordial) and surface behaviour aspects. The form our linguistic knowledge takes in a speech community does not change what we believe about our people”

It is advocated that one may not need to speak a group language in order to belong to that group and share similar characteristics of the group behaviour. Therefore, the knowledge of one’s ethnic identity does not change per se. The surface aspects of ethnic and language behaviour are subject to change. Eastman (1984) argues that the transformation of ethnic identity would encompass substitution for all the cultural characteristics of an ethnic identity. This would include both, the level of belief (primordial) and use (behavioural). Eastman (1984) compares the transformation of our ethnic identity to alterations in language grammar, and claims that such primordial belief or self-identification may transform in a long-term whereas ethnic group cultural behaviour may alter greatly.

The debate provides us with two different approaches to language-ethnicity relationship and may be a valuable contribution to the government language and education policy making with regards to linguistic and cultural pluralism and assimilation. It is essential to note that the language-ethnicity relationship may vary by country. In order to develop an effective policy, it is essential to conduct further research to understand community preferences.

Further sections focus on complexity of citizenship and minority definitions, and later apply the theory to the Polish minority case in Lithuania. More practical issues related to linguistic and cultural pluralism in Lithuania shall be addressed. The explanatory examples aim to focus on the Poles minority position in Lithuania – minority’s rights, duties and freedoms, as well as its socio-economic and political position in Lithuanian society.

## **Scholarly challenges**

The existing literature provides a variety of explanations for the meanings of citizenship, minority and identity. Thus, before sequential analysis of the Lithuanian case, it is important to define the concepts mentioned above.

Citizenship is no longer a coherent definition framed within certain boundaries (Delanty, 2007). Multi-level identities create a challenge for the traditional model of nationality and European citizenship rights (Delanty, 2007). Thus, when discussing the concept of citizenship, it seems to be important to refer to Leydet (2011), who offers a multi-dimensional way of conceptualising the term at hand. Accordingly, a citizen is a member of a political community who possesses the rights and is aware of the duties and responsibilities for the community (Leydet, 2011). Since citizenship is “a status often imposed on an individual by a state” (Galloway, 1998: 67), it incorporates three core features: legal status, political participation and distinctive identity (Leydet, 2011). The first element encompasses the citizen as a legal individual free to take actions according to the law and able to claim his rights for protection (Leydet, 2011). The second feature on the other hand, refers to citizens acting as political agents and actively taking part in society’s political institutions, whilst the last element covers citizenship as membership in the political community that fosters and maintains distinct identities (Leydet, 2011). Despite the complexity of defining ‘citizenship’, the concept incorporates its core components, namely rights, duties, active participation and distinctive identity, and is thus a useful theoretical contribution to the further analysis of this research (Leydet, 2011).

Minorities, on the other hand, aim to maintain their identity, traditions and solidarity within a dominant population. Although there is no universal definition of the term minority, Capotorti provides substantial insights into its conceptualisation by referring it to as:

“a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members-being nationals of the state-posses ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, maintain a sense of solidarity, directed towards preserving their culture, traditions, religion or language” (Rahman, 2012: 2)



This definition shall be further used when discussing the Poles' position in Lithuania. It is, however, more difficult to define an 'identity', or 'national identity' in the EU. Each Member State has prioritised its perceived national interests, values and identities above a single European image (Smith, 1991). Moreover, it is a relatively complex and abstract concept (Carey, 2002), which cannot be constructed around spatial or temporal conceptions (Delanty, 2007). Consequentially, the definition of European identity in multicultural society could only be based around a constitutional framework according to the national laws of each state (Delanty, 2007: 301).

Here, one should recognise the complexity of dealing with the concepts mentioned above. As is extensively discussed in the literature, dealing with abstract definitions may foster confusion and disagreements between different schools of thought. In order to avoid such confusion, the provided definitions shall be further used when contemplating the issue of the Polish minority in Lithuania.

#### *Theoretical framework of citizenship: rights and duties*

The European Union is the most advanced arrangement of transnational political institutions on the globe (Painter, 1998). The EU functions and mediates on a transnational level and promotes diversity, equality and solidarity among its Member States. The recent financial crisis, however, caused an escalation of the 'democratic deficit' discourse focusing on EU institutions - lack of trust, transparency and accountability (Painter, 1998). Another perspective of analyzing the EU is to consider it as a comprehensive political system and its development of the transnational democracy over time.

A majority of democratically-run systems of governance exhibit the notion of citizenship. This chapter will therefore discuss the multilayered nature of European citizenship, reflecting upon the local, regional, national and European concepts. Painter (1998: 1) argues "since citizenship cannot be wholly divorced from the identity, care needs to be taken to ensure that any definition of European identity is inclusive and supportive of ethnic and cultural difference". Both, nationality and citizenship correspond to two distinct kinds of membership, which are closely linked despite their different foundations (Delanty, 2007). Therefore, it is essential to analyse the concept of multi-level citizenship and emphasise the different rights that derive from them, or lack

of thereof. Before starting the discussion on the concepts mentioned above, it is important to explain the uniqueness of this chapter. The emphasis shall firstly lie on the conceptual complexities of citizenship, identities and minorities. A second part shall focus on case-specific issues related to citizenship and Polish minorities in Lithuania. Consequently, the nature of this chapter comprise of two different ways of studying citizenship: one shall deal with theoretical difficulties of definitions and their implications on international, EU and national levels; another shall apply these theoretical foundations to the Lithuanian-Polish identity politics.

In Europe, an increasing need to encourage the development of multi-level identities and forms of citizenship has emerged due to the multiple and overlapping communities (Painter, 1998). Communities, such as neighbourhoods, cities, states, or the Union may also entail various categories defined by gender, social class, age, language, etc. The dimensions of multi-layer citizenship are not separate but interlinked (Delanty, 2007). European citizenship incorporates formal membership of the EU, whereas national citizenship covers the membership of regional and national communities (Kivisto and Faist, 2007). The nature of multi-level European citizenship becomes one of the major barriers for turning a legal form of European citizenship into a social practice. Different polities may derive from these levels. As Delanty (2007) states, European citizenship concerns the EU polity on both national and transnational levels, while cosmopolitan citizenship does not have a precise relation with a particular polity. Membership in these overlapping communities is often defined by rights, obligations and responsibilities stemming from belonging to the community. Some rules may be unwritten or social rules, such as tradition, etiquette, clothing, etc. Yet, in a social structure, they are often obligatory when defining 'nativeness' or 'othering' aliens. Other rules, however, may be defined by law. Such regulations frequently outline the rights of a citizen, migrant or tourist to access social and health services in a state. Rules moreover include obligations and responsibilities-or legal rules-such as wearing a seat belt while driving a car. These types of rules are often followed by sanctions in case of a refusal to comply. Some rights may also encompass both, rights and responsibilities. For example, freedom and independence belong to this category. In order to maintain freedom and independence, numerous laws have to be implemented to constrain the reckless behaviour of an individual. Rights to freedom and duties to its maintenance eventually became a law. Generally, the laws in society have several distinct functions: to protect citizenship rights and resolve conflicts, and to realise social change in a community, as well as implement policies. The law

serves as an instrument to develop and protect identity, increase transparency, predictability, accountability, equality and solidarity within the state.

These communities and identities essentially include and protect people, but also tend to exclude the outsiders (Mohanty and Tandon, 2006). Those excluded could originate from neighbouring countries, they may practice different religions, or hold a citizenship of a larger unit, for example Europe. Natives, on the other hand, are the ones with identity, status, holding a passport that gives them access to political, social, civil, and economic rights, as well as duties of citizens. Outsiders lack all these entitlements. Therefore, citizenship embraces not only protection, but inequality and discrimination as well. Equality may originate between those who do hold a citizenship and own a passport. However, between those who do own and the ones that do not, inequality and prejudice may arise.

The multi-level citizenship of the EU embodies citizens both as members of the EU and of their national community. However, it may exclude both, the non-EU citizens and members holding an EU passport (Goudappel, 2010). Although the EU aims to treat its own citizens as equally as possible, it also enhanced its own legitimacy over that of member states. This has been mainly done through implementation of EU legislation and the case law of the European Court of Justice, which bears the ability to override parts of respective national law. Concurrently, the EU is confronted with the rights and duties of non-EU citizens travelling to and around the European member states. The European Union has therefore implemented firm limitations for non-EU citizens. Among such are the criteria for reaching full EU membership status (Goudappel, 2010). Since the movement of third-country nationals is also a national issue, the EU is obliged to negotiate and adhere to the interests of the member states. Due to the increasing citizens' (EU and non-EU) mobility into other communities, the contrast between the insider and outsider becomes more apparent. Especially between those who are aware of European rights, and those who are not.

Citizenship rights may also have a multi-dimensional character. A common distinction is made between negative and positive rights. Negative rights are often referred to 'freedom from' something that constrains one's liberty, for instance, from fear, hunger, want, or slavery (Bowie and Simon, 2008). The conceptual framework of positive rights, or 'freedom to' something implies freedom to speech, freedom to use one's preferred language in private life, political participation,

economic activity, social interaction, etc. The European Union has established a wide range of freedoms, including freedom of movement of goods, services, capital and labour. Additionally, the EU Charter of Fundamental Rights distinguishes civil, political, social and economic rights. These rights signify distinct roles of the EU citizens. Principally, all these rights are inter-related, and “everyone regardless of gender, status or origins should have access to them without discrimination” (Fonteneu, 2002: 5). The entitlements and duties citizens have in interpersonal relations are often recognised as civil rights. Such civil rights encompass physical and mental integrity, marriage, divorce, privacy, property rights, religion, and others.

Political rights, on the other hand, include individual’s (citizens and companies) rights in their relation to the state. These entail such rights as freedom of speech, citizenship, the right to political participation, to hold public office, to vote. Generally, political rights comprise various issues established in public law, including constitutional, administrative and criminal law.

The development of political rights has recently been afforded more attention on the EU level. Since the establishment of the EU2020 growth strategy, ideas of the United States of Europe and a more integrated economic as well as political union became more apparent. The political union would account for more uniform policies, rights and duties among the EU member states. According to Shaw (2007: 2549) “[C]omplete assimilation with nationals as regards political rights is desirable in the long term from the point of view of a *European Union*”. It is yet debatable whether, if at all, the political union will go hand in hand with economic union and social cohesion strategies of the EU 2020. This process may be time consuming due to the diversity of national policy. Since the member states would be politically united and supervised by the EU governmental bodies, the political union may also have a significant impact on the states’ sovereign power and decision-making process. A uniform policy framework may also have a substantial effect on national minority rights. These are currently regarded as to the member states’ discretion. Uniform policies would thus amend national legal structures (Goudappel, 2010). Some nations, such as Poland and Lithuania, have entered bilateral treaties agreeing on the specific treatment of their national minorities. Uniform policies would thus disregard states’ historical past and bilateral agreements. Therefore, it seems to be essential to assess short term and long term consequences of political union and introduction of uniform policies before shifting towards it.

Fundamental social rights are the rights to which a citizen is entitled as a member of a community. Such rights can only be effective if the state takes up the responsibility to protect the individual and its surroundings (Butt et al., 2002). Social rights do not account for freedom from the state, but for freedom “with the State’s assistance” (Butt et al., 2002: 38). Examples of such are the right to education and training, the right to social security and to health, etc. It is yet debatable whether or not social rights should be introduced to national constitutions. On the other hand, the majority of national constitutions address certain standards of living conditions. The complexity increases because of possible legal amendments, as well as economic and social changes in the future, which may result in unfulfilled constitutional provisions (Butt et al., 2002). Fundamental social rights can further be subdivided into substantive and procedural or formal rights. Substantive rights cover such rights as social security, the right to a minimum wage, a pension, etc. The rights among others concerning the freedom of workers, students, patients to fair and just working conditions, to strike and to establish associations are outlined within the framework of Charter of Fundamental Rights of European Union (European Convention, 2010).

Economic rights, moreover, include the rights concerning economic transactions. Among many others, economic rights establish freedom to exchange property; cover property rights and freedom to contract. Initially, these rights aim to assure relative equality between the transactions partners by limiting freedom to trade and contract (Barzel, 2002). This is necessary because rising markets may use their power for opportunistic abuse, operate information to their advantage and create imbalance in the financial sector.

Since the EU pays particular attention to the establishment and maintenance of the internal market, it has also put a strong emphasis on economic rights. Some of these rights are actively protected by the Community and the EU itself. For example, visitors from outside the EU have a right to ask for a refund of VAT paid on goods purchased in the European Union. This information may often be found at airport information offices and billboards.

Occasionally the categories of civil, social, political and economic rights may intersect (Barzel, 2002). For example, the freedom of association is at the same time a civil right to protection from discrimination on grounds such as race, national origin, religion, etc. A freedom of thought may coincide with the political right to vote, or the right to participate in civil society.

The conceptual framework of citizenship has eliminated the societal differences by establishing equal rights and duties of all people in the state. At the same time Delanty (2007: 71), argues that although citizenship cannot be completely separated from the state, the “Europeanization of citizenship has unleashed citizenship from the project of the state”. Citizenship itself has constructed a new form of inequality, which distinguishes between the citizens endowed with rights and non-citizens lacking these entitlements. Moreover, the ability to access such rights may be subject to the socio-economic positions of individuals. These often vary by nation, yet common characteristics of class division are based on ascribed statuses. Examples of such may be gender, race, command of the dominant language, achievements in education, positioning in the labour market, networking abilities, etc. These, among many others have a tendency to affect the access to certain citizenship rights.

#### *Conceptual understandings of minority definition*

Access to a societal culture is indispensable to individual freedom (Kymlicka, 2011). In many states such access is often assured by human rights, citizenship rights, minority rights, etc. Equal rights to all people can only be assured, if nations establish common definitions, which conform to the national laws. Ambiguous and vague definitions, on the other hand, create discrepancy between the national and universal laws. Consequently, the complexity of the cases increases, resulting in a number of individuals litigating national governments for discrimination on the grounds of ethnicity, race or religion. The definition of minority is one of those examples, which is not universally agreed upon and does not constitute a legally binding term. Some states prefer imprecise definitions of minority, while others are too restrictive definitions resulting in large groups of people not falling within the definition. Such diversity of states’ preferences with regards to minority rights and conceptualization increases complexity and creates a challenge when formulating a universal application of rights. Therefore, this section further examines the complexity of the definition of minority and presents the existing frameworks that protect minorities on both, international and European levels.

The growth and expansion of international law instantaneously incorporated minorities as a matter of international concern. International law, however, historically has faced numerous

challenges with regards to minority issues and the very definition of the group. It is yet debatable whether there can be found a universal definition of national minorities (Malloy, 2005). Since the international law instruments are concerned with a wide range of states, a definition should also encompass broad and general terms. However, each nation distinguishes itself with rather particular characteristics, thus it seems to be impossible to clearly define national minority (Malloy, 2005). Additionally, constructing a definition creates a dilemma of whether to include objective or subjective criteria. According to Malloy (2005), objective elements of minority may lead to discrimination, whereas subjective elements may result in societal segregation. Wheatley (2005) provides us with the distinction between objective and subjective. Subjective elements encompass a significant group comprising a numerical minority of the population. Members of the group are in a non-dominant position. They hold a citizenship of the state and are different from the rest of the population. Objective, on the other hand is the sense of solidarity or the will of the group to protect and maintain its culture, traditions, language and religion (Akermark, 1997). The contributions made so far at various debates propose thought-provoking insights towards an appropriate definition. The broadest conceptualisation in theory and in practice was reached in the definition of a minority by Capotorti (1991) (See page 18, 2.1.4 Scholarly Challenges).

Another substantial contribution to defining minority has been made by Jennifer Jackson Preece. She defines minority as:

“a group numerically inferior to the rest of the population of a state, in a non-dominant position, well-defined and historically established on the territory of the state, whose members-being nationals of the state-posses ethnic, religious, linguistic or cultural characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion, or language” (Malloy, 2005: 19).

The definition of ‘national minority’ appears to be a particularly European term, which is mostly addressed in the European Framework Convention for the Protection of National Minorities (1994) and a number of other European instruments overseeing the protection of national minority rights (Rahman, 2012). National minority in a European framework always refers to a “group rooted in the territory of a state, whose ethno-cultural features are markedly different from the rest of the society” (Rahman, 2012: 12). However, at the European level, there is no legally binding definition of national minority. As Malloy (2005: 20) argues, national minorities are not “static,

closed homogenous groups with clear distinct boundaries of identities”. Individuals belong to different identities with a number of communities at all times (Malloy, 2005). This poses difficulties to identify national minorities in the age of globalisation, intensifying migration and mobility. Due to the disagreement between the participating states, The Council of Europe was unable to define “minority” and failed to establish citizenship as a precondition for the protection of national minorities in the Framework Convention for the Protection of National Minorities of 1 February 1995 (Thiela, 1999). It remains to be seen whether citizenship will prevail as a criterion for defining national minorities or whether it will soon be replaced.

The first legitimate method of minority rights protection was established by the League of Nations after the First World War. The intergovernmental organisation founded in 1919 after the Paris Peace Conference. Among others, issues concerning labour conditions, just treatment of native inhabitants and protection of minorities in Europe were included in its Covenant.

The UN Charter in turn does not encompass a specific provision on minorities. It rather emphasises general human rights, and thus minority rights are considered as part of human rights. (Pentassuglia, 2002). The Universal Declaration of Human Rights (UDHR) final draft indicated the rights of “well -defined” and “clearly distinguished” ethnic, linguistic and other groups to establish and maintain their own schools and cultural or religious institutions, and to use their own language in the press, in public assembly and before the courts and other authorities of the state (Pentassuglia, 2002: 30). In the UN framework, the most crucial existing document dealing with minority rights is the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities promulgated in 1992. The universally non-binding Declaration does not frame minority rights to citizens but rather links these to the territoriality principle (Thiela, 1999). According to Art. 1.1. of the Declaration, “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories...” (UN, 1992: 3). According to Thiela (1999), the minority rights at the universal level are often understood as basic human rights and not solely as a citizens’ right.

There is a difference in protection of minority rights between the universal provisions and the European legal framework. Although the European Charter of Human Rights does not provide any specific requirements for minority rights, it does prohibit discrimination in the enjoyment of the rights and freedoms (Pentassuglia, 2002). In the legal formation on minority rights established



by the Council of Europe, a “national minority” is characterised in a manner that only citizens of the state apply to this provision (Thiela, 1999: 4). The Council of Europe Framework Convention for the Protection of National Minorities is considered as the first multilateral treaty containing the general protection of national minorities (Pentassuglia, 2002). At the European level, the Council of Europe and the Organisation for Security and Cooperation (OSCE) are considered to be major actors with regards to the promotion and protection of minority rights (Pentassuglia, 2002). The document of the Copenhagen Meeting on the Human Dimension of 1990 encompasses numerous minority rights provisions and is considered as the most comprehensive document explaining commitments in the sphere (CSCE, 1990). Although the EU has not designed a precise instrument on minority rights, the EC Treaty includes references towards respect for cultural diversity within the national and regional setting of the Community (EC, 2006: Art. 151).

International law and politics recognise national minorities as cultural communities (Malloy, 2005). Thus, national minority rights are identified as cultural rather than political rights. International society has put an emphasis on protecting national minorities in terms of human rights (Malloy, 2005: 16). The difference of national minority rights at the European level is that here the national minority protection is seen as a right of citizens. Thus, the term ‘national’ refers to citizenship, and as Thiela (1999: 6) states: “the national law of most European states, including the Federal Republic of Germany and the Baltic states, restricts minority rights to citizens and excludes foreigners, irrespective of the duration of their legal residence”. In Europe, it is more nationalism and national identity that foster discourse of national minority rights rather than territorial attachments (Malloy, 2005). Therefore, Europe grants more substantial rights in comparison to the rights guaranteed by the UN instruments, which entail rather broad approach to the rights of minority.

### **Operationalising the theoretical foundations of citizenship and minority**

After exploring the theoretical foundations of citizenship and minority, it is now essential to operationalise these to the Polish community in Lithuania, and discuss their rights, duties and the characteristics of Poles as a national minority in Lithuania. This is done by discussing the Lithuanian legislative framework with regards to the rights established by the LR Constitution (the

Constitution of the Republic of Lithuania), linguistic rights and minority protection. Lithuanian legislative framework and other provisions concerning citizenship and minorities shall help apply the theoretical foundations to analyze the characteristics of a Polish minority in Lithuania. Historical background presented in this analysis is important as it illustrates how the Polish minority became a part of Lithuanian society and shows the dynamics of long-standing tensions between Poland and Lithuania. This will help understand the current Polish political agenda and the context of the ongoing disputes between Polish minorities and Lithuania.

### *Citizenship in Lithuania*

For Lithuania, becoming independent also meant the challenge of reconstructing its form of citizenship and identity. To erase tensions with its neighbours and foster bilateral cooperation, Lithuania chose the 'zero-option'. This implies that Lithuanian citizenship could be granted to all individuals who, on the day law coming into force, were legal permanent residents of Lithuania and passed the Lithuanian language test. The 1989 Law set a two year time period during which every permanent legal resident could decide whether or not to acquire Lithuanian citizenship. As a result, the community of citizens was established not 'from above' by means of the centralised granting of citizenship to residents but 'from below' by means of the free decisions of individuals (Kuris, 2009). Current Lithuanian legal framework provides numerous other ways of acquiring Lithuanian citizenship: by birth; by being granted citizenship of the Republic of Lithuania (by naturalisation); by voicing one's option or on other grounds, as provided by international treaties with the Republic of Lithuania; other grounds provided by this law. Moreover, maintaining another state's citizenship alongside Lithuanian citizenship was not tolerated since the adoption of the first law on citizenship. Such prohibition of multiple citizenships was -and still is- interpreted as formally prohibiting Lithuanian citizens from simultaneously having Lithuanian citizenship alongside a second (Kuris, 2009). Additionally, Lithuanian citizenship policy making is squeezed into the framework which is determined by the Constitutional Court. The court therefore unwillingly became a national policy maker (Kuris, 2009). Currently, the Constitutional Court enjoys power in shaping the boundaries within which citizenship policy may be formulated. Problems pertaining to citizenship have shifted from the policy domain to the legal sphere, where

matters of citizenship have become more constitutional issues rather than matters of policy (Kuris, 2009).

### *Legal provisions of citizenship and minority rights in Lithuania*

The Lithuanian Constitution does not include any definition of minority (Kallonen, 2004). Consequently, the Council of Europe's Framework Convention for Protection of National Minorities formally approved by Lithuania in 2000 applies to all different ethnic communities on the state's territory (Kallonen, 2004). Present minorities in Lithuania are considered as autochthons -early inhabitants- since their territorial characteristics may be traced from medieval to contemporary history. Due to historical reasons, ethnic groups such as the Poles live in and around the capital Vilnius. Additionally, the treaty on Friendly Relations and Good Neighbourly Cooperation (1994) signed between Poland and Lithuania provides the definition of 'national minority', which commits both parties to protect rights and maintain cultural differences of ethnic communities.

The 1989 Lithuanian Law on National Minorities expired in 2010, and has not been replaced by any other provision (Tylec, 2012). Since there are no legal documents providing for an exceptional protection of the national minorities, the LR Constitution guarantees equal human rights and freedoms to all individuals (Kallonen, 2004). The Constitution of the Republic of Lithuania Article 37 states that "citizens belonging to ethnic communities shall have the right to foster their language, culture, and customs" (LR Constitution, Art. 37). Kasatkina (2003: 9) claims "...ethnic group, minority and diaspora can be viewed as terms that characterise the specificity of the social groups based on ethnicity". According to article 45 (LR Constitution, Art. 45) "Ethnic communities of citizens shall independently manage the affairs of their ethnic culture, education, charity, and mutual assistance. Ethnic communities shall be provided with support from the state".

The LR Constitution in Article 117 further states that "court hearings in the Republic of Lithuania shall be conducted in the official language. Persons who have no command of Lithuanian shall be guaranteed the right to participate in the investigation and court proceedings through an interpreter" (LR Constitution, Art. 117). The Lithuanian authorities have taken the initiative to improve the implementation of the Framework Convention and have sustained their inclusive

attitude towards its application. The legal structure of the Framework Convention has been supported by the implementation of other essential legislations in the sphere of education and anti-discrimination (Council of Europe, 2008). However, as the Council of Europe (2008) indicates, problems remain in the adaptation of the Framework Convention, particularly regarding the practice of minority languages in the public domain.

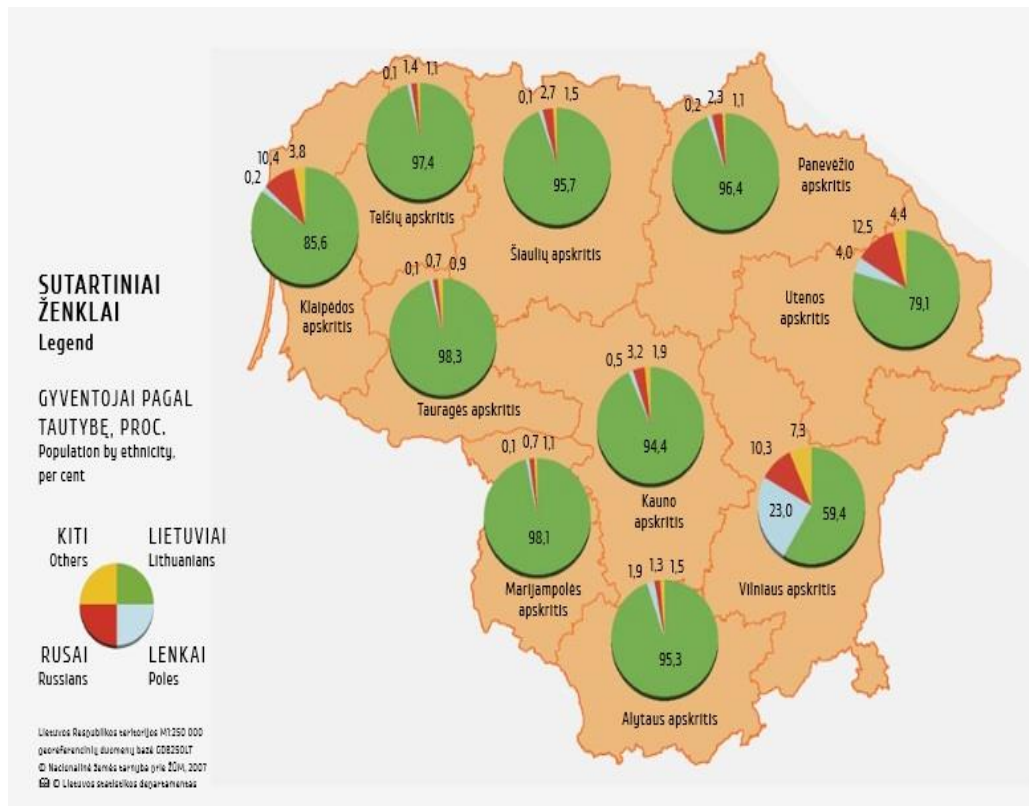
There are other various documents prohibiting discrimination, namely Treaty on the European Community, the Treaty on the European Union, the Constitutional Treaty and the European Charter of Fundamental Human Rights (European Parliament, 2005). The bilateral Polish-Lithuanian Declaration on Friendly Relations and Good Neighbourly Cooperation (1992 and 1994) acknowledged the existence of the Polish minority in Lithuania and the Lithuanian minority in Poland.

In Lithuania all ethnic groups which are regarded as national minorities (European Parliament, 2005), but the state has not signed the European Charter for Regional or Minority Languages. The uncompleted form of the European Charter for Regional or Minority languages accentuate the ambivalence and tensions in Polish-Lithuanian relations. Two diverging provisions, namely the Law on National Minorities and the Law on the State language create legal uncertainty. Despite the guarantees provided by the Law on National Minorities, the provisions of the Law on the State Language concerning the mandatory use of Lithuanian in public are prioritised.

After briefly summarising the legal framework of minorities in Lithuania, it is now essential to examine the Polish minority position within Lithuanian society. This shall be done by appraising their characteristics, rights and freedoms, as well as responsibilities established by the national legal framework of Lithuania. It is apparent the Lithuanian Constitution does not contain the definition of national minorities. Thus, ethnic groups' rights are covered by the citizenship rights. The Poles have equal fundamental rights to Lithuanian citizens, and more specific rights to study in their own language in Lithuania. In case of disputes concerning rights to use different alphabet in Lithuanian official documents, it obliges minorities to comply with the Constitution's legal implications, which establishes Lithuanian as an official language.

Capotorti (1991) provides with certain characteristics of a minority that will be used to analyze the Polish community in Lithuania. The Polish minority is numerically inferior, since it

accounts for 6.6% (240,000) of the total Lithuanian population. Further following Capotori's (1991) definition, the Polish community seems to share a sense of solidarity by historically establishing themselves as ethnic groups in particular regions in Lithuania. According to the Lithuanian Census of 2011, the Polish minority resides around Vilnius (23.0%), Utena (4.0%), and Alytus (1.9%) districts.



**Figure 2.** Population by ethnicity in percentage. The map indicates population distribution by ethnicity in 2011, where Lithuanians accounted for 84.2 per cent of the country's population, Poles-6.6 per cent, Russians-5.8 per cent.

Although minorities have the right to political participation, the Poles represent a non-dominant decision-making position in Lithuanian political matters. However, recent events have shown that the Poles are seeking for more decision-making power in the national Parliament of Lithuania. A Polish minority party has joined three additional Lithuanian parties seeking the President's support to form a government: "The addition boosts the coalition's weight in the 141-

member parliament to 85 votes from 77, giving it enough to override some presidential vetoes, call early elections and impeach top officials” (Bradley, 2012). This phenomenon indicates a proactive Polish approach towards their political rights and participation in Lithuanian society.

The Poles community is recognised as an ethnic group, maintaining its religious beliefs and fostering linguistic and cultural practices. The Poles, as other minorities, have a right to establish their religious institutions, set up businesses and cultural organisations, as well as have the right to use a minority language in education, cultural events and on the radio or television (Matulionis et al., 2011). According to UNHCR (2007), the State Language Law allows for ethnic communities’ languages to be used in local governments besides Lithuanian in areas where national minorities are compactly settled. The Law allows for minorities to use their native language in education, culture and mass media. There are also regular broadcasts in national minority languages on national and regional private radio and television stations. In 2000, Lithuania also ratified the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the UN General Assembly in 1992 (ecrgroup.eu, 2011). Initially, the Declaration further elaborates on national minority rights, prohibits discrimination, ensures full equality before the law and promotes active social, economic and political minorities’ participation in society (ecrgroup.eu, 2011).

According to the LR Ministry of Culture (2013), periodicals and magazines in Polish are being published in Lithuania. Additionally, the Lithuanian National Radio and Television is broadcasting information for national minorities including the Poles. Lithuanian internet website Delfi.lt also made information available in Polish in 2012. The daily newspaper-KurierWilenski (Vilnius Courier) is being published in Polish, and the bulletin National Minorities News is dedicated to all national minorities residing in Lithuania (LR Ministry of Culture, 2013).

As far as rights to education are concerned, individuals identifying themselves with the Polish national minority have an opportunity to study (from primary to higher education) in their native language (Gira, 2011). Gira (2011) also indicates that there were 55 schools using Polish as an instruction language, 12 using Lithuanian-Polish and 4 using Lithuanian–Polish-Russian in Lithuania in 2010-2011. Currently, there are 9 public schools in Vilnius County, which offer education in Polish and 18 public schools, which offer education in Russian. Having rather exclusive rights to education, Polish minority is considered privileged in comparison to other

minorities in EU member states, where minorities do not have an opportunity to study in their native language from primary to tertiary education (Zasztowt, 2011).

Although the Lithuanian Constitution does not establish a definition of minority, it does cover citizens' rights, freedoms and responsibilities, as well as comprise certain provisions providing support and maintenance of ethnic community languages, cultures and customs. After examining the current position, as well as legal and social characteristics of the Poles in Lithuania, it is possible to recognise ground features, which would establish the Polish community as a national minority in Lithuania. It has historically established itself as an ethnic community in the territory of the state and is recognised by national and international institutions as well as bilateral Polish-Lithuanian treaties. The state assures the Poles can exercise their civil, political, social and economic rights. However, since the expiration of the Law on National Minorities 1989, there is no direct legal reference to minority rights in the Lithuanian state. Even the Law on the State Language refers to ethnic communities rather than to minorities. Thus the discrepancy between European directives, international conventions and national laws is still present.

The lack of a definite concept of minorities presents a problem to create legally binding provisions for minority rights in the Lithuanian legal system and on the supranational level. Thus, the EU member states are expected to solve minority issues through bilateral agreements. This often causes disagreements between the minority representatives and national governments aiming to sustain their sovereignty. For example, in Lithuania, Constitutional provisions are the most powerful decision makers with regards to citizenship, national language and identity protection. Therefore, in case of ambiguities concerning the rights to use a different alphabet in Lithuanian official documents, it obliges minorities to comply with the Constitution's legal implications. This, as will be seen in the following chapters, often raises sensitive disputes on grounds of minority discrimination and cultural assimilation (media.efhr.eu, 2012).

It seems to be true that the connection between the definitions of citizenship, national minorities, minorities and ethnic communities is crucial to further develop the rights, freedoms and responsibilities of numerically inferior ethnic communities. However, the issue becomes more complex when a minority demands more linguistic rights and freedoms within the society. It is here for the state to decide what measures to take and whether to adopt more restrictive regulations or adhere to the minority's demands. Restrictive legislations and reforms may raise domestic

conflicts, which may in turn have direct or indirect effects on changes in the foreign relations. On the other hand, a more lenient approach towards minority's demands may pose a threat to national sovereignty (Davenport, 1995). Consequentially, it is not only a matter of conceptual discrepancies between the multi-layered governments and legal institutions. A threat to nation's security and sovereignty, as well as the manner of protective, strategic ruling becomes a determining factor to conflict resolution.

### *Polish-Lithuanian relations*

Observing Lithuania's domestic politics and current events may help the reader understand the complexity of Polish-Lithuanian linguistic and socio-economic issues, which consequently affect the bilateral relations between the neighbours. Here it is essential to refer to the historical relation between the neighbouring countries, observe geographical changes over time and examine their consequences on growing nationalistic attitudes. The historical background is necessary to picture the development of the long-standing tensions, signed treaties and disagreements up until now. These events had a significant impact on national political decision making and resulted in various socio-economic transitions within Poland and Lithuania.

The following section aims to highlight the most important issues accelerating conflicts between the states. Amongst others, the recent educational reforms strongly affect minority's members. Other sensitive disputes about spelling names in passports and street names in Lithuania are long-standing arguments. These incorporate legal institutions and the national constitutional court on grounds of the distinct treatment of non-native language use in public spaces and official documents. One of the presented case studies will show how national constitutional legislations are more influential than the European Court of Justice. The decisions concerning minority issues maybe usually resolved on a national level. Also it is interesting to examine the ongoing debate on Polish minority representatives' agenda in the national Parliament. Increasing 'politisation' of minority matters shall be appraised here.

The section assesses the current state of minorities from legal constitutional perspective, as well as presents the current findings about the Polish-Lithuanian minorities' image in Lithuanian society. All the matters discussed above account for the analysis of the domestic Polish-Lithuanian



relations. Thus, it is my intention to observe the Polish-minorities' position in Lithuania from diverse angles, encompassing past and current disputes, political objectives of their representatives, as well as legal constitutional provisions in Lithuania.

### *Historical background in a nutshell*

A pure historiography of Polish-Lithuanian relations is hardly possible to achieve. The nations' interpretation of their mutual relations often consists of myths, legends, stereotypes and imagery (Dambrauskaite et al., 2011). A particular historical, political and geographical attention receives the Vilnius region, which currently belongs to Lithuania. The Vilnius region has instigated continuous conflicts between two neighbours for over half of a century. Both of the parties, among others Germany and Russia, were claiming their rights to the Vilnius region. Constant interventions and military seizures resulted in an increased number of foreign settlers. This gives rise to the aforementioned stereotypes, which over time have progressed even deeper between both nations (Dambrauskaite et al., 2011). It is therefore essential to introduce the historical-political perspective on the Polish-Lithuanian relations and the tensions over the Vilnius region between Poland and Lithuania. The historical background will help understand the present Polish political agenda and the continuous antagonism between the Polish minorities and Lithuanian society.

The early interaction between Poles and Lithuanians was a development of Grand Duchy of Lithuania in XII-XVIII, the largest European state in XV c. Two major changes occurred in the history of the Grand Duchy, namely conversion into Catholicism and formation of a dynastic union between the Grand Duchy of Lithuania and the Crown Kingdom of Poland. As Fearon and Laitin (2006) argue, many of the former pagan elite representatives not only adopted Catholicism but also considered themselves as Polish. Therefore, the Polish language and Roman Catholicism were two important instruments to socio-economic status. Closely tied Polish-Lithuanian relations resulted in the establishment of the Polish-Lithuanian Commonwealth in the Union of Lublin in 1569. Gradual tolerance towards and acceptance of the Polish political order became means to the Polish language authority within the Union. This further resulted in a gradual increase of Polonisation. Since in 1697, Polish was established as the official language of the Union's legislature, as well as the Grand Duchy's chancellery (Fearon and Laitin, 2006). Polish identity in

Lithuania developed close connotations to national conceptions. Particularly Vilnius was-and still is-an example where the Poles were dominant the most. Nevertheless, in 1792 the newly reformed Commonwealth was overrun by Russia, and later divided by the neighbours: the Russian Empire, the Kingdom of Prussia and Austria in 1795.

Another distinct example incorporating the geopolitical Polish-Lithuanian relations seems to be clearly reflected in the aftermath of WWI. The end of World War I brought many changes and the reestablishments of those new countries' borders and regions. The mutual antipathy escalated when Lithuanian Poles asserted their aspirations to re-unite Lithuania with Poland. Consequentially, partly due to nationalisation, Lithuania imposed measures to reclaim the Polish owned land. Other course of actions taken by the Lithuanian state against Polonisation was the restriction of Polish schools, periodicals, religious services and, Polish voting rights. As Fearon and Laitin (2006: 4) argue, discrimination against Poles was rather strong, as in the Lithuanian press, Poles were often associated with the insects, or referred to the "lice of the nation".

The Vilnius region, similarly to the Klaipeda coastal area, has caused many negotiations between the neighbours. Already in 1920, Poland took control over Vilnius with armed forces. According to Fearon and Laitin (2006), Polish attempts to occupy Vilnius stimulated the renewal of enduring antagonism and aggression between the former partners. Lithuanian schools were closed in the former Vilnius region. Cultural activities and organisations too, were banned in the regions controlled by Poland. Therefore, the diplomatic relations between the two nations were gradually fading away.

After the Soviets took control over Lithuania in 1944, the Polish minorities located in the Vilnius district were used by Soviet authorities to balance raising nationalism by the Lithuanian elites (Snyder, 2003). The Soviets fostered Polish cultural life, and saw the Polish minority as an instrument to impede the process of Lithuania's independence. In 1990, Lithuania officially adopted the status both, *de jure* and *de facto* (Hogan-Brun and Ramoniene, 2002). Following independence in 1990, ethnic relations between Poles and Lithuanians deteriorated once again. The main points of argument were the spelling of Polish names in Lithuanian official documents, as well as restrictions on Polish-taught education in Lithuania. Additionally, one of the most troublesome debates still circulating in the present political arena is land restitution. Here, the Poles

claim the Lithuanian state takes no action in resolving Polish property claims for Post-Soviet restitution (Snyder, 2003).

A historical perspective on problematic Polish-Lithuanian relations indicates enduring tensions with regards to territorial integrity, national identity, culture, politics, as well as minorities. Moreover, various disagreements fostered nationalism in both societies, creating an ever-widening gap between the neighbours. Political and cultural Polish demands for autonomy posed a threat to Lithuanian national sovereignty and identity. Such continuous pressure further raised anti-Polish sentiments within the Lithuanian society often discussed in the media nowadays. The historical background of mutual Polish-Lithuanian relations explains the cause of political disagreements and territorial division of society, both on the national and international levels.

This chapter however focuses on tensions visible on the national level only. The causal factors of the deteriorating relations between the nations encompass the historical memory of the past threats to Lithuania's national sovereignty and identity. Thus, Lithuania is taking a more protectionist stand with regards to its policies on education, as well as minority language use in legal official documents and street names. Apart from reforms on education, spelling of Polish streets and names, land restitution puts additional pressure on the mutual relations between the neighbouring states. Furthermore, a critical standpoint will articulate the raising conflict between the Poles and Lithuanians may increase political attention and support from the Polish minorities in Lithuania. The domestic political conflict may therefore result-and has resulted-in more public support for LLRA (Lietuvos Lenku Rinkimu Akcija/ the Electoral Action of Poles) and its leader Valdemar Tomasevski during the European Parliament elections in 2014 and previous general elections in 2012. The following section shall further investigate the main points of conflict mentioned above, and shall briefly observe minority's constitutional rights and duties, as well as legal provisions concerning rights to citizenship. It will present the current state of the Polish minority in Lithuania.

### *Reforms on education in Lithuania*

The Lithuanian educational system for minorities is one of the most liberal models in Europe (Ministry of Education and Science of the Republic of Lithuania, 2011). After Lithuania became

independent, the program concerning ethnic minorities did not foster any tensions or disagreements. The previous model for education allowed minorities to study in their mother tongue from the very first till the last grade. However, the education attainment results showed the ethnic minority schools do relatively lower results in comparison to Lithuanian taught schools (Ministry of Education and Science of the Republic of Lithuania, 2011). It is therefore possible to conclude that ethnic minority schools are valuable to preserve minority groups and their cultural heritage. This creates a barrier to continue with the tertiary education in Lithuania (Ministry of Education and Science of the Republic of Lithuania, 2011) and limits minority integration into the labour market and society as a whole (Lithuanian Social Science Research, 2012).

Therefore, in 2011, The Parliament of Lithuania implemented reforms on education. The amended law on education established new, higher standards on the Lithuanian language education and better standards for Lithuanian language education in minority schools. The established requirements administer the following (Ministry of Education and Science of the Republic of Lithuania, 2011): more time shall be spent on Lithuanian language learning in primary and secondary minority schools. All Lithuanian schools of 11-12<sup>th</sup> grade shall have equal Lithuanian language and literature programs. Additionally, subjects such as Lithuanian history, geography, as well as civil rights shall be taught in Lithuanian. In 2013, Lithuanian State language and literature exams will be of equal structure and standards for all students in Lithuania, yet Polish students will be allowed to make more mistakes. The reforms on education have raised concerns and opposition from the minority groups, since these amendments are seen as instruments for discrimination and assimilation. The Lithuanian government, however, argues the transition to stricter standards and regulations on Lithuanian language education are to preserve *status quo*, and shall be adhered by all primary and secondary education institutions in Lithuania (Ministry of Education and Science of the Republic of Lithuania, 2011).

The school dispute started in 2012 after Lithuania implemented a new law on education. Polish media, officials and other political institutions claim that such amendments in Lithuanian education law will disadvantage the students attending schools where classes are taught in Polish. The main concern about such rapid changes addresses the difficulty for the minority students to make up for the language differences in just two years. Poles are also voiced about the budget cuts and the lack of textbooks in minority schools.

According to LietuvosRytas (2011) Polish media in Poland assert these changes as Lithuanian President Dalia Grybauskaite's political strategy shifting towards nationalism, which is addressed as gradual minority integration into Lithuanian society. The Lithuanian President Dalia Grybauskaite's position is to assure the minorities have equal rights as Lithuanians, feel like equal citizens, and become more integrated into Lithuanian society, have an equal say in political decision making, and better opportunities on the labour market (LietuvosRytas, 2011).

The most recent dispute is between the representatives of the Poles in Lithuania and the Vilnius City Administration, as the city aims to reorganize minority schools. The reorganization would take place in such minority and Lithuanian schools, which do not have enough students attending classes. Although the Poles accentuate this action as linguistic discrimination against minorities, the President Mrs. Dalia Grybauskaite argues that the schools are being reorganized due to the decreasing student number not only in minority but in Lithuanian schools as well (lrytas.lt, 2015). Zasztowt (2011) claims, that, in comparison with other foreign countries, and especially with Belarus or Ukraine, the educational system in Lithuania is in favour of the Poles. It offers the opportunity to attend education from school to university level (Dambrauskaite et al., 2011). As the school reorganization is currently ongoing and the final decisions will be made by September 2015, it is yet not clear, to which direction the Polish-Lithuanian domestic relations will turn.

### *The spelling system used for personal names and place names*

Another distinctive conflict between Lithuania and the Polish minority relates to the spelling practices used for personal names and street-names.



**Figure 3. Example of a street in Lithuania (Medaus street/Miodowaulica/Honey street), where the bilingual table is used against the Lithuanian laws.**

According to Lithuanian laws, personal names in official documents have to be spelt in Lithuanian. The bilingual tables for street names are against Lithuanian laws. Lithuania has agreed to solve the issue of the spelling system for the personal names, yet the members of the Lithuanian Parliament holding a nationalistic standpoint discarded such changes, and the issue concerning the spelling system has not been solved since (Dambrauskaite et al., 2011). This raised concerns by Poles who felt discriminated by the Lithuanian spelling system, and wished their names to be spelt in Polish. This case and its outcomes shall be further investigated in the section 3.9. We shall see how limited EU governmental power is with regards to the minority disputes between the two states.

### *Land reform*

Another row between two states is about restitution of property in the Vilnius region confiscated in the Soviet era. The ethnically Polish district was ruled by Poland before the war. That complicates the land titles often used in either Polish or Lithuanian only. Other disputes are about the rules limiting the use of Polish in advertisements and street signs (The Economist, 2012).

After WWI, the two neighbouring countries, Poland and Lithuania, were trying to come to agreement concerning the rights to the Vilnius region. Evidently, Poland would not acknowledge Lithuanian sovereignty over contemporary Vilnius (Gira, 2011). Lithuania, on the other hand, was ready to claim its rights over Vilnius. Therefore, Lithuanians considered enacting a land reform and confiscating the estates whose owners had not come back after WWI. In Lithuania, restitution of land property rights adheres to an ordinary procedure, which is equally applicable to all plaintiffs (Gira, 2011). Moreover, any priority rights to any national minority are provided in Lithuania. Nevertheless, opposing arguments remain present: “it has turned out that it is easier for Lithuanians from Kaunas or Siauliai to transfer the plots to the vicinity of Vilnius than for Poles who have lived here for centuries to receive the land of their grandparents” (BBC Monitoring International Reports, 2006). Moreover, the land prices around Vilnius are several times higher than in the provinces. Poles argue that although the Lithuanian law gives priority to former owners in claiming land restitution, ethnic Lithuanian citizens have more chances to make claims in the region of Vilnius (Plazynski, 2010). Gira (2011), on the other hand, presents numerous reasons why the

restitution of land property rights in Lithuania has been delayed, and distinguished five different points.

Firstly, the land was nationalised during the Soviet occupation, and direct rights to land have been constrained or proven to be not feasible at all. Around 800,000 requests for property rights restitution were made after Lithuania became independent. This further impeded the process of finding relevant documents, since some plaintiffs did not have all the required records. Another issue brings about the specificity of Vilnius district. As Gira (2011) argues, the region lacks official documents verifying the property rights of individuals. Financial constraints on land reform projects additionally hinder the legal procedures. Although the process of the restitution of the land rights seems to be rather slow, the Lithuanian Government recognises the issue of land reform as one of its priorities and therefore, it aims to complete the process of the land reform in Vilnius district (Gira, 2011).

#### *The Polish party in the Parliament: EAPL (Electoral Action of Poles in Lithuania)*

As the issues concerning the Polish minority have recently become more ‘politicised’, it is possible to see parties’ tendency to keep the problems unsolved. This may be a well-thought through Polish politicians’ strategy to maintain their political power in the Seimas. Thus, the Polish political party and its agenda shall be further observed here. Electoral Action of Poles in Lithuania (EAPL) is a political party in Lithuania, which have joined a ruling centre-left coalition that is to take over the ruling of the country. It represents the Polish minority and positions itself as Christian democratic. It has 8 seats in the Seimas, 1 seat in the European Parliament, and 10 seats in coalition with the Russian Alliance in the Vilnius City Municipality and belongs to a minority group in the Vilnius City Council. In 2012 elections, EAPL for the first time is qualifying for professional representations seats and in 2015 V. Tomasevski unsuccessfully participated in the City of Vilnius mayor elections.

As T. Janeliunas (lithuaniatribune, 2013) argues, the EAPL is not looking for solutions but only wants to escalate the problem, which would help keep the focus of public attention on the EAPL. The party only needs to generate a sense of threat of tension, because it helps win elections. Such activity, according to political scientist T. Janeliunas (lithuaniatribune, 2013) will do nothing

to help the Polish minority in Lithuania. If Lithuanian-Polish relations are positive on a domestic level, the political tension decreases. This results in lower political gesticulation and poses a threat to party's ability to win elections.

V. Tomasevski won the European Parliament elections held in 2014. It is often noticed on the media that the linguistic issues and matters concerning Polish minority are extensively pronounced just before the elections. Here, the reasons to raise political tensions between Lithuanians and Polish minorities are rather evident. Escalating domestic conflicts would help the EAPL foster Polish minority political activity and increase party's chances to get more votes, be it municipal or parliamentary elections.

It is yet debatable whether it is historical memory of threat to sovereignty and the feeling of Lithuanian nationalism (Clark, 2006) or continuous minority demands for more rights that pose a threat to Lithuanian national sovereignty and foreign affairs. Thus, it remains to be seen how these neighbourly relations will play off in the future domestic politics and shared foreign strategies between Lithuania and Poland.

### *The Image of the Poles in Lithuanian society*

Polish is the Western Slavic language with the largest number of speakers (approximately 46 million) (Mercator-Education, 2006). Polish is an official language of Poland, yet a considerable number of clustered Polish minorities are found in Lithuania, Belarus, Russia, Ukraine, the US, Germany and Canada (Mercator-Education, 2006). The Poles accounted for approximately 6.6 per cent (240,000) of the total Lithuanian population (Statistics Lithuania, 2011: 23). Although native Polish speakers are found all over Lithuania, 90 per cent of the Poles are concentrated in and around the capital, Vilnius, region. Lithuania has always been considered as a multiethnic state, and has never had vast conflicts regarding ethnic minorities. Thus, in 1991 the Lithuanian Parliament (Seimas) adopted a legislation proposing Lithuanian citizenship to all, who permanently lived in Lithuania at least for three years. This legislation is known as a 'zero option', allowing for a rapid integration of ethnic minorities. This way Lithuania has avoided such problems as slow integration faced by Estonia and Latvia (Bulajeva and Hogan-Brun, 2008).



Recent public debates in Lithuania have raised numerous concerns about the image of the Polish minority in Lithuania. Both in political dialogue and media, the Polish minority representatives addressed their interests to protect the rights of national minorities in Lithuania (Lithuanian Social Research Centre, 2012). According to Lithuanian Social Research Centre (2012: 7), “The stream of information presented to the Lithuanian society was provided in the context of “us” (Lithuanians) and “them” (representatives of Polish minority in Lithuania, Poles in Poland, Polish authorities)”. Within their community Poles attain their solidarity through isolation trying to relate themselves only to the things that are Polish, i.e. “theirs”, denying everything that is Lithuanian, i.e. alien, consequently, unpleasant (Lithuanian Social Research Centre, 2012). This is so because of their belief in the threat of Lithuanisation. Citizens who accepted such xenophobic philosophy often frame themselves into a marginal position in Lithuanian society.

Besides the cultural problems, these types of citizens encounter additional social problems. As stated Kalnius (1998) such cultural and civil non-integrity may impede the economic, political and cultural activities. Thereby, reduce chances in taking more prominent positions in the governmental organisations of Lithuania, as well as decrease the number of Polish deputies in Seimas-the parliament of Lithuania-or even diminish their influence on the decision making in certain political institutions. (Kalnius, 1998). Lithuanian Social Research Centre (2012) argues language, religion and traditions are amongst the most essential elements of the ethnicity. The research further shows that uneven integration into the Lithuanian labour market and society as a whole is mainly caused by minorities’ low educational attainment and language barriers (Lithuanian Social Research Centre, 2012). Struggles to overcome language barriers and increase educational performance also have to do with the different languages used in family and in school (Hogan-Brun and Ramoniene, 2008). It is also depicted in the table below that in the family settings Poles show preference for other than Lithuanian.

| <i>Use of Lithuanian</i> | <i>With children/<br/>grandchildren</i> | <i>With brothers and sisters/<br/>parents and grandparents</i> |
|--------------------------|---|--|
| By Russians              | 27%/33%                                 | 12%/3–8%   |
| By Poles                 | 32%/40%                                 | 14%/4–5%   |

*Source:* Survey of Eastern and South-Eastern Lithuania Inhabitants (2002).

**Table 1. Pictures the Lithuanian language use in family settings among the Eastern and South-Eastern Polish and Russian inhabitants.**

Another reason for lower educational attainment of the Polish minority is partly due to the Poles decision to send their kids to a school where classes are taught in Polish only. According to Bulajeva and Hogan-Brun (Bulajeva and Hogan-Brun, 2008), Russians however, show a more pragmatic approach by choosing Lithuanian-medium schools. Polish schools are based in rural areas where quality of education and teachers is comparatively inferior (Bulajeva and Hogan-Brun, 2008). Finishing a Polish school or graduating from a Polish University only may further impede graduates' chances to successfully enter the job market as knowing the Lithuanian language may be linked to success in the majority of Lithuanian society (Bulajeva and Hogan-Brun, 2008). Bulajeva's and Hogan-Brun's (2008) research shows that more educated minority population tends to send their children to Lithuanian-medium schools.

According to Lithuanian Social Research Centre (2012), the equal participation in Lithuanian economy and society is related to higher income. Already half of the Poles' respondents indicate themselves as the lower social class occupants. (Lithuanian Social Research Centre, 2012). Therefore, it seems to be essential to help minorities overcome language barriers, increase attainment of education and encourage their integration to the Lithuanian society, help overcome lower class stereotypes, as well as foster the economic and political participation. However, the public opinion varies, and the vast majority positively recognise the Poles as "efficient, educated, attentive", etc. (Lithuanian Social Research Centre, 2012). The public also indicate Poland as an important political partner for Lithuania; acknowledge the importance of mutual cooperation in international security and energy areas (Lithuanian Social Research Centre, 2012).

### *Overview of Polish minority in Lithuania*

Evidently, the current Polish-Lithuanian political tensions could be partly explained by looking from the historical perspective. Territorial transitions, treaties and disagreements, as well as socio-economic changes influenced the development of these relations over time. Consequences of Polish-Lithuanian actions in the past are thus visible in the current domestic politics in Lithuania. The Polish minority has been present in Lithuania for centuries. In order to protect its identity, minority has established itself as a distinct group seeking for apprehension of their cultural and political presence. This has been done through the social institutions and governmental bodies aiming to protect minority rights and culture in a foreign nation. However, some states show a rather protectionist standpoint with regards to expanding minority rights. The example of Lithuania clearly indicates how the historical memory of a threat to sovereignty limits the country's actions on adhering to minority needs.

Thus, Lithuania aims to protect its sovereignty and national identity through stricter policies on language use in official documents. The Lithuanian government has implemented new reform on education, which established higher Lithuanian language standards for minority groups. Such domestic amendments have raised Polish minority concerns, as they feel discriminated by the Lithuanian state. Other issues of spelling of street names and land restitution in Lithuania have become a long-standing conflict between the neighbours. Polish discontent about the mandatory Lithuanian alphabet use in official documents has become a multi-level issue operating on national, regional and European levels, thereby reaching such legal bodies as European Court of Justice. Although there is no universal definition of minority, numerous international conventions encompass protection of human rights and dignity and prohibit discrimination. Moreover, before entering the European Union, nations were obliged to comply with the EU standards with regards to minority. Thus, the EU aims to assure the expansion of minority rights, as well as increase ethnic and racial tolerance in the MS.

As the research on the Polish identity in Lithuania has shown, the language barrier is one of the major causal problems for slow minority integration into society. This results in lower educational attainment, relatively lower position on the labour market, followed by the subordinate class position in society. In order to achieve faster integration, it seems to be essential to assure the minorities gain a fluent command of the Lithuanian language.

Examining Polish minority issues on the domestic level is essential to understand the current political situation in Lithuania. Rising disagreements between minorities and Lithuania pose a threat of societal division. It is crucial for both nations to come to agreement on minority issues, since deteriorating neighbour relations weaken Lithuanian and Polish sovereignty as well as national identity within the region. Moreover, domestic problems strongly influence strategic bilateral relations, which are further discussed in the following chapter. We shall see how the issues of conflict on the domestic level are manipulated to reason the changes in international political agendas.

### **Two cases: Name spelling in passports; Education reform**

It is interesting to investigate a variety of cases not only for the purpose of measuring legislative power of the EU governmental bodies, but also to observe how Lithuanian state imposes Lithuanian identity to the Polish nationals residing in Lithuania. This is particularly visible in case of women with regards to the (lack of) rights to amending their surname. Generally, after the marriage women are not allowed to choose last name concealing their marital status (the Commission of the Lithuanian Language, 2003). This means that, for example, women, including non-nationals, getting married and registering their marriage in Lithuania are obliged to modify the ending of their last name. By doing so, a woman will transform her last name and lose certain alphabet characters previously indicating her identity. In case of a Polish woman getting married in Lithuania, the last name would lose diacritical modifications and any other characters that are not recognised by Lithuanian state laws. A woman is also not allowed to choose an identical to her husband's last name. Initially, last name would indicate woman's marital status in official documents as a married, not a single, woman. Men, however, are not obliged to make any changes in their forename. This poses an issue of discrimination between men and women with regards to the right to disclose their marital status. Discrimination is also visible between Lithuanian women in general. Practice shows that there are exceptional examples allowing the right to chose husband's forename. This is done by registering marriage in a foreign country. For instance, Daina Bosas-a Danish national, a well known businesswoman in Lithuania and a wife of Lithuanian politician Antanas Bosas-has registered her marriage in Denmark. By officially registering her marriage in Denmark, she was allowed to keep her husband's forename. Aurelija Simutis-a famous

Lithuanian journalist-was also allowed to keep her husband's forename. This time exception was made due to the loopholes in laws. To avoid similar cases the legal framework was amended in 2001 by LR Minister of Justice (Jakstiene, 2004).

This case exhibits an example of forename modifications in Lithuanian official documents. Although it does not present a case obliging a woman to indicate her marital status, it shows how a Polish national is being obliged to comply with Lithuanian language laws and transform the characteristics of her last name.

### *Case I. Name spelling in passports*

Malgozata Runevic-Vardyn, Lukas Pawel Wardyn v Vilnius (Case c-391/09) is one of the most recent cases concerning the spelling of forenames and surnames of citizens of the EU. It is a great example of the multilayered identity problem, where the conflict involves the Lithuanian state, a member of Polish minority holding Lithuanian passport and the European Court of Justice.

Mrs Malgozata Runevic-Vardyn is a Lithuanian national, and belongs to the Polish minority in Lithuania. The plaintiff argues her parents gave her the Polish forename Malgozata and her father's last name Runiewicz. Mrs Malgozata claimed that her birth certificate issued in 1977 used Cyrillic characters. However, the birth certificate issued in 2003 was drawn up in Lithuanian form, and her name appeared as Malgozata Runevic. Additionally, her Lithuanian passport issued in 2002 also showed her first and last name registered using Lithuanian characters.

In 2007 Mrs Malgozata married a Polish national Mr Lukasz Pawel Wardyn. On the marriage certificate his name was transcribed as Lukasz Pawel Wardyn (without diacritical modifications). Mrs Malgozata's name however, appears in the form as Malgozata-Runevic-Vardyn. A couple requested that the addition of Mr. Wardyn's surname to his wife's maiden name on the Lithuanian marriage certificate be edited to Wardyn instead of Vardyn (ECHR, 2011). Since Lithuanian characters do not include the letter "W", or any other diacritical modifications, and the Polish w is pronounced as English v, the ECJ ruled that Mr Wadryn's wife's name appears in the form "Malgozata Runevic-Vardyn".

Changes in favour of plaintiff would be detrimental to the rules of the LR Constitution. In the end, the Court of Justice stated: “as European Union law stands at present, the rules governing the form in which a person’s surname and forename are entered on certificates of civil status are matters coming within the competence of the Member States” (European Court of Justice, 2011: 1-2). Interestingly, although the ECJ has ruled the case in favour of Lithuania, the Council of Europe criticises the amendments in the Law of State Language stating “these measures have a negative impact on the preservation and the promotion of minority cultures and identity, of which the language is an important part” (COE, 2008: 5).

### *Case II. Education reform*

As it is mentioned in the introductory part of this chapter, the following part aims to explore the limits of the EU governmental power when solving disputes that touch upon minority discrimination between the nations. By looking at a specific study case, which is of a multi-dimensional nature, we shall examine the rights and responsibilities of the parties involved, namely Lithuania, a member of Polish minority residing in Lithuania and the EU governmental bodies. The case mainly focused on the problem of the violation of human rights and the EU law by Lithuania as a member of the EU. The most evident finding to emerge from this study is that the Commission has no general powers with regards to national minorities. In addition, the Commission has no aptitude over matters concerning the definition of national minorities, “the recognition of the status of minorities or their self-determination and autonomy” (EP, 2012: 3). Thus, the petition 0358/2011 filed by Tomasz Snarski (Polish) concerning the amendment of Lithuanian Education Act, which results in limitation of the school subjects taught in Polish is left for the states to resolve.

### *Petition 0358/2011*

The petitioner, Tomasz Snarski referred to the amendment of Lithuanian Education Act of 2011, which would restrict the right of Polish national minority to teaching in Polish (EP, 2012). Inherently, the Act established that the state language has to be used for compulsory Lithuanian

language instruction, as well as in the teaching of history and geography subjects. If the Polish schools fail to comply with the requirements, they are projected to be closed (EP, 2012). Tomasz Snarski saw this action by Lithuania as breaching numerous international agreements and conventions, namely 1966 International Covenant on Civil and Political Rights, the European Convention on Human Rights, the European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The petitioner thus requested the European Parliament to examine this issue and ensure the protection of the rights of the Poles in Lithuania. Additionally, Snarski appealed to assess if the new Lithuanian Education Act complies with the tenet of non-discrimination on the basis of nationality (EP, 2012).

The Commission indicated that according to the Article 165 of the Treaty on the Functioning of the European Union, MS are responsible for the content of teaching and the structure of their education systems, as well as the language policy (EP, 2012). Thus, the legal instruments mentioned by the applicant are outside the legal scope of the European Union.

Petitioner additionally indicated a worsening situation of linguistic, educational and cultural rights of the Poles in Lithuania. These rights, according to EP (2012) are not respected fully and contradict with such legal provisions as the International Covenant on Civil and Political Rights, the Framework Convention on the Protection of National Minorities, the European Convention on Human Rights, as well as the European Charter for Regional or Minority Languages. The petitioner further argued that the members of Polish minority in Lithuania are deprived of the right to use the Polish language in spelling their names, traditional local names, street names and in other public spaces. Snarski further asserts recent alterations of the Lithuanian Education Act position the Polish minority at a disadvantage (EP, 2012).

#### *The European Commission's notice*

As far as the Commission's power solving this issue is concerned, it does not have an authority to intervene with the Member States in the sphere of fundamental rights. It could only do so, if the European law is involved in the case. According to European law article 51 (1), the Charter relates to the Member States only when the MS are implementing European Law. According to EP (2012), on the grounds of the information provided in the petition, the issue to which the petitioner refers

is not related to European Union law. Thus, the EC does not have power to follow up on the issues brought up in the petition. Nor does it have legitimate power to deal with the issues concerning minorities: “The Commission has no competence over matters concerning the definition of what is a national minority, the recognition of the status of minorities or their self-determination and autonomy” (EP, 2012: 3). Consequentially, these matters have to be addressed by the Member States themselves.

On the other hand the Commission is responsible to ensure that MS respect fundamental rights, including the principle of non-discrimination when implementing the European Union law. The Commission also indicates that Lithuania has submitted three reports on the position of national minorities, last one received by the Council of Europe in 2011. After visits in both countries, Lithuania and Poland, the OSCE Commissioner on National minorities has “urged both Governments to address national minority issues in their own countries, while also working on improving their bilateral relations, including by reviving mechanisms such as the joint education experts’ group” (osce.org, 2013). Finally, according to the EP (2012), the Commission remarks that the Court has arrived at the same conclusion in its initial ruling in the case of Runevic-Vardyn and Wardyn (Case C-391/09, 12 May 2011, paragraph 47), which dealt with the right to use a name in minority language.

This case presents the limitations of the legal decision making power of EU authorities with regards to national minority rights and freedoms in the MS. The Union could only intervene if its MS implement European Law. Evidently, the multidimensional issue of national minority discrimination contradicts the established European values of diversity and equality. However, the issue of discrimination of national minorities is out of the legal scope of the EU, thus the responsibility to solve this issue is passed on to the Member States.

### **Shifting Polish-Lithuanian bilateral relations**

Chapter 3 reflects on the development and consequences of long standing Polish-Lithuanian relations, underpinned by territorial divisions, disputes, treaties and declarations. Such neighbour states’ bilateral relations often depended on changes in an international geopolitical arena (Dambrauskaite et al., 2011). The common threat of the Soviet power, aim for a membership in



NATO and active attempts of becoming a member of the European Union have influenced numerous transitions in the nations' foreign relations. This piece however, shall analyse how linguistic, political and socio-economic issues between Poland and Lithuania affect bilateral relations. It shall further examine the extent that the current domestic conflicts between the Poles and Lithuania influence transitions in the bilateral relations. We shall see that the current geopolitical context (the EU's sanctions on Russia and Russia's sanctions on the EU) it is highly important for the Baltic countries to coordinate their common position with regards to export and healthy market economy. It will become clear that the domestic issues are not the only causes for shifts in Polish-Lithuanian bilateral relations. Another valid reason is that Poland as the country itself is becoming a stronger political power within the EU and on an international scale. Thus, it seems Poland shifted its foreign agenda towards Germany, France and the US, ignoring the significance of the former CEE countries (Dambrauskaite et al., 2011). On the other hand, Lithuania itself aims to strengthen bilateral relations with the Scandinavian nations. Particularly with regards to energy supply, Lithuania is looking for ways to reduce its dependence on Russia. Integration to the Nordic-Baltic market is one of the ways to diversify the supply of energy (Vilpisauskas, 2012).

#### *The deteriorating relations: a case on PKN Orlen*

Poland expresses strong criticism towards Lithuania not ensuring equal rights for the Polish community in Lithuania (Dambrauskaite et al., 2011). The educational and language reforms and the issue of spelling of Polish surnames in Lithuanian passports were addressed as the major reasons shifting the Polish-Lithuanian bilateral relations apart. Amongst other issues, Lithuania is criticised by Poland for rather poor investment in climate conditions, logistics problems and delays (Dambrauskaite et al., 2011).

The deterioration of bilateral relations was even more apparent when Poland's oil company PKN Orlen and Lithuanian Railways started negotiating upon the transportation rates of oil cargos within the Lithuanian territory (15min.lt, 2012). PKN Orlen demanded to lower the transportation rates when transporting products to Latvia due to the dismantled rail tracks and other logistical problems. The Lithuanian Railways company, however, was not in favour of lowering the rates

and claimed that the track is in bad condition and may be a source of an accident (Lithuaniantribune, 2013). In reaction to that, PKN Orlen filed a complaint to the Commission. The European Commission has informed the Lithuanian railway incumbent 'AB Lietuvos Gelezinkeliai' that "it suspects the company of having limited competition on the rail markets in Lithuania and Latvia by removing a railway track connecting the two countries" (EC, 2015). The Commission is currently investigating, whether Lithuania has made a cartel agreement with other neighbouring states. If so, such Lithuanian actions would be in violation with EU antitrust rule (EUtoday, 2015). If evidence is unfavourable to Lithuania, the case may be passed on to the ECJ. Lithuaniantribune.com (2013) wrote "Polish Minister of Foreign Affairs Radoslaw Sikorski said on Wednesday that the resolution of issues of Polish ethnic minority in Lithuania would help to easier implement bilateral transport and energy projects". Such argument evidently shows the prevalence of the Polish minority issue in Polish-Lithuanian bilateral relations. The unsolved Polish minority disputes in Lithuania therefore allow Poland to use it as leverage during the negotiations concerning bilateral policy.

Changing relations between Poland and its neighbours may be explained in a number of ways. Firstly, Poland aspires to change its identity from Central and Eastern European leader to a powerful player among Western EU nations (Dambrauskaite et al., 2011). As Dambrauskaite et al. (2011) argues, the state is also gradually changing its behavioural patterns, where the relations with smaller countries are considered as being less important. On the other hand, Poland's decreasing interest in the CEE countries may have to do with inability of the latter to compete with Poland (Dambrauskaite et al., 2011).

### *Polish-Lithuanian bilateral cooperation*

Although certain events show that Polish-Lithuanian relations are shifting apart, it is important to consider the potential strategies that may strengthen bilateral relations between two countries and within the Baltic region. A great example could be the ongoing project Rail Baltica that aims to launch a railway connection between Finland, the Baltic States and Poland. This would stimulate regional export industries by lowering the transport costs. Rail Baltica Growth Corridor (RBGC) is an additional project that would provide a connection to Berlin, and expand the export

opportunities even further. Recent news (Ministry of Transport and Communication, 2015) reported that Lithuania, Latvia and Estonia, applied for a total of about EUR 620 million of co-funding under the CEF cohesion envelope in order to develop the Rail Baltica high-speed rail project. The assessment from the EC could be expected in July, 2015 (TheBalticCourse.com, 2015).

Another recent bilateral achievement is LitPol Link HVDC electricity link between Lithuania and Poland scheduled to be finished in December 2015. According to Schmidt and Ligi (2013), “The 500 megawatt (MW) back-to-back-HVDC converter station will help connect the 330 kilovolt (kV) Lithuanian grid to the 400 kV Polish grid, thereby integrating the electricity networks of the Baltic States with the continental European power grid and contribute to the development of an EU electricity market”. The project supported by the EU will not only facilitate energy trading between Poland and Lithuania, but it will also strengthen energy security in the region (Schmidt and Ligi, 2013) and assure Lithuania’s energy independency from Russia (world-nuclear.org, 2013).

### *Sanctions on Russia*

Since the EU has imposed economic sanctions on Russia and Russia reacted alike, the EU markets and particularly the Baltic States were forced to look for alternative markets (15min, 2015). Such countries as Germany, Sweden, Poland, Latvia and Great Britain became 5 most attractive markets to Lithuanian production (lrytas.com, 2015).

Although facing a common threat from Russia, Polish-Lithuanian relations do not show a positive shift into stronger collaboration. As the former Lithuanian President Mr. Valdas Adamkus (lrytas.lt, 2015) claims mutual partnership is rather stubborn and precautions instead of confident and collaborative in such unstable environment. V. Adamkus (lrytas.lt, 2015) adds that the Polish minority issues need to be solved by way of reaching a compromise between the two nations, yet the political parties should stop exaggerating the conflict and try to initiate an in-depth discussion between country’s representatives.

### *Polish-Lithuanian relations: Will it be better?*

When discussing Polish-Lithuanian future politics it is essential to recognize the current changes in Polish government. Recently a representative of a conservative party Mr. A. Duda has won the presidential elections. Political scientists see this event as a new opportunity to encourage mutually beneficial relations between two neighbours (15min.lt, 2015). This is so because President of Lithuania Mrs. Dalia Grybauskaite also belongs to a right-wing party. Both presidents are strongly against the Russia's actions undertaken in Crimea and in Eastern Ukraine. Both countries have confirmed they are in talks with Washington on stationing heavy arms in warehouses in the region (euractiv.com, 2015). A. Duda (15min.lt, 2015) also encourages NATO to dislocate the permanent Allied forces in Poland). It is yet to be seen how the mutual relationships between Poland and Lithuania will turn out after the Polish parliamentary elections will take place in the fall of 2015. It seems that the Polish minority issues in Lithuania will remain the central point of debate between the neighbours (15min.lt, 2015).

### *Most significant reasons for the deteriorating Polish-Lithuanian bilateral relations*

The aim of this chapter was to present that the ongoing transition of Polish-Lithuanian bilateral relations is not only caused by the domestic disputes, but also by changing power balances within the Central and Eastern European regions. Changing economies and geopolitical agendas account for the need to look for new strategic partners. The example of Poland clearly shows how growing power of states influence changes in foreign bilateral and international relations. On the other hand, Polish-Lithuanian bilateral relations are still dependent on bigger economic and political neighbours. It seems that a common threat often once has strengthened Polish-Lithuanian relations. Whereas currently expanding opportunities allow stronger nations to demand for more rights and to look for strategically more favourable partners.

Unsuccessful bilateral negotiations between Poland and Lithuania are often justified by Polish politicians as a consequence of an unequal and unfavourable treatment of national minorities Lithuania. What seem to be missing is mutual understanding, reliability and trust between the neighbours. The lack of concrete terms and agreements regarding national minorities foster distrust when discussing future relations. Such incoherence in Polish-Lithuanian domestic

relations may reason the decline in potential policy strategies and cooperation. It is thus important to adhere the needs of the neighbouring states and search for possible compromises concerning national minority rights, while at the same time protect and maintain cultural, as well as national differences.

Although unsolved domestic issues evidently have an impact to bilateral negotiations on certain future agendas, there is more to it. Creating secured alliances and maintaining economic competitiveness is a key to states' prosperity. Thus powerful states aim to cooperate with strong partners, whilst pressing demands on their smaller allies in order to maintain leader's position in the region. Smaller states, on the other hand, often resist complying with powerful states' demands, if they assume a threat to their identity. Unsuccessful partnership between Poland and Lithuania seems to be very much influenced by the powerful neighbours' strategic agendas. Unacceptable Russian actions signal that both countries need to look for other allies to ensure reliable energy supplies, markets and protect their sovereignty. Ostensibly, the unstable relations in the region, declining loyalty and trust, protectionist politics, different economic growth and changing political influence on EU and international levels may contribute to an ongoing transition in Polish-Lithuanian foreign relations.

### **Concluding remarks**

This research focuses on the debate on European citizenship and minority rights and on the position of Polish minorities in Lithuania. It is a relatively unique paper that examines the extent to which minority's linguistic issues affect Polish minority's integration into Lithuanian society and how the conflict impedes neighbours' mutual collaboration. It further analyses the language-ethnicity link and questions whether changes in language knowledge alter one's ethnic identity.

The analysis of language-ethnicity relationship may provide a substantial contribution to a mutually beneficial resolution to the Polish-Lithuanian conflict. By defining the relationship between the language and ethnic identity the policy makers may arrive at a model that both maintains minority's ethnic identity and encourages socio-economic integration.

The first approach may account for policies strongly focused on language preservation as a means to maintain minority's ethnic identity. The second approach may provide a broader understanding of ethnic identity. Language would not play a major role when shaping one's ethnic identity. Ethnicity may be seen as a combination of behavioural and conceptual aspects of a specific group. Language behaviour or the use of language may change greatly, yet the belief of who we are or an understanding of one's ethnicity may not be subject to instant changes. Thus, the educational policies in Lithuania that encourage the education in the majority's language may not be considered as a threat to minority's ethnic identity. While learning a majority's language a minority is still able to practice their cultural behaviour and place themselves into cultural and historic contexts of their origin. At the same time, knowledge of majority's language provides minority with better chances to compete in a job market and assure successful socio-economic position within society.

By contributing to the ongoing debate on European citizenship this research further examines the EU power to intervene and solve national disputes regarding minorities. As yet, no coherent literature exists which connects abstract concepts of European citizenship, minority rights to the cases of domestic minority issues on Polish-Lithuanian relations, as well as the EU power to intervene and solve national disputes with regards to minorities.

It is important to acknowledge that the Polish minority resembles Capotorti's proposed characteristics for the definition of national minority. The Polish ethnic community is numerically smaller than the Lithuanian population. The Poles have historically established themselves as an ethnic group throughout the course of territorial, economic and political transitions within the region. As discussed, the minority has integrated into society relatively well - the group also shares a sense of solidarity, common identity and distinct language. Yet, the group faces challenges in socio-economic spheres due to low educational attainment, lack of quality teachers and resistance to educational reforms. The 1994 Treaty on Friendly Relations and Good Neighbourly Cooperation between the countries acknowledges the existence of the Polish minority in Lithuania and the Lithuanian minority in Poland. The Treaty of 1994 commits both parties to protect minority rights, maintain cultural differences and distinct identities.

The nature of multi-level European citizenship is one of the major obstacles for bringing the legal form of European citizenship into a social practice. As the conceptual framework of

citizenship has eliminated societal differences by establishing equal rights and duties to all people in the state, it also often comprises the rights of minorities. It is clear that the LR Constitution does not contain a definition of 'national minorities'. Neither is there a universally agreed definition of national minorities in academic literature and international conventions. For example, according to the LR Constitution, legally residing members of minorities are protected by state citizenship rights.

These citizens' and minorities' rights often comprise distinct categories, for example, general rights (right to vote, right to health services, etc.) and specific rights (education for a specific minority group), freedoms and duties. This distinction is particularly seen in case of Polish minority rights in Lithuania. The right to use minority language in private and public life could be considered as a general right equally applied to all minorities in Lithuania. The minority's duty is to use Lithuanian state language in official documents such as passports and spelling of street names. Special rights would encompass right to study in Polish language from primary to tertiary level. Since only a few minority groups have such opportunities in Lithuania, the right to education in minority language could be considered a special right. Minorities however are expected to comply with and adapt to state's legal provisions, such as reform on education in Lithuania, which establishes equal standards for the Lithuanian language exam.

Such distinct categories of rights have developed due to the overlapping identities in the European communities. The Poles in Lithuania are of Polish origin, in most cases holding Lithuanian citizenship and formal European citizenship provided by the EU. These three distinct levels entail particular rights, freedoms and duties. The lack of clear conceptualisation of 'citizenship', 'minority' and 'identity' raise ambiguity among the distinct legal frameworks of states and among individuals themselves. This results in legal, social and political tensions between the communities and disrupts the process of European integration.

Several long-standing disputes regarding national minority rights in Lithuania remain present. New reform on education, spelling of personal names and place names and land reform are examples of domestic issues that disrupt bilateral relations between Poland and Lithuania. Polish politicians commonly use the ongoing discourse about mistreatment and discrimination of the Poles in Lithuania as a counter argument when discussing bilateral treaties and projects. It negatively affects the bilateral negotiations on energy and transport projects. Mutual distrust and

unstable relationship pose a threat to energy security and thus delays further states' integration into European markets. It is therefore evident that the Polish minority's linguistic issues challenge bilateral relations. Essentially, both nations need to arrive at a compromise regarding the linguistic and educational rights of Polish minority in Lithuania.

As stated at the start the aim is was to measure the causal relationship between the independent variables (EU citizenship rights, Citizenship rights of Polish minority in Lithuania, the link between language and ethnicity) and the dependent variable (Polish minority's position in Lithuanian society and Polish-Lithuanian social, political and economic relations). Focusing on citizenship and minority rights on national, intra-national and European levels, this study examined how the Polish-Lithuanian minorities' rights are treated in Lithuania. Equal treatment of minorities and citizens presents two sides. It provides protection of fundamental human rights, whilst limiting the practices of distinct identities by, for example, limiting minorities to use their language in spelling of passports. On the other hand, absence of a universal definition of national minority creates an obstacle for EU states to comply with diverse minorities' definitions, rights and duties. It is thus debatable, whether a common definition on European citizenship and national minority would substantially improve the condition of minorities.

Although it is evident that the domestic issues have a negative effect on Polish-Lithuanian bilateral relations, it is not the only reason shifting countries' foreign policy agendas apart. Shifting power balances in the region, the growth of Poland's political and economic influence in the EU and in the international arena, as well as new geopolitical agendas account for the ongoing transition in bilateral Polish-Lithuanian relations. While Poland is looking for partners in the West, Lithuania focuses on strategic relations with Scandinavian countries. Both states are interested in protecting their energy resources and maintaining competitiveness in the region.

The process of the reshuffling of Polish-Lithuanian bilateral relations is apparent. It does not however mean that countries reject opportunities for mutual cooperation, as it is seen in current talks about the heavy army stationing in the region. Although the EU does not intervene in domestic issues, it is trying to support bilateral cooperation between the neighbours. Several examples including LitPol Link between Poland and Lithuania shows an initiative of the two states' and the EU to foster energy trading between the neighbours and strengthen energy security within the region.



Not only does the EU promote regional cooperation in Central and Eastern Europe, but it also highlights minority rights in various conventions, amongst other Copenhagen criterion (1993) and Central European Initiative. The Council of Europe has established that a national minority is characterised in a manner that only citizens of the state apply to this provision (Thiela, 1999: 4). Citizenship in the EU defines membership in distinct communities, provides rights, obligations, freedoms and responsibilities. The European citizenship concerns the EU polity on a transnational and the national levels, yet EU governmental institutions have limited power to intervene in national minority disputes. The EU establishes and promotes citizens' and minority rights, however, it is not yet able to form precise instrument with regards to these definitions. This gives a room for "unfounded" invocations of the rights (Packer, 1996: 121) and raises social and political tensions between the overlapping communities.

Legal cases with regards to education reform and name spelling in passports presented in this research are examples of the limited power of EU legal institutions to intervene in the issues between the Polish minority and the Lithuanian state. The responsibility to solve national minority issues is passed on to the member states themselves. This is so because the EU does not have an authority to overrule laws of the national Constitution.

This research presents a unique analysis of Polish minority's linguistic challenges in Lithuanian society. By examining domestic issues between the Poles and Lithuania, it becomes clear that the Polish minority's representatives accentuate minority's linguistic discrimination as a threat to their ethnic identity in Lithuania. On the other hand Lithuanian linguistic and education policies with regards minorities are considered one of the most liberal in Europe. As discussed in the paper, the linguistic and educational problems may have become an instrument for political parties to achieve their political goals before elections. In order to solve the Polish minority linguistic and educational issues in Lithuania both countries should act in a less protectionist manner and arrive at a compromise. Lithuania should also consider allowing the bilingual street names in the areas where the Polish minority is densely inhabited, as it is done in Poland.

Coming back to the accentuated threat of linguistic discrimination to the Polish ethnic identity, further research needs to be done in order to investigate whether there is a link between language and ethnicity. The uncertainty of the language-ethnicity link leads to the ambiguity of

whether the implemented educational policies in Lithuania essentially could be threatening Polish ethnic identity and called discriminative.

Changing dynamics of states' power in the region, the economic growth of Poland and its political influence in the EU, as well as in the international arena are additional factors influencing the ongoing transition in bilateral Polish-Lithuanian relations. The study's findings indicate that although the EU establishes and promotes citizenship and minority rights, it lacks the legal power to intervene and solve national disputes with regards to national minorities. Thus, the EU aims to promote regional cooperation and European integration by encouraging Poland and Lithuania to reach an agreement and resolve domestic minority issues themselves.

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