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The policy of the Polish authorities towards national and ethnic minorities after 1989

Polityka władz polskich wobec mniejszości narodowych i etnicznych po 1989 r.

Abstract: The aim of this article is to analyse the Polish authorities' policy towards national and ethnic minorities after 1989, after the collapse of real socialism in Poland. The author gives an overview of the historical and socio-political situation of these minorities in Poland. The main point of consideration is the position and functioning of national and ethnic minorities on the basis of law, their political activity in parliamentary and local elections, as well as the attitude of leading Polish political parties towards the issues of national and ethnic minorities. National and ethnic minorities are, by definition, less numerous than the rest of the Polish population, but remain Polish citizens and at the same time are aware of their historical community. The article uses the following methods: descriptive and institutional-legal.

Keywords: nation, national and ethnic minority, policy, constitution, act

Streszczenie: Celem artykułu jest analiza polityki władz polskich wobec mniejszości narodowych i etnicznych po 1989 roku, tj. po upadku realnego socjalizmu w Polsce. Autorka przybliżyła rys historyczny i sytuację społeczno-polityczną mniejszości narodowych i etnicznych w Polsce. Głównym punktem rozważań jest pozycja i funkcjonowanie mniejszości narodowych i etnicznych w oparciu o podstawy prawne, ich aktywność polityczna w wyborach parlamentarnych i samorządowych. Mniejszości narodowe i etniczne są mniej liczne niż pozostała część ludności Polski, ale są obywatelami polskimi i zarazem posiadają świadomość swojej historycznej wspólnoty. W artykule wykorzystano metody: opisową i instytucjonalno-prawną.

Słowa kluczowe: naród, mniejszość narodowa i etniczna, polityka, konstytucja, ustawa

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Introduction

During the Second Republic, national minorities represented a significant number of Polish citizens, which in turn translated into problems with less majority legislation, especially based on treaties dealing with minorities and the nontreaty procedures which the governing body believed was detrimental to the interests of the Polish State¹. Moreover, the demands made for the dissuasive resolution of the issue of minorities by various political groups in Poland at the time were met with disapproval and sometimes became a cause for increasing national conflicts. Leading political parties in their programs have preached the thesis of assimilation or emigration for a particular minority, such as the Jewish minority².

In the interwar period, there was an increase in the participation of the rural community in the political life of the state, as evidenced by the strong position of the popular movement during the four election campaigns of 1919, 1922, 1928 and 1930, when it won considerable public support in parliamentary elections³. Undoubtedly, the leading position of the people was due to greater political activity and awareness of the national rural community, but also an important determinant was the diversity of nationalities, where, for example, one in three inhabitants of the Lublin voivodeship was of non-Polish origin, and more – one in four was Ukrainian⁴.

On 17 March 1921 the Sejm adopted a new constitution, called the March Constitution. It assumed that the authority in the Republic belongs to the people. On the issue of citizens' rights, national minorities were granted the status of Polish citizens, and Article 109 ensured that "every citizen has the right to preserve his or her nationality and to cultivate his or her speech and national characteristics"⁵. Following the constitutional amendment of 2 August 1926, which amended and at the same time supplemented the March Constitution, presi-

1 H. Chałupczak, T. Browarek, *Mniejszości narodowe w Polsce 1918-1995*, Lublin 2000, p. 52.

2 A. Bocheński, *Śmiertelne niebezpieczeństwo żydowskie*, "Polityka" 1937, no. 28.

3 Cf. T. Rzepecki, *Sejm Rzeczypospolitej Polskiej w 1919 roku*, Poznań 1920, pp. 143-158; T. and W. Rzepeccy, *Sejm i Senat Rzeczypospolitej Polskiej 1922-1927*, Poznań 1928, pp. 120-132, 213-230; K. and T. Rzepeccy, *Sejm i Senat 1928-1933*, Poznań 1928, pp. 20-65.

4 Cf. *Statystyka Polski do Sejmu i Senatu 16 i 23 XI 1930 oraz zestawienie wyników wyborów do Sejmu z 16 XI 1930 r. na terenie woj. lubelskiego*, Warszawa 1935.

5 Constitution of the Republic of Poland of 17 March 1921, Journal of Laws 1921, no. 44, item 267.

dential law-making was increasingly in conflict with parliament. The brutalization of political struggle reached an apogee in the 1930s. The ruling camp drafted a new draft constitution that strengthened the president's prerogatives. It was passed on 23 April 1935, and, although the Montesquieu tripartite power-share was abandoned, citizens were guaranteed full rights⁶.

After the outbreak of World War II on 1 September 1939, Adolf Hitler announced a few years earlier the implementation of the policy of extermination towards the Jewish population, which was also directed at the Slavs⁷. According to the Ribbentrop-Molotov Pact of 23 August 1939, Polish lands between Bug and Vistula were to be under the occupation of the Soviet Socialist Republics (USSR). On 28 September, both Nazi Germany and the USSR made an adjustment to the area of influence⁸. On October 12, 1939, the German occupiers formed the General Government (GG), which consisted of four districts (later five): Lublin, Radom, Warsaw and Krakow, and in 1941 Lviv was added. The main objective of the GG was the exploitation of the population and robbery for the benefit of the Third Reich. In GG, the process of "non-denial" was spread over time; in addition to the General East

6 The Act, known as the "August Amendment" of 2 August 1926, Journal of Laws 1926, no. 78, item 442; Constitution of the Republic of Poland of 23 April 1935, Journal of Laws 1935, no. 30, item 227.

7 R.C. Lucas, *Zapomniany holocaust: Polacy pod okupacją niemiecką 1939-1944*, Poznań 2017, pp. 14, 15 and next.

8 Secret Additional Protocol to the Non-Aggression Pact between Germany and the Soviet Union, Moscow, 23 August 1939, doc. no. 229, pp. 206-207. The content of the secret protocol contained the following content: "On the occasion of the signing of the non-aggression pact between the German Reich and the Union of Soviet Socialist Republics, the undersigned representatives of both Parties raised in a strictly confidential discussion the issue of demarcation of the spheres of interest of both Parties in Eastern Europe. The results of the discussion are as follows: 1. In the case of territorial-political transformations in the Baltic States (Finland, Estonia, Latvia, Lithuania), 'Lithuania's northern border will also be the border of the spheres of interest of Germany and the USSR. On this occasion, both Parties recognise Lithuania's interest in the Vilnius region. 2. In the case of territorial-political transformations in the territories belonging to Poland, the spheres of interest of Germany and the USSR will be demarcated approximately along the lines of the Narva, Vistula and Sanu rivers. The question whether the interests of both Parties will make it desirable to maintain an independent Polish state and how its borders will proceed can only be definitively clarified as the political situation further develops. In any case, both Governments will consider this issue through a friendly agreement. 3. With regard to Southern Europe, the Soviet side underlines its interest in Besarabia. The German side reports a complete lack of political interest in these areas. 4. Both Parties shall consider this Protocol to be top secret. Moscow, 23 August 1939 Under the Government of the German Reich v. Ribbentrop, Under the authority of the Government of the USSR W. Molotov", *ibid.*

Plan in Zamojszczyzna, the territory was developed east of the pre-war border of Germany. Between 1941 and 1942, Heinrich Himmler's plan was drawn up by Heinrich Himmler, which adopted the following assumptions: displacement, deportation of about 87% of the population, eventually displacement to Siberia, Germanization of the remaining population, colonization of Zamojszczyzna, and extermination in German death camps⁹.

After 1945 Poland in its new territorial shape had become an almost one-nation state. After the end of World War II, the authorities of the Polish State believed that the national minorities remaining within its new borders should be marginalised and subjected to the assimilation process. These assumptions were intended to forcibly displace the German and Ukrainian populations and to reduce the activity of other minorities¹⁰. After 1945, the doctrine of the ethnically homogeneous nature of the state had a propaganda significance: in this way, it was justified to return the so-called Western lands (or "Piast" lands) to ethnic borders. Moreover, the new legislation, namely the Declaration of the Legislative Sejm of 22 February 1947 and the Constitution of 22 July 1952 in the chapters on civil rights and freedoms, did not contain any mention of national minorities, which did not appear until 1956. After 1956, the authorities officially allowed minorities to create Socio-Cultural Societies (TSK), e.g., the Ukrainian Social and Cultural Society¹¹.

Of seminal importance in the life of national minorities, including the Lykowska population, in Poland after World War II were the late 1980s. In December 1988, a Commission for Cooperation with National Minorities was established. On 2 August 1989, the Sejm Committee of National and Ethnic Minorities was established, chaired by Jacek Kuroń from the Freedom Union (UW)¹². In December 1989, the Office for National Minorities of the Ministry of Culture and Art was established, under the direction of Bogumiła Berdychowska. There is no

9 D. Malec, J. Malec, *Historia administracji i myśli administracyjnej*, Kraków 2000, pp. 189-190.

10 S. Łodziński, *Polityka wobec mniejszości narodowych i etnicznych w Polsce w latach 1945-2008* [in: *Mniejszości narodowe i etniczne w Polsce po II wojnie światowej*, S. Dudra, B. Nitschke (eds.), Łódź 2010, p. 17.

11 H. Chałupczak, T. Browarek, op. cit., pp. 280-285.

12 Archiwum danych o posłach, <http://orka.sejm.gov.pl> [01.11.2020].

doubt that since 1989 new canons and values of national politics have been created in Poland. The direction of these changes was given by the first non-communist Prime Minister, Tadeusz Mazowiecki. In his parliamentary speech, he stressed that Poland is not only a country-homeland for Poles and that no citizen can be discriminated against, and that freedom of religion is a natural and inalienable human right. At the same time, he stressed the desire to care for the cultivation of language, the culture of individual minorities, which thus enriches the whole community¹³. It should be added that, after 1989, the issue of national minorities and ethnic groups was not among the key issues for the policies of Polish political parties¹⁴. It was not until the 1990s that a radical change took place in the state's policy towards minorities. The minority law was introduced into the Constitution and articles on the protection of minorities were included in all bilateral agreements with neighbouring countries¹⁵. Currently, there are about one million people belonging to minorities in Poland, and they make up about 2.6% of the total population of the Polish state¹⁶.

The aim of this study is to analyse the political and legal situation of national and ethnic minorities in Poland after the 1989 parliamentary elections in 2015. It will also be very important to try to answer the question of the scale of their political activity and the effectiveness of their efforts to preserve their identity in conditions of respect for citizens' rights. In addition, it is worth looking at the issue of the relationship of Polish political parties to the issues related to national and ethnic minorities. From a methodological point of view, in order to find answers to the above research questions, this article is based on a critical analysis of documents, including the programme and electoral decisions of the leading political parties after 1989 until 2015, when four political groups formed the largest bodies in the 8th legislature, i.e., Law and Justice (PiS), Civic Platform (PO), Modern and Polish People's Party (PSL).

13 Z. Domarańczyk, *100 dni Mazowieckiego*, Warszawa 1990, pp. 144-145.

14 More: M. Kozera, *Mniejszości narodowe i grupy etniczne w programach polskich partii parlamentarnych* [in:] *Narody, mniejszości narodowe, religijne, grupy etniczne i ich miejsce we współczesnych państwach*, I. Rycerska, M. Gołoś (eds.), Chełm 2018, p. 151.

15 M. Budyta-Budzyńska, *Mniejszości narodowe – bogactwo czy problem?*, Warszawa 2003, p. 23.

16 Cf. H. Chałupczak, T. Browarek, op. cit., p. 317; A. Rzepliński, *Położenie mniejszości narodowych w Polsce* [in:] *Ochrona mniejszości narodowych i religijnych*, Z. Hołda (ed.), Lublin 1993.

1 • Concept and legal status of national minorities and ethnic groups in Poland and Europe

First of all, it should be emphasized that there is no universally recognized definition of a “national minority”. However, the lack of a definition is not a barrier to the development of a system for the protection of minority rights. The term “national minorities” refers to groups of nationals of a country which distinguish themselves from the dominant part of society by their nationality¹⁷. In turn, in another study it was proposed that the term “national minorities” should be used to describe “all ethnic and national groups and national factions that do not have their own statehood in the area of the discussed state, and are characterized by a developed sense of ethno-group distinctiveness and striving to preserve it, which finds its right in cultivating language, traditions, beliefs and in various forms of active emphasizing and demonstrating this distinctiveness”¹⁸.

Geopolitical changes and democratization of the political system in Central and Eastern Europe at the turn of the 80s and 90s of the twentieth century led to the establishment by the Sejm of the tenth term of office, the Sejm Committee on National and Ethnic Minorities. Institutional solutions were found consisting of shifting the financing of organizations and their cultural activities from the Ministry of the Interior to the Ministry of Culture and Art. In state policy, there was primarily a “depoliticization” of the issue of national minorities. The acceptance of minorities in state politics had not only a symbolic meaning, but above all a practical one for the people belonging to these communities themselves. It gave them the opportunity to emancipate and empower and to take action to develop their ethnic cultures. Minorities could also enjoy legal and financial protection in this area¹⁹.

Three stages of the evolution of minority policy should be mentioned. The first, lasting until the end of the 90s, was the formation of legal regulations of minorities, the second the adoption of a special law on minorities (January 2005), and the third the implementation of this law. In addition to international obligations resulting from

17 H. Chałupczak, T. Browarek, op. cit., p. 14.

18 J. Byczkowski, *Mniejszości narodowe w Europie 1945-1974*, Opole 1976, p. 21.

19 H. Chałupczak, T. Browarek, op. cit., p. 288.

bilateral international agreements, Poland also adopted a number of obligations resulting from ratified multilateral conventions on the protection of human rights and minorities within the framework of the United Nations (UN) and the Council of Europe. Poland was also an active party within the Organisation for Security and Cooperation in Europe (OSCE), whose standards for the protection of national and ethnic minorities have been used in the system of bilateral treaties²⁰.

The most important act in which the rights of national and ethnic minorities in Poland are regulated is the Constitution of the Republic of Poland (RP). The Constitution prohibits discrimination and the existence of organizations whose program or activities presuppose or encourage racial and national hatred. It also extensively describes the rights related to the freedom of religious beliefs. In parliament, the issues of national and ethnic minorities are dealt with by a separate Sejm committee, the Sejm Committee on National and Ethnic Minorities in Warsaw. Its main tasks include the preservation of the cultural heritage of national and ethnic and linguistic minorities, as well as their rights. Within the government, there is an Interministerial Team for National Minorities, within which there is a Sub-Team for Education of National Minorities, a Team for National Minorities. It continues the activities undertaken by the previous organization, within which operates the Sub-Team for the Education of National Minorities, the Department of National Minorities of the Department of Religions, the Ministry of the Interior and Administration – the scope of its activities includes a number of initiatives, the Department of Culture of National Minorities of the Ministry of Culture²¹.

The constitutional laws in force so far have established the general legal protection of the individual in the form of civil rights. Prior to the entry into force of the present Constitution of 2 April 1997, the provisions of the chapter of the Constitution of 1952 dealing with the fundamental rights and duties of citizens remained in force²². Article 41 of the current Constitution refers to “personal freedoms and

20 S. Łodziński, *op. cit.*, pp. 24-27.

21 H. Chałupczak, T. Browarek, *op. cit.*, p. 265.

22 Constitution of the Republic of Poland of 2 April 1997, *Journal of Laws of 1997*, no. 78, item 483; Constitution of the Polish People's Republic of 22 July 1952, *Journal of Laws of 1952*, no. 33, item 232.

rights” and individual personality rights, and it also contains provisions directly related to personal rights. The protection of individual personality rights has been raised by the legislature to the rank of constitutional principles. This is all the more significant since the constitutional provisions on civil rights and obligations form the basis for the recognition of further personal rights. Human rights and personal rights therefore have a primarily protective function, the content of which is the protection of goods important for the life and development of the individual²³.

In accordance with the Act of 6 January 2005 on national minorities and ethnic and regional language in Article 2 point 1, “a national minority is a group of people who meets the following conditions:

- is less numerous than the rest of the Polish population;
- is significantly distinguished from other citizens by language, culture or tradition;
- seeks to preserve its language, culture or traditions;
- is aware of its own historical national community and is focused on expressing and protecting it;
- its ancestors have lived in the present territory of the Republic of Poland for at least 100 years;
- equates with a nation organized in its own state”²⁴.

In article 2(2) of the abovementioned Law, the following minorities are considered to be national minorities: Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish. On the other hand, it considers the Karaims to be ethnic minorities, along with Lycovska, Roma, and Tatar²⁵.

In Europe, the most important act regulating the rights of national minorities is the Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995. Poland signed it in 1995 and ratified it on 10 November 2000, and the Polish State

23 Z. Radwański, *Prawo cywilne – część ogólna*, Warszawa 1993, p. 122.

24 Act of 6 January 2005 on national and ethnic minorities and regional language, Journal of Laws of 2005 no. 17, item 141, art. 2 point 1.

25 Act of 24 June 2014 amending the Act on National and Ethnic Minorities and on regional language and the Act on Government Administration Departments, Journal of Laws of 2014, item 829.

became a party to the Convention on 1 April 2001²⁶. On 12 May 2003, Poland also signed the European Charter for Regional or Minority Languages, drawn up in Strasbourg on 5 November 1992, which has been in force since 1 June 2009²⁷. The European continent is ethnically, linguistically, culturally and religiously diverse. Modern European law undoubtedly, on the one hand, treats the protection of members of national minorities as the protection of universal human rights and, on the other hand, contains specific provisions on the protection of the rights of persons belonging to national minorities²⁸. Concerning the perception of national minorities and the scope of their protection, there is a conflict between states, e.g., in relations between Poland and Lithuania in the context of the treatment of the Polish minority in Lithuania²⁹.

2. The policy of the authorities of the Third Republic of Poland towards national minorities after 1989

In the first years of the political transformation in Poland, i.e., after 1989, there was a positive conviction that, despite the repressive policy of the communist authorities and the imperial moves of the USSR, it was possible to preserve the national and cultural identity, and the newly created Polish state – the Third Polish Republic, would meet the challenges and ensure the security of citizens in all respects. However, the geopolitical relocation in the circle of European culture has caused a number of controversies and concerns. There was a sense of danger to identity, which was most often articulated in the journalism of the national and conservative movement³⁰.

26 Polish text of the Framework Convention for the Protection of National Minorities, Journal of Laws of 2002, no. 22, item 209; G. Janusz, P. Bajda, *Prawa mniejszości narodowych. Standardy Europejskie*, Warszawa 2000, pp. 44 and 47.

27 Polish text of the Charter of Regional or Minority Languages, Journal of Laws of 2009, no. 137, item 1121; G. Janusz, P. Bajda, op. cit., p. 47.

28 A. Sakson, *Mniejszości narodowe i etniczne w Polsce i w Europie: aspekty polityczne i społeczne*, Toruń 2014, p. 34.

29 M. Barwiński, *Polish Interstate Relations with Ukraine, Belarus and Lithuania after 1990 in the Context of the Situation of National Minorities*, "European Spatial Research and Policy" 2013, no. 1, p. 8.

30 Cf. M. Strutyński, *Religia i naród. Inspiracje katolickie w myśli ruchu narodowego we współczesnej Polsce 1989-2001*, Kraków 2006, p. 388; S.P. Huntington, *Zderzenie cywilizacji*, Warszawa 1997, p. 13.

In the Third Republic of Poland, the aspirations of the ethnic group, the Lemkos, were reborn. The policy of the Third Republic of Poland towards the Lemko minority was divided due to the fact that there were Lemkos-Ukrainians and Lemkos-Ruthenians, which made it difficult for the Polish state to create a coherent ethnic policy. Disputes between these factions of the Lemko population date back to the times of the Second Polish Republic. The period of political transformation also triggered the activity of the Lemko population. Already on February 5, 1989, the founding meeting of the Lemko Association was held in Legnica, and on March 5, the statute was adopted, and the Founding Board was elected, headed by Andrzej Kopcza. The association was to be the first post-war Lykovo organization. Its main goal was to integrate the Lemko population regardless of religious views and beliefs, to nurture, develop and disseminate the spiritual and material culture of the Lemkos, to teach the Lemko language, to popularize the history of the Lemkos, as well as to know about the life and activities of the Lemkos outside the country. The Association was the organizer or co-organizer of many cultural events³¹.

In the 1990s, it was important for the issue of national minorities in Poland to conclude good neighbourly cooperation agreements with all neighbouring states, which contained minority clauses³². In 1989, the government of Tadeusz Mazowiecki undertook talks with Chancellor Helmut Kohl on the issue of the German minority in Poland. Both sides pledged to help develop and preserve cultural identity. The next stage of minority commitments was the work and joint arrangements for the Polish-German Treaty on Good Neighbourliness and Friendly Cooperation, which was signed in Bonn on 17 June 1991³³. The conclusion of this treaty contributed to the strengthening of mutual relations and, what is important for the Polish side, levelled nationalist sentiments. Other treaties concluded with other countries, such as Ukraine on 18 May 1992 in Warsaw; the Treaty on Good Neighbourhood, Friendly Relations and Cooperation, had a similar significance³⁴.

31 L. Filipiak, *Społeczno-polityczna sytuacja Łemków w III RP*, Toruń 2013, p. 218.

32 H. Chałupczak, T. Browarek, op. cit., p. 289.

33 Ibid.

34 Treaty between the Republic of Poland and Ukraine on Good Neighbourhood, Friendly Relations and Cooperation, drawn up in Warsaw of 18 May 1992, *Journal of Laws of 1992*, no. 125, item 573.

In the case of the Ukrainian minority, there have been numerous historical misunderstandings. They concerned the way in which the Ukrainian minority commemorated the Ukrainian insurgent army (UPA) fighters who contributed to the genocide of many Polish citizens in Volynia between 1943 and 1944³⁵. However, in relation to the Jewish diaspora, there were demands for the return of property from dead ancestors who died during the German occupation and were Polish citizens. This problem intensified during the coalition government of Jerzy Buzek's 1997-2001 Electoral Action Solidarity – Freedom Union and from time to time, with minor interruptions, appears in the political discourse³⁶. In the case of the Belarusian minority, conflict with the Polish majority is caused by the persecution of the Polish minority in the Belarusian state³⁷. The situation is similar for the Russian minority, where relations are dominated by contentious issues between Poland and Russia. They mainly concern historical issues, as well as the membership of Poland in NATO³⁸.

Between 1994 and 1997, a number of bilateral agreements were concluded, making Polish-Lithuanian relations a strategic partnership, which is particularly evident in cooperation on the implementation of common political priorities – membership of the North Atlantic Pact (NATO) and the European Union (EU). It is worth remembering that the first document regulating relations between Poland and Lithuania in the new geopolitical realities was the Polish-Lithuanian Declaration of 1992. States also cooperate in regional groups and organisations (CEFTA, Baltic Sea Council). Contentious historical and national minority issues have had a relatively strong impact on relations, especially in the 1990s, although they now play an equally important role³⁹.

35 Cf. H. Chałupczak, T. Browarek, op. cit., p. 290; G. Motyka, *Od rzezi wołyńskiej do akcji "Wisła". Konflikt polsko-ukraiński 1943-1947*, Kraków 2011, p. 447.

36 E. Kurek, *Poza granicą solidarności: stosunki polsko-żydowskie 1939-1945*, Kielce 2006.

37 Forum.poranny.pl, <https://forum.poranny.pl/przesladowanie-polakow-na-bialorusi> [01.11.2020].

38 M. Łakomy, *Główne problemy w stosunkach polsko-rosyjskich na początku XXI wieku* [in:] *Stosunki Polski z sąsiadami w pierwszej dekadzie XXI wieku*, M. Stolarczyk (ed.), Katowice 2011, pp. 69-112.

39 P. Turczyński, *Bezpieczeństwo europejskie. Systemy, instytucje, funkcjonowanie*, Wrocław 2011, pp. 159-169. It should be added that relations were "frozen", due to the dispute over the rights of the Polish minority in Lithuania after 2010, at the highest level of Vilnius and Warsaw were normalized only at the beginning of 2018.

Relations with the Czech Republic and Slovakia are stable; there are actually no major misunderstandings and conflicts, especially with regard to the Czech or Slovak minority in the territory of the Polish state and vice versa. Cooperation was strengthened when the Czech Republic and Slovakia, together with Poland, jointly sought accession to the EU and NATO (to which Slovakia nevertheless acceded five years later than the Czech Republic and Poland). In addition, all three countries mentioned above cooperate within the Visegrad Group⁴⁰.

The coalition governments of the PO-PSL, which gained support in two terms and lasted in power continuously for 8 years (2007-2015), developed a common position on the issue of national minorities, supporting the equality of all citizens regardless of gender, origin, beliefs, etc. During the integration period, PO took a very clear position on this issue, tried to reconcile traditions and modernity and find or strike a balance between the global and national spheres, taking into account local and regional distinctness. These positions were not intended to absorb native culture by following foreign models, but by broadening the knowledge of Polish history and cultivating national traditions, including the culture of national and ethnic minorities⁴¹.

After the entry of Poland into NATO in 1999, during the government of Jerzy Buzek in the years 1997-2001 and the Electoral Action Solidarity (AWS) with the University of Warsaw, new opportunities appeared in the eastern orientation of Poland's foreign policy. It seemed that in the new conditions it would be easier to implement the basic and unchanging goals of Polish policy in relation to the eastern neighbourhood. It was mainly about establishing good neighbourly relations with the countries of Eastern Europe, providing Poland with a sense of security and the implementation of economic interests. Another goal was the perpetuation of geopolitical pluralism in Eastern Europe, the

40 Cf. B. Góralczyk, *Współpraca Wyszehradzka: geneza, doświadczenia, perspektywy*, Warszawa 2009; A. Czyż, S. Kubas, *Państwa Grupy Wyszehradzkiej: pomiędzy przeszłością a teraźniejszością. Wybrane aspekty polityki wewnętrznej i zagranicznej*, Katowice 2014, p. 168; W. Gizicki, *O zasadności istnienia Grupy Wyszehradzkiej*, "Rocznik Instytutu Europy Środkowo-Wschodniej" 2013, no. 1, p. 44; Ch. Walsch, *Fostering EU enlargement. Is the Visegrad Group a credible advocate?*, "Donau-Institut Working Paper" 2014, no. 29, p. 1.

41 G. Radomski, *Bezpieczeństwo kulturowe w polskim dyskursie politycznym po 1989 roku* [in:] *Bezpieczeństwo Europy – bezpieczeństwo Polski*, vol. 2, E. Maj, W. Sokół, K. Mazurek, A. Szwed-Walczak (eds.), Lublin 2016, p. 320.

independence of the states created after the dissolution of the USSR. In addition, the important interest in bilateral relations was to develop a pro-European orientation in the internal and foreign policy of Belarus and Ukraine and to establish partnerships with Russia⁴².

During the coalition government of Leszek Miller in 2001-2004 there was a significant turn in the internal and external policies of the Polish state, i.e., the admission of Poland to the EU, which was mostly welcomed by Polish society with enthusiasm, including by national and ethnic minorities, which led to positive change. The effect did not take long, because already in 2004 consultations and work on the draft law on national and ethnic minorities was accelerated, which resulted in its adoption in 2015. The project was prepared by a group of deputies, headed by Eugeniusz Czykwin (SLD)⁴³.

During the rule of the Law and Justice party in 2005, the law on national and ethnic minorities and on the regional language was passed, which was undoubtedly a good move in the matter of national and ethnic minorities in Poland, but ultimately did not bring a solution to all important problems. Chapter 8 of the Law provides that minorities are guaranteed the freedom to use the language of minorities, including in the case of official matters, i.e., in addition to the official language, the use of the minority language as an auxiliary, provided that “the population of the minority municipality is not less than 20% of the total population”. By contrast, in Article 12, the provision concerns the introduction of additional traditional names in a minority language in addition to “official names of towns and physiographic objects and street names”⁴⁴. In addition, chapter four of the Act indicates governmental bodies for national and ethnic minorities. The body of government administration in matters covered by the Act is a minister competent for religious denominations and national and ethnic minorities (Article 21) and a voivode (Article 22). In addition, the Joint

42 The assumptions of the security policy in the so-called post-Soviet area were the basis for the development of the subsequent Eastern Partnership Project; vide: T. Stępniewski, *Partnerstwo Wschodniej Unii Europejskiej: między realizmem a rozczarowaniem*, “Rocznik Instytutu Europy Środkowo-Wschodniej” 2012, no. 2, pp. 15 and next.

43 Sejm: bill on national minorities – to committee, <https://dzieje.pl/kultura-i-sztuka/sejm-projekt-ustawy-o-mniejszosciach-narodowych-do-komisji> [01.11.2020].

44 Act of 6 January 2005 on national and ethnic minorities and regional language..., Articles 8 and 12.

Commission of the Government and National and Ethnic Minorities was established as an opinion-giving and advisory body of the Prime Minister, hereinafter referred to as the “Joint Commission”. The Joint Commission of the Government and National and Ethnic Minorities consists of m.in, representatives of government administrative bodies, and representatives of minorities⁴⁵. Currently, Poland is entering a new stage of change. Exemplifying the above argument, it should be added that, in addition to national and ethnic minorities, new ethnic groups such as Kashubians or Silesians are included⁴⁶.

Representatives of minorities request, or even demand, the dissemination of cultural values and subsidise the cultural centres of individual national and ethnic minorities; even though the law on national and ethnic minorities and the regional language guarantee the implementation of cultural policy, in practice it is sometimes quite different⁴⁷. The statutory provisions leave complete freedom in this respect to local government units, which means that they are not obliged to transfer funds to cultural associations or institutions representing individual national and ethnic minorities⁴⁸. The electoral victory of AWS in 1997 and the formation of the AWS government coalition with the University of Warsaw accelerated work on the draft law on local government. At the Party Congress in 1998, the University of Warsaw put forward proposals to extend the tasks of the municipal government, e.g., in the field of social assistance or assistance to the disabled and culture. Other political groups such as the SLD and UP have also stressed the need not to limit the powers of local authorities, such as municipalities. Moreover, in the case of the discourse on the draft law on the income of local authorities, there have been quite turbulent debates on the issue of subsidies. A group of Members representing minorities has requested an increase in the educational part of the general subsidy. It was proposed to increase the reserve from 0.5% to 1%. This motion received the support of the required major-

45 Ibid., art. 21-24.

46 Kashubians and Silesians are not included in the official register of national minorities and are recognized only as ethnic groups.

47 Ibid., art. 18, paragraph 4.

48 Act of 8 March 1990 on municipal self-government, Article 7, Point 9.

ity in the Sejm; 260 deputies voted in favour of its adoption, including the majority from the AWS⁴⁹.

Thus, municipalities could make use of the competencies of local action groups (LAGs), which operate on the basis of the provisions of the Law of 7 April 1989 Law on Associations and the Act of 7 March 2007 on support for rural development with the allocation of funds from the European Agricultural Fund for Rural Development. These associations aim at rural development activities, including initiatives related to the development of regional products, tourism, entrepreneurship, human resources, civil society, preservation of cultural heritage, and promotion of rural areas⁵⁰. LAGs carry out projects and allocate an appropriate envelope to them. In the framework of so-called small projects, they undertake various activities relating in particular to local heritage, cultural events, historical events, the development of tourism, the creation, processing and introduction of products and services based on local resources, traditional economic sectors or local cultural, historical or natural heritage. The LAG shall make the selection in accordance with Article 62(4). Regulation No 1698/2005⁵¹.

The activities carried out by local authorities have a significant impact, not only on rural development, but also on the promotion and improvement of the life of local communities, including those of non-Polish nationality. Does the local government sit down with the appropriate legal instruments? This question must be answered in the affirmative, as it results from the tasks contained in the laws. In addition, local governments determine the appropriate directions of activities independently by planning tasks, which are then included in development strategies. The lower the level of local government, the greater the possibility of developing a particular area. The tasks imposed on local authorities define only their basic scopes, but the choice of measures remains the responsibility of local governments, which are

49 Results of votes, Shorthand report on the 36th sitting of the Sejm of the Republic of Poland on 26 November 1998, www.sejm.gov.pl [01.09.2018]; Act of 26 November 1998 on the income of local government units in the years 1999-2000.

50 Law of 7 April 1989 Law on Associations; Act of 7 March 2007 on support for rural development.

51 Regulation of the Minister of Agriculture and Rural Development of 8 July 2008 on the detailed conditions and procedures for granting and paying financial aid under the measure "Implementation of local development strategies" covered by the Rural Development Programme for 2007-2013.

familiar with the specificities of the region or the needs of residents⁵². The baggage of historical experience and the unique cultural heritage of individual national and ethnic minorities should become an asset of cultural policy, not only on a regional scale, but also nationwide.

The expected support of individual minorities in the field of cultural policy would be to equip them with an important tool, which could be cultural institutions of minorities. This problem has been repeatedly pointed out by representatives of various minority communities. Secretary General of the TSK Slovaks in Poland, Ludomir Militoris, who sent a letter to the chairman of the Sejm Committee on National and Ethnic Minorities MP M. Ast (PiS). In addition, a proposal was made that, in accordance with Article 21(1)(8a) of the Broadcasting Act of 29 December 1992, the tasks of public broadcasting resulting from the implementation of the public service mission should include, in particular: taking into account the needs of national and ethnic minorities and the community using the regional language, including the broadcasting of news programs in the languages of national and ethnic minorities and the regional language⁵³.

In 2011, work began on amending the content of the Law on National and Ethnic Minorities, in which Members from different groups presented proposals for change. Thus, led by the Chairman of the Committee on National and Ethnic Minorities, Mr Ast (PiS), successive speakers proposed amendments and consideration of selected aspects concerning minorities. The meeting was attended by Dietmar Brehmer, President of the German Community “Reconciliation and Future”, together with colleagues. The first to speak was Marek Plura (PO), who said that the change concerns the inclusion of the status of a regional Silesian ethnolect language and its inclusion, in addition to Kashubian, as the second language protected by law⁵⁴. In the next part there was a presentation of arguments and expert opinions by selected specialists from various academic centres in Poland.

52 Act of 8 March 1990 on municipal self-government...; Act of 5 June 1998 on district self-government; Act of 5 June 1998 on the self-government of the voivodship.

53 Letter of 22 July 2011 to MP Marek Ast (PiS), Chairman of the Sejm Committee on National and Ethnic Minorities, <http://www.sejm.gov.pl> [1.11.2020].

54 First reading of the Deputies' bill amending the Act on National and Ethnic Minorities and on the Regional Language (paper 3835) during the meeting of the Committee on National and Ethnic Minorities of 27 July 2011, <http://orka.sejm.gov.pl> [1.11.2020].

The government's position was unequivocal, i.e., it did not support the opinion of the applicants who sought to recognise the Ślązaks as an ethnic minority, and instead the Ślązaks were found to be one of the Polish ethnographic groups using the dialect. Some negative consequences have also been highlighted with regard to the separation of that group, namely the avalanche of further conclusions by other ethnographic groups⁵⁵.

The efforts of Members and representatives of national minorities have produced the expected result in the form of amendments to the Law on National and Ethnic Minorities and the Regional Language, resulting in the adoption of an amendment to the Law on National and Ethnic Minorities and on the Regional Language and the Act on Government Departments⁵⁶. The bill was adopted at the meeting of the Committee on National and Ethnic Minorities No. 101 of 25 September 2015, and the content contained some changes also in relation to other acts, e.g., on broadcasting⁵⁷.

In 2015, the parliamentary elections were won by PiS, which won a majority large enough that there was no need to form a coalition with any other party. The earlier victory in 2005, during the governments of Kazimierz Marcinkiewicz (2005-2006) and Jarosław Kaczyński (2006-2007) and the conclusion of a coalition with Samoobrona and the League of Polish Families (LPR), did not fundamentally change the concept of the PiS party, perhaps only limited selected decisions, but not in the matter of civil rights, including national minorities. The ideology of the party contained elements taken mainly from the conservative trend, but also from Christian democracy. This party considered Catholic and national values to be the basis of the Polish state. Some of the activists, like leading politicians of the Christian-National Union (ZChN), referred to the Legacy of the Endecs⁵⁸. In the PiS programming material 2007-2009, issues concerning national and ethnic minorities were treated incidentally. The only thread in the material

55 Government position to print no. 27, <http://www.sejm.gov.pl> [1.11.2020].

56 The Act amending the Act on National and Ethnic Minorities and on the Regional Language and the Act on Government Administration Departments...

57 Print No. 3545, <http://www.sejm.gov.pl> [1.11.2020]; Act of 29 December 1992 on broadcasting.

58 E. Maj, *Narodowa Demokracja* [in: *Więcej niż niepodległość. Polska myśl polityczna 1918-1939*, J. Jachymek, W. Paruch (eds.), Lublin 2005, pp. 140-142.

that paid a little more attention to minority issues was the attitude of Ślązaks and the issue of Silesia. The manifestation of Silesia, as well as to some extent the political activity of the German minority, in the perception of PiS represented a break from Polishness. At the 2015 Program Convention, PiS did not return to this subject, but focused on the cooperation of the Polish state with the Polish diaspora and Polish national minorities⁵⁹.

3. Participation of national minorities in parliamentary elections

Parliamentary activities have been an important area for national minorities to present and pursue their own political interests. An analysis of political fluctuations among national minorities has led to the following conclusions. Undoubtedly, the degree of political institutionalisation of minorities has been clearly influenced by the electoral system. States sometimes introduce electoral preferences for minorities to help these groups gain political representation and find themselves in representative bodies, and Poland is one of the few countries in Europe where national minorities have electoral preferences and benefit from them. However, this does not mean that all citizens, including political organizations, have a similar state of affairs⁶⁰. Against the electoral preference of minorities were: PSL, ZChN, the Confederation of Independent Poland (KPN) – Homeland, the Catholic-National Movement of Antoni Macierewicz, and “Self-Defense”. However, despite the privileges, there was no permanent institutionalization of minorities at the state level⁶¹.

In the early 90s, when all minorities formed their own organizations and associations, they ran for election with their own committees, and some of them achieved the expected results. The following years brought a noticeable decrease in the number of voters voting for minority committees, and consequently a decrease in political representation at the national level. Individual minorities in subsequent

59 Program PiS in 15 points, <https://www.pb.pl> [31.08.2020]; *Mysłqc Polska – Konwencja PiS 2015. Materiały Konferencyjne*, Warszawa 2015.

60 H. Chałupczak, T. Browarek, op. cit., pp. 297-312.

61 M. Budyta-Budzyńska, op. cit., p. 113.

elections gave up their own elections, and in 2001 only the German minority set up their own electoral committees, and only regional ones. There has been a gradual decline in the participation of national minorities in political life⁶².

National minorities for the first time since World War II put their representatives up in the elections in June 1989. The electoral law for the Contract Sejm did not provide for any preferences for minority candidates, but the Social and Cultural Societies (TSK) legally existing in the communist era and the new minority organizations created in the late 80s formed their own election committees and elected representatives. In the Sejm of the tenth term sat a Ukrainian running from the Civic Committee "Solidarity", Włodzimierz Mokry, and a Belarusian, Eugeniusz Czykwini, who was associated with the Christian Social Union⁶³. In 1990, in a by-election, there was a political rivalry between the electoral staffs of Henryk Kroll, a representative of the German minority, and Prof. Dorota Simonides, a candidate of the Civic Movement of Opole Silesia, representing the Silesian regional option and the Polish national option. In the first round, H. Kroll won, but did not get enough votes to win the seat, and in the second round D. Simonides won⁶⁴.

In the 1st legislature of the Sejm, the Electoral Code of 1991 granted national minority committees certain preferences, which consisted in facilitating the registration of district and national electoral lists and suspending the provision on the distribution of national seats. As a result, the German Minority Electoral Committee was able to add one additional representative from the national list. The senate election did not include, as did subsequent elections, electoral preferences for national minority committees. In the elections to the Sejm in 1991, five election committees of national minorities took part. The German and Belarusian minorities formed two election committees each. One electoral committee was set up by representatives of four minorities: Lithuanian, Slovak, Ukrainian and Czech⁶⁵.

62 *Ibid.*, p. 114.

63 H. Chałupczak, T. Browarek, *op. cit.*, pp. 309-310.

64 M. Budyta-Budzyńska, *op. cit.*, pp. 122-123.

65 These were the following committees: The National Electoral Committee of the German Minority "German Minority"; Electoral Bloc of National Minorities representing the Lithuanian, Slovak,

In the end, 7 deputies and 1 senator of the German minority sat in the Sejm of the first term. Representatives of minorities cooperated during this term of office with political groups that formed successive governments. They maintained the closest contacts with the so-called small coalition, which included the Democratic Union, the Liberal Democratic Congress and the Polish Economic Agreement. They supported the government of Hanna Suchocka. Subsequently, in the Second Legislature, the Legislature made it easier for minority committees to register lists nationwide, but abolished preferences in the registration of district lists. The German minority registered five constituency electoral committees and the Belarusian minority one. Eventually, the German Minority Circle still existed in the Sejm of the second term, although it consisted of four deputies and one senator. The Ukrainian minority did not obtain its representation, while an activist of the Belarusian TSK entered the Sejm. In the 1997 Sejm of the 3rd legislature the 1993 law was in force, only the boundaries of the⁶⁶. The German minority organized itself in six election committees, and some Ukrainians and Belarusians into one committee. Two German deputies sat in the Sejm: H. Kroll and H. Paździor, who joined the SLD club. From the SLD list, two leaders of the Belarusian SK Society got to the Sejm. In the Senate, none of the minority candidates won a seat. In the 4th parliamentary term, national minorities did not receive any preferences in the registration of lists, so only the German minority decided to register two regional electoral committees. Finally, after the 2001 elections, the Sejm included two representatives of the German minority and one Belarusian⁶⁷.

Based on the results of four consecutive rounds of parliamentary elections, it can be concluded that the number of people voting for national minority committees has been steadily decreasing. The decline in the electorate was influenced by a decrease in the activity of minority associations and organizations, as no proposals were formulated for solutions to problems concerning specific professional and

Ukrainian and Czech minorities; Election Committee of the Orthodox; The German Electoral Committee of the Katowice Region at the German Working Community "Reconciliation and Future"; Belarusian Electoral Committee, vide: *ibid.*, pp. 124-125.

66 H. Chałupczak, T. Browarek, *op. cit.*, pp. 310-312.

67 M. Budyta-Budzyńska, *op. cit.*, pp. 130-133.

age groups, as well as demographic changes among minorities⁶⁸. Other factors are certainly the change in the electoral law, the nationwide situation, and changes on the political scene. The remaining minorities were less successful in the parliamentary elections than the German minority. The focus was more on selecting their own representatives in local authorities, e.g., the Ukrainian minority in the Warmińsko-Mazurskie Voivodship⁶⁹. In the next parliamentary elections, national and ethnic minorities did not record such a result as in the 90s; only individual people obtained seats, such as E. Czykwin (SLD)⁷⁰.

Conclusions

In central and eastern European countries, social, political and economic conditions were different from those in Western Europe. There was a noticeable discrepancy between the state and linguistic and cultural structures, and therefore the development of nations had to be different. Undoubtedly, legislation on minorities has been influenced by the historically shaped model of a nation dominating a particular part of Europe.

After 1989, the issue of national and ethnic minorities was not among the key issues for the politics of Polish political parties. However, despite the marginalisation, these issues were not completely ignored, as evidenced by important events, such as the ratification of the treaty with Germany in 1991, the adoption of the Constitution of 1997, or the discussion on the draft law on national and ethnic minorities, or the growing parliamentary and self-government activity of representatives of special national and ethnic minorities.

The documents examined did not find clear answers to the research questions raised in the introduction. Our understanding of the attitude of Polish political parties to the issues of national and ethnic minorities seems to be incomplete. It should be stressed, however, that none of them, at least at the programmatic level, had a comprehensive position on the issue of political and ethnic minorities.

68 H. Chałupczak, T. Browarek, op. cit., p. 316.

69 M. Budyta-Budzyńska, op. cit., p. 150.

70 *Dzieje.pl, Sejm: projekt ustawy o mniejszościach narodowych – do komisji*, <https://dzieje.pl/kultura-i-sztuka/sejm-projekt-ustawy-o-mniejszosciach-narodowych-do-komisji> [1.11.2020].

In recent years, a worrying phenomenon has been observed in the issue of national and ethnic minorities, which are racist and xenophobic crimes. This aspect applies both to European countries, but also to Poland. In addition, national governments often ignore the emergence of certain indications that may consequently lead to an escalation of the problem. They are expressed, for example, in slogans inciting or fomenting so-called racial, national, or ethnic hatred.

Another manifestation of animosity on the basis of nationality, which has also appeared in the press for several years and is discussed in the parliamentary forum, is all actions motivated by prejudices, which include glorifying crimes committed by totalitarian systems or denying the Holocaust. In the first case, controversy is aroused by the revival of the nationalist idea and the veneration of criminals of the German and Russian occupation, e.g., in Ukraine Stepan Bandera and members of the revolutionary faction of the Organization of Ukrainian Nationalists, who incited crimes against the Polish population and committed them together with the Ukrainian population in Volhynia in the years 1943-1944.

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