

NATIONAL AND ETHNIC MINORITIES IN POLAND ACCORDING TO THE CENSUS OF 2002 AND ITS INFLUENCE ON THE POLISH LEGISLATION CONCERNING MINORITIES

MARCIN GONDA

UNIVERSITY OF LODZ, POLAND

The fall of the iron curtain brought about the change in the situation of ethnic groups in Poland. According to the official statements of communist authorities, Poland was to be nationally homogenous. However, in the new democratic circumstances new ethnic groups appeared. They were not a result of immigration processes but had been indigenous to Poland's territory. When communism was gone, they could finally freely express their national (ethnic) aspirations.

National and ethnic differences became an issue of political and legal importance to Poland. Thus, one of the first goals of the democratic Polish authorities was to create minority regulations which would then protect their rights and specify the range of obligations towards the state. Despite that need, the law was not implemented. As it appeared later, the situation changed after the outcome of the national census of 2002.

The present article focuses on two important issues. First, the paper concentrates on the national structure of the Polish society in the light of the results of the census of 2002. Another issue that will be addressed here is the influence that the census had on the legislation concerning minorities.

HISTORICAL BACKGROUND

Throughout the centuries, Poland has been a country of various nationalities and religions. Before the final partition between Russia, Prussia and Austria in 1795, there existed the Polish-Lithuanian Commonwealth covering the territory of Poland, Lithuania, Belarus and Eastern Ukraine. The Poles constituted not more than 45 % of the country's inhabitants

(Maryański 1998, 18). After regaining independence in 1918, Poland remained a multinational country, in which members of national minorities constituted 34,6% of the Polish society (Eberhardt 1996, 106)¹. Despite the fact that the rights of national minorities were guaranteed to them by the Polish constitution of 1921 as well as international and bilateral treaties with neighboring countries (Galicki 2005, 51-52), their protection caused serious political problems for Polish authorities (Łodziński 1998, 131).

After the Second World War, due to the decision of the Allies, Poland's borders were shifted westwards, pushing the eastern ethnical border to the Curzon line and the western one to the Oder-Neisse line. As a result, the territory of Poland declined by 20 % in comparison to the year 1939 (Eberhardt 1996, 122-123). For the first time in history in its new territorial shape, the Polish state became almost a nationally homogeneous country. It was an unusual example in the history of Europe due to the fact that in such a short period of time a multinational country like this became so ethnically unified (Maryański 1998, 18). Changes in the ethnic structure also resulted from the extermination and forced deportations of entire population groups (like Jews and Gypsies) by the Nazis. Besides, there were migrations of numerous groups of the population during the time and after the Second World War. To show the scale of those processes, it is worth noting that from the western and north-eastern parts of the present Poland's territory (former German area) around 4.5 million Germans eluded before incoming troops of the Soviet Army in 1944-1945 and another 3.3 million were displaced to Germany in 1945-1949². Around 2.3 million Poles were repatriated from the territory of the USSR in 1945-1958 (over 1.1 million stayed in Ukraine, Belarus and Lithuania); 2.3 million Poles came back from the Western Europe where they were workers in the Nazi work camps, prisoners of the war or fugitives from the war times. Usually they settled the areas deserted by Germans. What is more, about 500,000 Ukrainians were deported to the USSR and over 100,000 Ukrainians who remained in Poland were moved from its south-eastern part to the north-western areas during the so-called "Vistula Action" in 1947. As a result, according to the first postwar estimation, national minorities accounted for less than 700,000 people (2.8% of Poland's population), Germans, Ukrainians and Byelorussians being the most numerous groups among them. Each of them constituted about 200 000 people (Eberhardt 1996, 56, 124-127, 182, 191; Maryański 1998, 20-22).

The authorities of the Polish People's Republic claimed that following the shift of the borders and after mass migrations of its population, Poland had become a nationally unified state, which was considered to

be a fundamental achievement of communists. They manifested it in relation to the minority problems that Poland was facing in the inter-war period. However, there was no uniform policy towards remaining minorities although generally it was aimed at assimilation. Thus, representatives of other than Polish nationalities were perceived in terms of ethnic relics. Especially Germans and to some extent Silesians suffered discrimination from authorities and local society. During the following years the minority policy underwent gradual liberalization and so the minorities could receive education in their native languages and establish their own cultural organizations (Łodziński 1998, 132-133).

The year 1989 brought change in the situation of national minorities in Poland. Thanks to democratic changes, national minorities were given an opportunity to take part in public life as subjects of local and national policy. They began to demand actively the fulfillment of their postulates by the authorities and to have their interests defended. However, it was a great surprise to the authorities and the majority of the public opinion, which previously regarded minorities just as ghosts of Poland's multinational past. Furthermore, Poland's aspirations to integrate with the NATO and the European Union forced the authorities to adjust to the existing European standards in the field of minority rights. Finally, they had to enter into better relationship with the neighboring states in order to avoid any possible ethnic conflicts (Łodziński 1998, 133-134).

At the beginning of the 1990s, it seemed that the minority issue was going to be solved as one of the first problems (Jasiński 2004, 15). Polish authorities wanted to compensate for the years of discriminative minority policy during the communist times. The main goal was to implement minority regulations which would then protect their rights and specify the range of obligations towards the state. In 1989 the government started to work on a minority act; however, in the following years nothing was done in this matter. The practice of the following terms of the Polish parliament (*Sejm*) showed that there was no "political willingness" to implement such minority regulations. The situation changed after the outcome of the national census in 2002.

THE 2002 NATIONAL CENSUS

The national census conducted in May 2002 was the first one covering nationality issues in the postwar times. The questions about nationality and language used at home were included on the answer sheet³.

According to this census, the Republic of Poland is inhabited by 38.23 million people. The overall composition is highly homogeneous since the Poles constitute nearly the total of its population (96.74 %). Minorities, represented by 109 national/ethnic groups, are relatively small and dispersed. In this respect, Poland differs significantly from other countries of Central and Eastern Europe. Non-Polish nationality is declared by 471,500 (1.23 %) inhabitants. However, researchers failed to define the national identity of 775,000 (2.03 %) inhabitants. Around 563,500 (1.47 %) inhabitants of Poland declared using language other than Polish at home, whereas 51,300 (0.14 %) claimed to use only non-Polish language⁴.

The 2002 census brought unexpected results (see table 1.); it appeared that the largest minority community in Poland is Silesians (over 173,000). 11,000 people claimed to be either Kashubs or Lemkos⁵. It was the first time that Silesian and Kashub identification of Poland's inhabitants appeared in the national census (Lemkos/Ruthenians were mentioned as a part of Ukrainian minority for the first and the last time in the 1931 census) (Hołuszko 1995, 20).

Table 1: Population by declared nationality and language used at home in Poland according to the 2002 census and estimated population in the mid 1990s

Minority group	Population by declared nationality (in 1000)	% of Poland's population	Estimated population in the mid 1990s (in 1000)	Language used at home	Population by declared language (in 1000)
Silesians	173,1	0,45	-	Silesian	56,6
Germans	152,9	0,40	300-350	German	204,6
Belarusian	48,7	0,13	200-300	Belarusian	40,6
Ukrainians	31,0	0,08	200-300	Ukrainian	22,7
Roma/ Gypsies	12,9	0,03	20-25	Romany	15,8
Russians	6,1	0,02	10-15	Russian	15,3
Lemkos	5,9	0,02	50-60	Lemko	5,6
Lithuanians	5,8	0,02	20-25	Lithuanian	5,8
Kashubs	5,1	0,02	-	Kashubian	52,7
Slovaks	2,0	0,01	10-20	Slovak	0,9

Jews	1,1	0,00	10-15	Hebrew/ Yiddish	0,2
Armenians	1,1	0,00	5-8	Armenian	0,8
Czechs	0,8	0,00	3	Czech	1,5
Tatars	0,5	0,00	4-5	Tatar	0,0
Karaites	0,05	0,00	0,2	Karaim	0,0
Others	25,35	0,05	-	Other	140,4
Total	471,5	1,23	900	Total	563,5

Source: Hołuszko 1995, 9-67; Narodovy 2003; Eberhardt 1996, 131

What is more, the outcome of the census differs significantly from the earlier estimations. According to the research in the mid 1990s, the population of national (ethnic) minorities constituted about 900,000 (2.4%). Estimations of minority organizations were even larger, i.e. representatives of Germans and Lemkos revealed that their communities in 1990s amounted up to 700,000 and 80,000 people respectively. Therefore, representatives of minorities presume that the census figures of their groups are underestimated⁶.

Nevertheless, it is worth mentioning that in this field there are signs of improvement. In accordance with the 1960 census, the population of Germans amounted to about 3,000 people. Despite the fact that the figure is highly understated, the population of Germans was in fact decreasing at that time. As has already been mentioned, it was a result of mass emigration of Germans after the Second World War. From about 8.9 million people who in 1939 lived in the territories later incorporated to Poland only about 800,000 (those who could prove their, at least partial, Polish origins) left. Later, during the liberalization times after 1956, a significant part of Germans and those of not fully defined national identity moved to Western Germany (Eberhardt 1996, 131; Maryański 1998, 22). At the same time, the minority policy of Polish authorities was aimed at polonization of the inhabitants of the former German territories (Opole province, Silesia, Varmia-Masuria), who claimed to be „not German, not Polish but Silesian or Masurian”. In such circumstances many people had to restrain themselves from confessing their non-Polish identity in order to avoid repressions from the authorities or neighborhood. However, such a repressive policy strengthened the ethnic identification of Silesians or Masurians even if it had to be hidden. As a result, after 1989, when expression of real feelings was finally possible, a significant part of remaining native inhab-

itants of Silesia and Opole province declared to be Germans (Hołuszko 1995, 28-29; Eberhardt 1996, 128-130; Maryański 1998, 22). The origins of such a “change” of national identity from Polish to German are very complex. On the one hand, it derives from having a feeling of relation with German culture and at the same time the feeling of cultural and historical “otherness” in comparison with the Polish population. On the other hand, the memory of mass displacements, atrocities from the Soviet army and discriminative policy of the communist authorities is still alive (Eberhardt 1996, 130; Maryański 1998, 23).

Another interesting issue connected with the results of the census is a discrepancy between declared nationality and language used in every-day life. Significantly more people declare using the Kashubian language (52,700) than being Kashubs (5 100). The same is with Germans; the German language is used by 204,600 people (the most often used minority language in Poland), whereas members of German nationality constitute 152,900 people. The knowledge of the ethnic situation in Silesia leads us to assume that some members of the German national minority who have inhabited the Silesia region for numerous generations might define their nationality as Silesian. On the contrary, around 173,100 people claim to be Silesians, whereas only around 56,600 people use the Silesian language at home. Moreover, there are more people who consider themselves as Byelorussian or Ukrainians than people who use the languages of these nations. However, it should not be surprising as the increasing assimilation of indigenous ethnic groups (i.e. Byelorussians and Ukrainians) into the Polish identity may be due to the similarity of their languages. Therefore, the number of people who use a minority language in every-day life is different from the number of particular groups (Moskal).

CONTROVERSIES CONCERNING MINORITY LEGISLATION

As has already been mentioned, in accordance with the 2002 census, the largest minority group in Poland is that of Silesians. Two more relatively numerous communities are Lemkos and Kashubs. The unexpected emergence of such a large number of inhabitants who had declared to be non-Polish strongly influenced the process of establishing the legislation on minority rights (Jasiński 2004, 15-16; Łodziński 2005, 115).

It must be mentioned that at the time of conducting the census Poland's domestic law did not consider those communities as national (ethnic) minorities. Nevertheless, they were counted as such since, in the light of the Polish law, national (ethnic) self-definition is a matter of individual

decision of every citizen. Furthermore, contrary to other states of the region and of the European Union, Polish legal system has not passed either complete bills concerning minority issues or even the precise definition or list of recognized „national (ethnic) minorities” so far⁷. Some partial regulations concerning those issues were just included both in the Constitution of the Republic of Poland (1997)⁸ and in numerous international conventions and bilateral treaties with all neighbouring countries⁹.

However, the need to implement complete legislation in this area was not only due to the process of meeting the European standards of minority rights as there is no international obligation to implement legislation on minority rights into the domestic law system (Łodziński 2005, 120). Besides, Polish authorities are not discriminating minority groups¹⁰. Such legislation was necessary to specify the legal definitions of “national minority” and “ethnic minority” and the distinction between those terms in order to define minorities’ rights and obligations towards the state. Furthermore, such a division has an important implication as, according to the Polish constitution and the election laws, the protection of minority language rights¹¹ and favorable general election procedures are just a part of national (not ethnic) minorities’ privileges (Łodziński 2005, 113, 120-123).

Representatives of national and ethnic minorities also demanded complete, clear and more precise legislation in the field of minority rights not due to discriminative policy of the state, but due to the fact that such legislation would simplify their contact with the public administration (ibid., 117, 121).

Moreover, defining and creating more restrictive conditions to recognize particular communities as ‘national (ethnic) minorities’ was especially important as the freedom of national self-definition could cause serious consequences to the functioning of the state. Legal significance of the lack of definition of those terms appeared when in the mid 1990s representatives of Silesians, Kashubs and Lemkos started to demand legal recognition of their national aspirations (Łodziński 1998, 135; Łodziński, 2005, 122, 133).

However, the opponents of the new minority regulations claimed that there was no need to create new regulations as the existing ones could guarantee full protection. They underlined that new regulations would not make the minorities equal with the rest of the society but rather privilege them. As a result, it could have led to some tensions with the majority, especially on the local level (ibid., 117-118).

THE NATIONAL AND ETHNIC MINORITIES AND REGIONAL LANGUAGE ACT AND THE STATUS OF SILESIA, KASHUBS AND LEMKOS

The Polish parliament started to work on the minority act just after 1989. Finally, after years of discussion and controversies among the MPs and scholars, *The National and Ethnic Minorities and Regional Language Act* was adopted on the 6th of January, 2005. Although, according to the statement of the first democratic government in 1989, the situation of minorities was one of the first to be solved, finally the minority legal regulations appeared to be those on which Polish authorities were working longer than on any other regulations (Jasiński 2004, 15-16; Łodziński 2005, 112-121).

To specify the content of the cited article 35 of the Polish Constitution, article 2 of the Act established the division between the “national” and “ethnic minority”. According to it, in certain conditions, the term “national minority” refers to the groups of citizens who identify themselves with the nations possessing own states. The term “ethnic minority”, meanwhile, refers to the groups which are not organized in such a way¹². Such a division reflects legal standards of other European states in this respect. Following these conditions, the only national minorities which are legally recognized in Poland are Byelorussian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian and Jewish. The status of ethnic minorities is attributed to the communities of Karaites, Lemkos, Roma and Tatars (ibid).

According to the European standards, Polish authorities used its prerogatives to decide which group residing on its territory should be qualified as a national/ethnic minority even if it is in opposition to the self-definition principle. Such a principle is not obligatory for domestic legislature and can be treated just as a suggestion. Therefore, despite the fact that the communities of Silesians, Kashubs and Lemkos were accounted for in the 2002 census as minorities, in the light of the Act only the last group was recognized as an ethnic minority.

The problem of recognizing the Lemkos’ minority aspirations appeared for the first time at the beginning of the 1990s when the Lemkos’ organizations began to underline their own integrity. The community is divided, however, into two fractions. The first one demands to be recognized as a separate ethnic group, and the second one considers themselves to be an ethnographic group within the Ukrainian nation. Moreover, Polish and especially Ukrainian scholars continuously disagree whether Lemkos can be treated as a separate ethnic subject (Filipiak 2004, 103-

104). Nevertheless, Polish authorities officially qualified them as an ethnic minority justifying it by the right of every citizen to national (ethnic) self-definition (Łodziński 2005, 123-125). It means that they denied Lemkos as a part of the Ukrainian nation, which in due time can lead to some tensions with Ukrainians.

Contrary to Lemkos, neither Silesians nor Kashubs did achieve their aims. Silesians, next to German minority, were the first ones to fight for their minority status. In 1989 numerous groups of inhabitants of Silesia and the Opole province demanded being recognized as a national minority. The issue became widely known, which was even more surprising because of the Polish public opinion, the controversies over the registration of the “Society of Persons Belonging to Silesian Nationality” in 1997 and further demands of Silesian representatives to recognize them as a separate nation. The National Court in Poland and then the European Court of Human Rights refused to accept Silesians’ demands (Hołuszko 1995, 126; Łodziński 2005, 122, 126). In the 1990s the case of “Silesianess” caused the strongest public discussion among scholars, publicists and journalists about the idea of “nation” and “Polishness”. However, even in Silesia the idea was criticized by various cultural associations, political parties and the Catholic Church. They claimed that although Silesians possessed a different cultural heritage, it is too early to distinguish a separate Silesian nation since Silesians had not created any “high culture” or intelligentsia, and their language had not been codified. Apart from that, this might also be dangerous to the stability of the Polish state. In the opinion of the representatives of the German minority in Silesia, for whom a strong Silesian movement would have weakened their own organizations, autonomist Silesians may have fought for some political privileges which minorities are entitled to (such as the abolishment of 5% voting barrier for parties entering the parliament) rather than the real interests of Silesians (Ibid, 128). Other opponents of idea of the Silesian nation saw in it a “compensation” after the years of discriminative policy of the Polish communist state. Nevertheless, it seemed that after the 2002 census Silesians, as the most numerous group of inhabitants of Poland who manifested being non-Polish, must have been recognized. But in the light of the minority Act it was not. It seems that Polish authorities were afraid of accepting Silesians as a nation officially because it could have lead to more demands of other ethnically distinctive communities, such as Masurians, Gorale (Tatra mountaineers), etc. what From a wider perspective, this could cause a serious destabilization of the state, which was built on the idea of the one-nation society. However, poor economic situation in Silesia and growing aware-

ness of their own distinctiveness may strengthen autonomous tendencies among its inhabitants.

Kashubs were not recognized as an ethnic minority either, but instead they were identified as a “regional ethnic group”. Most of them identify themselves with the Polish nation. Thus, their ethnic awareness is not as developed as that of Silesians or even Lemkos, and they mainly aim at protecting their language (Sobkowski 2004, 77-90). Due to this fact, the protection of their distinctiveness is guaranteed by several language privileges; the Kashubian language was recognized as the only “regional language” in the light of the minority act in 2005. Generally, it is reflected in the state support for the teaching of this language at schools in the Kashubian region (ibid, 87-90).

What is also interesting is that the act is not aimed at “new minorities”, i.e. immigrants. They are not recognized as “national/ethnic minorities” because they are still not so numerous (although they might be more numerous than “official” minorities)¹³ and do not fulfill the condition connected with the long-lasting inhabiting of the Polish territory¹⁴. Besides, none of the existing groups demand to confirm their minority aspirations (Łodziński, 2005, 124). However, it is worth mentioning that in due time the lack of protection towards some immigrant minorities may lead to tensions.

What is more, the quoted Act confirmed the existing rights of the Polish legal system towards minority groups and, on the other hand, implemented new ones, such as regulations dealing with the use of the minority language as a subsidiary language in relations with the public authorities, bilingual topographic names in the areas compactly settled by a minority group and the possibility to use names (surnames) transcribed into one’s native language in official documents. Those regulations were the last ones that were guaranteed by the Polish law. Moreover, the definition of “regional language” was introduced (the only recognized regional language is Kashubian).

After confirming those rights, it can be said that Polish legal system in its specific regulations guarantees protection of the rights of people belonging to national minorities. Legislation towards national minorities is fully consistent with the European standards (ibid, 115).

SUMMARY

Implementation of *The National and Ethnic Minorities and Regional Language Act* has stirred up many controversies. However, it seems that the Act is a compromise between the position of minorities and the majority. It confirmed the position of the “old” minorities and created a system protecting their rights. However, there are groups (e.g. Silesians or Kashubs) who aspired to achieve the minority status but they were not recognized as such. Their demands were based on the outcome of the 2002 national census in which both communities proved to be among the most numerous ones. They tried to use the absence of a precise definition of a national/ethnic minority. Since the Act was put into practice in 2005, they lost their hopes.

Nevertheless, the issue of Silesians and Kashubs proved that the phenomenon of ethnic identity is still alive. On the other hand, it was a sign of new times; the Polish country is no longer nationally homogenous. Awareness of this problem is especially important when the Polish society faces such new challenges as mass immigration.

REFERENCES

Eberhardt P., 1996. *Między Rosją a Niemcami. Przemiany narodowościowe w Europie Środkowo-Wschodniej w XX w.* Warszawa: PWN.

Filipiak L., 2004. Kształtowanie się świadomości politycznej Łemków w Polsce. *Wrocławskie Studia Politologiczne* (5).

Galicki Z., 2005. Prawnomiędzynarodowy kontekst ochrony mniejszości narodowych w Polsce. *Polityka państwa polskiego wobec mniejszości narodowych i etnicznych* /ed. L.M. Nijakowski. Warszawa: Wydawnictwo Sejmowe.

Hołuszko M., 1995. Mniejszości narodowe i etniczne w Polsce. *Mniejszości narodowe i religijne w Europie Środkowo-Wschodniej w świetle statystyk XIX i XX wieku* /ed. Z. Sułkowski, J. Skarbak. Lublin: Instytut Europy Środkowo-Wschodniej.

Jasiński Z., 2004. Problemy kultury mniejszości narodowych w Polsce w pracach Komisji Mniejszości Narodowych i Etnicznych Sejmu RP w latach 1997-2001. *Kultura mniejszości narodowych i grup etnicznych w Europie* /ed. Z. Jasiński, T. Lwowicki. Opole: Instytut Nauk Pedagogicznych Uniwersytetu Opolskiego.

Łodziński S., 1998. The Protection of National Minorities in Poland: Law and Practice After 1989, *Law and Practice of Central European Countries in the Field of National Minorities Protection After 1989* /ed. J. Kranz. Warszawa: Center For International Relations.

Łodziński S., 2005. Społeczne problemy polityki wobec mniejszości narodowych w Polsce. Wokół ustawy o mniejszościach narodowych i etnicznych oraz o języku regionalnym. *Polityka państwa polskiego wobec mniejszości narodowych i etnicznych* /ed. L. Nijakowski. Warszawa: Wydawnictwo Sejmowe.

Maryjański A., 1998. *Narodowości Świata* [Nationalities of the World]. Warszawa: PWN.

Moskal M., Language minorities in Poland at the moment of accession to the EU, *Noves SL - Journal of Sociolinguistics* (electronic journal of the Secretariat for Language Policy of the Generalitat de Catalunya) (Spring-Summer). Access via internet: http://www6.gencat.net/llengcat/noves/hm04primavera-estiu/moskal1_4.html.

Narodowy Spis Powszechny Ludności i Mieszkań 2002, *Główny Urząd Statystyczny*. Access via internet: http://www.stat.gov.pl/dane_spol-gosp/nsp/index.html.

Mniejszości narodowe i etniczne w Polsce. Informator 2003, 2003. /ed. L.M. Nijakowski, S. Łodziński. Warszawa: Wydawnictwo Sejmowe.

Report to the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities. Access via internet: http://www.mswia.gov.pl/index_eng.php?dzial=10&id=54.

Sobkowski W., Kossak-Głowczewski K., 2004. Historia, kultura, język i edukacja Kaszubów. Między asymilacją a emancypacją, *Kultura mniejszości narodowych i grup etnicznych w Europie* /ed. Z. Jasiński, T. Lwowicki. Opole: Instytut Nauk Pedagogicznych Uniwersytetu Opolskiego.

The Constitution of the Republic of Poland of 2nd April, 1997, 1997. *Sejm of the Republic of Poland*. Access via internet: <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

The National and Ethnic Minorities and Regional Language Act, Article 2, Sejm of the Republic of Poland. Access via internet: <http://www.sejm.gov.pl/prawo/ust.htm>.

Wysocki T., 2005. Struktura narodowościowa mieszkańców Polski w

1931 roku na podstawie deklarowanego języka traktowanego jako ojczysty, *Sprawy Narodowościowe* [Nationality Issues] (26). Poznań-Warszawa: Instytut Sławistyki PAN, 55.

(Endnotes)

¹ According to the census of 1931, Ukrainians constituted 15,7 %, Jews constituted 9,5 %, Byelorussians made up 6,1 %, Germans made up 2,3 % and other minorities constituted 1,0 % of Poland's population (Eberhardt 1996, 106).

² In German historiography these migrations, which were caused by fear of the incoming atrocities of Soviet soldiers, are legitimately defined as "the banishment" - *Vertreibung* (Maryński 1998, 17).

³ During the inter-war period, data on the citizens' nationality and religion were collected in two national censuses in 1921 and 1931. In the census of 1931 nationality was deduced on the basis of native language and denomination. In the first postwar census in 1946 the question of nationality appeared, but it was conducted at the time of mass delocations and migrations on the territory of Poland; therefore, the obtained data are not fully reliable. Later, in the censuses of 1950, 1960, 1970, 1978 and 1988, there were no questions concerning nationality, native language or denomination as the communist authorities tended to diminish the problem of minorities. Such an approach legitimized their official statement of the nationally homogenous Polish People's Republic (Eberhardt 1996, 126-127).

⁴ 94,3 % (444 590) of the members of national minorities have Polish citizenship (it has to be noted here that 98,17 % of the population of Poland are Polish citizens). Although according to the Polish law only Polish citizens can be recognized as members of national and ethnic minorities and as a result they are the subject of minority protection, the number of non-citizens among the largest minorities is relatively low (it refers mainly to newly incoming persons). Thus, the numbers mentioned in this article refer to the total population of minorities. (*Narodowy...* 2003, 279-280).

⁵ Lemkos were known before the Second World War as Ruthenians (Filipiak 2004, 103-111).

⁶ It might result from two main factors. On the one hand, this may come from

methodological faults in the process of collecting and analyzing data of the census since the group of people with non-defined nationality is almost twice more numerous (775 000) than the group of declared non-Poles (471 500). On the other hand, the underestimated figure of minorities might be due to the fact that members of minority groups which were excluded and suffered discrimination from authorities and local society in the communist times still prefer not to state their real national/ethnic identity (Wysocki 2005, 55; Moskal)

⁷ However, even in international law there has not been created any universally binding legal definition of the term “national minority” yet (Łodziński 1998, 134-135, 139-141; Łodziński 2005, 118, 121).

⁸ In this respect the most important provision is article 35 of the Constitution which provides that

1. The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture.

2. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.”

According to it, there is no clear division between the terms “national” and “ethnic minority” (The Constitution... 1997)

⁹ Among the instruments of international law dealing with protection of human rights and rights of minorities Poland is party to, the most important seems to be *The Framework Convention of the Council of Europe for the Protection of National Minorities*. Implementation of this *Convention* was a condition of the EU towards candidates.

¹⁰ It seems that minorities are an equal part of the Polish society and their rights to preserve their own national and cultural identity as well as their social and political aspirations are respected (Hołuszko 1995, 126-153). For instance, in *Report to the Secretary General of the Council of Europe on the Realisation by the Republic of Poland of the Provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities* the positive opinion on the Polish state policy towards national minorities is stated. The only issue which should cause concern is the xenophobic attitudes and intolerance on part of the Poles towards “others.”

¹¹ Article 27 of the Constitution says: “In the Republic of Poland the official language is Polish. This provision does not infringe upon national minority rights resulting from ratified international agreements” In the light of this article, the

protection of the minorities' language rights is reserved only to national minorities (The Constitution).

¹² Article 2 of *The National and Ethnic Minorities and Regional Language Act*:

1) National minority, in accordance to the Act, is a group of the Polish citizens who fulfill all the following conditions:

1. is less numerous than the rest part of the population of the Republic of Poland,

2. its language, culture and traditions significantly differ from the other citizens,

3. aspires to preserve its own language, culture and traditions,

4. has consciousness of its own historic national community and is aimed to express and preserve it,

5. its ancestry were inhabiting the present territory of the Republic of Poland for at least 100 years,

6. identifies with the nation arranged into its own state.

3) Ethnic minority, in accordance to the Act, is a group of the Polish citizens who fulfill all the following conditions:

1. is less numerous than the rest part of the population of the Republic of Poland,

2. its language, culture and tradition significantly differ from the other citizens,

3. aspires to preserve its own language, culture and tradition,

4. has consciousness of its own historic national community and is aimed to express and preserve it,

5. its ancestry were inhabiting the present territory of the Republic of Poland for at least 100 years,

6. does not identify with the nation arranged into its own state.”

(The website of the Sejm of the Republic of Poland: <http://www.sejm.gov.pl/prawo/ust.htm>)

¹³ In the light of the census of 2002, the largest group of immigrants are Vietnamese people, who amount to about 1800, although it is estimated that they can even constitute 30 000 (2003).

¹⁴ According to article 2 of *The National and Ethnic Minorities and Regional Language Act*, ancestry of the recognized national (ethnic) minority had to live on the present territory of the Republic of Poland for at least 100 years.