

**STATE POLICY OF UKRAINE AND POLAND
FOR THE PROTECTION OF NATIONAL MINORITIES:
COMPARATIVE ANALYSIS**

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The article presents a comparative analysis of the state policy of Ukraine and Poland on the protection of the rights of national minorities. The authors reveal the nature and highlight features of national minorities, analyze the situation of national minorities that exists in Ukraine and Poland. Carrying out a comparative analysis of Ukrainian and Polish ethnopolitics is based on clearly defined criteria for comparison: the period of formation of national minorities; quantitative and demographic characteristics of national minorities (number of national and ethnic minorities; largest national and ethnic minority; total number of national and ethnic minorities); trends of geographical displacement of national minorities; the historical development of policies for the protection of the rights of national minorities; documents regulating the policy of protection of national minorities; associations regulating the protection of the rights of national minorities; the level of compliance of national minority rights protection policies with international standards; mechanisms for international cooperation in the field of legal protection; financial support for national minorities; political activity of national minorities; degree of satisfaction of informational needs of national minorities.

The results of the comparative study are presented in the form of a table. The authors note that the state policy of Ukraine and Poland on the protection of the rights of national minorities has both common (same period of formation of national minorities; equally high political activity of minorities, etc.) and distinctive features (different number of national minorities in Ukraine (10 million) and Poland (700 thousand); different level of compliance of state ethnopolitics with international standards (insufficient in Ukraine and sufficient in Poland); insufficient provision of national minorities with information sources in Ukraine and its high level in Poland, etc.).

Key words: national minority, ethnic minority, state policy, comparative analysis, Ukraine, Poland

**ДЕРЖАВНА ПОЛІТИКА УКРАЇНИ ТА РЕСПУБЛІКИ ПОЛЬЩІ ЩОДО ЗАХИСТУ
ПРАВ НАЦІОНАЛЬНИХ МЕНШИН: ПОРІВНЯЛЬНИЙ АНАЛІЗ**

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У статті здійснено порівняльний аналіз державної політики України та Польщі щодо захисту прав національних меншин. Автори розкривають суть та виділяють ознаки національних меншин, аналізують ситуацію щодо національних меншин, яка існує в Україні та Польщі. Здійснення порівняльного аналізу української та

польської державної етнополітики засноване на чітко вироблених критеріях порівняння: період формування національних меншин; кількісно-демографічні характеристики національних меншин (чисельність національних та етнічних меншин; найбільша національна та етнічна меншина; загальна кількість національних та етнічних меншин); тенденції географічного розселення національних меншин; історичний розвиток політики захисту прав національних меншин; документи, що регулюють політику захисту національних меншин; об'єднання, що регулюють захист прав національних меншин; рівень відповідності політики захисту прав національних меншин міжнародним стандартам; механізми міжнародного співробітництва у сфері правового захисту; фінансова підтримка національних меншин; політична активність національних меншин; ступінь задоволення інформаційних потреб національних меншин.

Результати порівняльного дослідження наведено у вигляді таблиці. Автори відзначають, що державна політика України та Польщі щодо захисту прав національних меншин має і спільні (однаковий період формування національних меншин; однаково висока політична активність меншин та ін.), і відмінні риси (різна чисельність національних меншин в Україні (10 млн) та Польщі (700 тис.); різний рівень відповідності державної етнополітики міжнародним стандартам (недостатній в Україні та достатній у Польщі); недостатня забезпеченість національних меншин джерелами інформації в Україні та високий її рівень у Польщі та ін.).

Ключові слова: національна меншина, етнічна меншина, державна політика, порівняльний аналіз, Україна, Польща.

To date, Ukraine and Poland have been officially proclaimed democratic states. However, to do this, first of all, the practical implementation of the rule of law by the state is necessary. That is, it is crucial to prove that a person, his life and health, honor, dignity and property are of the highest value to such a state. And it is not just about the vast majority of the population of a particular country that makes up its ethnic base, but also about people who are representatives of national minorities. Therefore, the problems of interethnic relations, violations of the rights of national minorities are extremely urgent and require the formation of a well-considered ethnopolitics at the level of states and coordination of efforts of the whole world community, which applies equally to Poland and Ukraine.

Issues of national minorities have become the subject of research by a significant number of Ukrainian and foreign scholars. In particular, among domestic researchers such as M. Almashi, Y. Kirichenko, V. Kolesnik, O. Kartunov, O. Lipchuk, G. Melnyk, O. Fedun, N. Shipka and others should be noted. Among foreign scientists such as M. Barvinsky, I. Idzik, G. Janusz, L. Organek and others should be noted. They revealed the nature and peculiarities of national minorities, while analyze the situation regarding the rights of national minorities in Ukraine and Poland. At the same time, the methodology of comparative analysis of state policy on the protection of the rights of national minorities in Poland and Ukraine has remained out of the limelight of scholars, which necessitates such a study and the identification of common and distinguishing features.

The purpose of the article is to carry out a comprehensive comparative analysis of the state policy of Ukraine and Poland on the protection of the rights of national minorities.

An international encyclopedia of social sciences, referring to a common understanding of minorities, states

that a national minority is a physical mass (group) of people of non-indigenous ethnic status living in a particular locality of a state and meeting the following conditions:

- 1) less numerous than the rest of the country's population;
- 2) differs from most of society in language, culture, race and religion;
- 3) seeks to preserve its language, culture or traditions;
- 4) aware of its own historical national community and guided by its expression and protection;
- 5) identifies itself with a nation organized in its own country (as opposed to an ethnic minority that is not related to external statehood);
- 6) can form a compact group in a certain territory or be scattered [Ministerstwo 2016].

Going back in history, it should be noted that Ukraine was faced with the urgency of formulating the concept of national ethnic politics, both taking into account the lessons of the past and international practice of solving ethnic problems [Шипка 2008].

During all the years of the existence of an independent Ukraine, the problem related to the return, material security and status determination of persons deported by ethnic origin from the territory of the USSR, in particular: indigenous peoples (Crimean Tatars, Crimeans), some national minorities (Crimean Greeks, Bulgarians, Armenians), ethnographic groups of the Ukrainian ethnic group.

In Poland the problem of protecting the rights of national minorities has always been urgent. The official recognition by national authorities of the existence of national minorities in Poland and the need to guarantee their right to develop was made with the help of Polish publicist, public figure and politician Tadeusz Mazowiecki, September 12, 1989 [Organek 2016].

We used the following criteria to perform a comparative analysis of the national policy of protecting the rights of national minorities in Poland and Ukraine:

1. The period of formation of national minorities.

National minorities began to form in both states simultaneously, but for different reasons. In Ukraine, the formation of national minorities occurred in the interwar period (1919-1939) [Алмаші 2004]. In Poland, the emergence of the concept of national minorities was caused by the Treaty of Versailles in 1919 (mainly due to the territorial losses of Germany), which contains provisions on various norms that prohibit ethnically dividing political borders between states and obliging states to respect their compatriots in other countries [Organek 2016].

2. Quantitative and demographic characteristics of national minorities. In both countries there are many minorities of different nationalities. In particular, there are representatives of more than one hundred different nations in Ukraine, among which the most numerous are Belarusians, Russians, Moldovans, Bulgarians, Poles, Romanians, Greeks, Tatars, Armenians and others. According to the latest census of Ukraine (2001), national minorities make up 10 million 757 thousand people, which is 22.2 % of all citizens. The largest national minority in Ukraine are Russians, since their number is 8.3 million people (17.3 % of the total population) [Картунов 1999].

The All-Ukrainian Population Census in 2001 also established the number of ethnic groups of the Ukrainian people, which include 6 communities: Boycos, Hutsuls, Lemkos, Litvins, Polishchuks and Rusyns. Their total number is about 80 thousand. The largest group among these sub-ethnoses were Hutsuls (21,4 thousand) and Ruthenians (10,2 thousand) [Колісник 2001].

Analyzing quantitative characteristics of national minorities in Poland, it should be noted that as well, as for Ukraine, Poland is a multinational state, but by the number of ethnic minorities is much inferior to it. Today, 9 national minorities are registered in Poland, namely: Byelorussians, Czechs, Germans, Armenians, Lithuanians, Russians, Slovaks, Ukrainians, Jews and 4 ethnic communities: Lemkos, Karaites, Roma and Tatars. Their total number is 774 thousand, which is about 2 % of the total population of the country, which is a much smaller number than in Ukraine. The number of individually ethnic communities is 32,000, which is also lower than the Ukrainian state. According to the 2002 Census, the largest national minorities in Poland are: Germans (49,000), Byelorussians (37,000) and Ukrainians (36,000), and among ethnic groups – 16,000 [Idzik 2004].

3. Trends in the largest geographical settlement of national minorities. In Ukraine the western and central

regions (Ternopil and Volyn oblasts) contain the smallest number of different nationalities, and the largest in the Donetsk (50.9 %), Luhansk (51.9 %) and Odessa (54.6 %) regions. Considering the most populated ethnic minorities in the Polish regions, according to the census in Poland (2002), the largest number of different nationalities live in Silesian and Opole voivodeship (53 %) [Липчук 2012].

4. Commencement of a policy for the protection of the rights of national minorities. The issue of development of the policy of protection of the rights of national minorities in Ukraine started to rise relatively recently. The history of this process dates back to 1992, when the Law of Ukraine «On National Minorities in Ukraine» was passed [Федунь 2016]. In Poland the issue of guaranteeing the right of national minorities to develop their national identity and culture was actualized in 1989, when the Commission of National and Ethnic Minorities was established. Subsequently, the first principles of protection of the rights of national minorities were introduced into the Constitution of Poland [Мельник 2017].

5. Documents governing policies for the protection of national minorities. In Ukraine the state policy of protecting the rights of national minorities is regulated by the Law of Ukraine «On National Minorities in Ukraine» of 1992. As for Poland, the state policy of protection of national minorities in this country is implemented by the Law «On National and Ethnic Minorities and Regional Language» of 6 January 2005, which is the most important legal act. In addition to this document, Article 35 of the 1997 Constitution of Poland contains general rules on national and ethnic minorities. Although Ukraine and Poland have documents regulating the issue of protecting the rights of national minorities, Polish legislation in this regard is more substantive, incorporates more definitions of issues, and also better complies with generally recognized norms [Кириченко 2015; Мельник 2017].

6. Institutions that protect the rights of national minorities. There are 27 public associations of national minorities registered in Ukraine, among them: 11 regional status, 8 district, 7 city, and 1 city district. They include: Association of National and Cultural Associations of Ukraine, Ukrainian Society of Russian Culture «Rus», Jewish Council of Ukraine, Association of Koreans of Ukraine, Association of Jewish Organizations and Communities of Ukraine, Union of Poles of Ukraine and many others [Липчук 2012]. Regarding minority groups in Poland, their number are somewhat less than in Ukraine. In total, there are about 20 organizations of different nationalities operating in the Republic of Poland, including: Belarusian Socio-Cultural

Association, Belarusian Union, Belarusian Youth Union, Lithuanian Association, Lithuanian Community in Poland, St. Kazimierz Association, Lithuanian Youth Association, Union of Ukrainians; Association «Ukrainian House» and others [Janusz 2000].

7. *The level of compliance of national minority rights protection policy with international standards.* In Ukraine, the guarantees and protection of the rights of national minorities at the legislative level are largely in line with world and European standards. However, there are a number of problems that need to be addressed at the level of the parliament, the executive and local governments. For example, it is necessary to adopt the Law on the Concept of State Ethnic National Policy of Ukraine, to determine the political and legal status of indigenous peoples, in particular, deported national minorities and ethnographic groups of the Ukrainian ethnic group, to establish an effective mechanism for exercising the rights of national minorities in Ukraine and to monitor observance of these rights [Федунь 2016].

With regard to Poland, there is a correspondence of the state policy of protection of national minorities to international standards at the highest level. Polish legislation in the field of protection of the rights of national minorities guarantees respect for the rights of national minorities not only in the political but also in the educational, cultural and religious spheres [Мельник 2017].

8. *Mechanisms of international cooperation in the field of legal protection of the rights of national minorities.* The efficient mechanism of cooperation of Ukraine with the neighboring countries in the field of legal protection of national minorities is bilateral intergovernmental commissions, in particular: Joint Ukrainian-Hungarian Commission for the Protection of National Minorities (1991); Intergovernmental Ukrainian-Slovak Commission on National Minorities, Education and Culture (1995); Mixed Intergovernmental Ukrainian-Romanian Commission on the Rights of National Minorities (1998). Their main objective is to coordinate the activities of the Ministries and Offices of the neighboring countries in ensuring the rights of national minorities [Шипка 2008].

The legal regulation, existence and activity of organizations of national minorities in Poland is determined not only by domestic law, but also by international agreements signed by Poland with other states. The rights of the national minority in the case of countries claiming their minority status in Poland are spelled out in detail. In particular, this applies to the 1991 Poland-Germany Treaty and the 1994 Poland-Lithuania Treaty [Мельник 2017].

9. *Financial support for national minorities.*

Despite efforts to preserve ethnicities of different nationalities, financial support from the Ukrainian side is insufficient. Many foreign sources have reported this, pointing out that the minorities often turn to the authorities and do not receive answers regarding the problems. In Poland, despite the fact that the state finances activities aimed at developing of national and ethnic minorities, the funding of the Ukrainian minority has recently decreased significantly [Мельник 2017].

10. *Political activity of national minorities.* The political activity of national minorities in Ukraine is quite high. The most politically active in Ukraine is the Polish national minority. More than 250 Polish branches operate in the territory of our country, which unite in the center and in the east most often around the Union of Poles in Ukraine, in the west – around the Federation of Polish Organizations in Ukraine. An example of the exercise of their political rights is the Polish National Minority Party registered in October 2014. Its official name – Solidarity political party and members are ethnic Poles – citizens of Ukraine [Федунь 2016].

In Poland also has a high level of activity minorities, especially Ukrainian. As an example, in the Warmian-Masurian Voivodeship, quite a large number of ethnic Ukrainians (in some periods about 50 persons) have been in various governmental positions, including the chairman of the voivodship council [Pińety 2015].

11. *Degree of meeting the informational needs of national minorities.* This criterion includes, first and foremost, printed editions, mainly in the languages of national minorities. In Ukraine, the total number of such publications is 169, in particular: for the Bulgarians – «Rodny Krai», Poles – «Diennik Kiyowski», «Our Motherland» and the Polish magazine «Voice of Podillya», Romanians – «Concordia», Armenian – «Aragats», Jews – Jewish News, Newspaper of the Hesed Besth Charitable Jewish Foundation and many others. Nevertheless, the degree of satisfaction of the information needs of national minorities in Ukraine is insufficient, since the number of minorities is more than one hundred, that is, one national minority accounts for only one edition [Алмаші 2004].

Poland also publishes a number of publications, newspapers and magazines that supply information to national minorities. Even though their number (57 editions) is not comparable to Ukraine, in this country there are as many as 6 editions in one national community. Information sources include, but are not limited to: Lithuanian weekly Ausra, Belarusian

historical journals, Jewish newspapers Jewish Word, German magazine Hoffnung, Ukrainian weekly Nashe Slovo and others [Кириченко 2015].

For more clarity we see the need to present the results of the comparative analysis in the form of a table (see Table 1).

Table 1

«Comparative analysis of national minorities in Ukraine and Poland»

| No | Criterion | Country | |
|----|--|--|--|
| | | Ukraine | Poland |
| 1 | Formation period of national minorities | 1919–1939 | 1919–1939 |
| 2 | Quantitative and demographic characteristics of national minorities: | | |
| | the number of national minorities | 10 million 757 thousand | 774 thousand |
| | the number of ethnic minorities | 80 thousand | 32 thousand |
| | the largest national minority | Russian | German |
| | the largest ethnic minority | Hutsuli | Roma |
| | total number of national minorities | 100+ | 9 |
| | total number of national minorities (in %) | 22/2 % | 2 % |
| | the total number of ethnic minorities | 6 | 4 |
| 3 | Trends in the largest geographical settlement of national minorities | Odessa region | Silesian Voivodeship and Opole Voivodeship |
| 4 | Commencement of a policy for the protection of the rights of national minorities | 1992 | 1989 |
| 5 | Documents governing policies for the protection of national minorities | Law of Ukraine «On National Minorities in Ukraine» 1992 Constitution of Ukraine, 1996 | Law on National and Ethnic Minorities and Regional Language 2005 Constitutions I Poland, 1997 |
| 6 | The institutions that protect the rights of national minorities | 27 organizations | 20 organizations |
| 7 | The level of compliance of human rights policy with international standards | Insufficient | Sufficient |
| 8 | Mechanisms of international cooperation in the field of legal protection | Bilateral interstate commissions | Bilateral interstate agreements |
| 9 | Financial support for national minorities | Not enough | Not enough |
| 10 | Political activity of national minorities | High | High |
| 11 | Degree of meeting the information needs of national minorities | Insufficient (1 issue per national minority) | Sufficient (6 issues per national minority) |

To sum up, it should be noted that the state policy of Ukraine and Poland on the protection of national minorities has both common and distinct features. In particular, the common characteristics include the high level of relevance of the issue of protection of the rights of national minorities, the high political activity of national minorities, the same period of formation of national minorities, which occurred in 1919–1939, the approximate beginning of the implementation of state

policy for the protection of rights of national minorities, etc. At the same time, the distinctive characteristics of state policy on the protection of national minorities in Ukraine and Poland can be attributed, in particular, to the different quantitative ethnic characteristics of the states (higher mono-ethnicity of Poland compared to Ukraine), different level of compliance of the policy on the protection of national minorities with international standards and degree. satisfaction of the information

needs of national minorities (the situation in Poland looks more positive for national minorities compared to Ukraine), etc. Prospects for further research include the development of a recommendation to improve Ukraine's state policy in the field of protection of national minority rights, as well as to compare the Ukrainian state policy for the protection of national minorities with similar policies of post-Soviet countries.

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