The new minority rights regime in Poland: the experience of the German, Belarussian and Jewish minorities since 1989

ABSTRACT. In the post-communist period national minorities have returned to the international agenda. For Poland, as for other applicants to the European Union, the treatment of national minorities is proving to be a litmus test for accession. In this article I argue that national minorities have benefited from the new minority rights regime, but I show that each minority’s ability to voice its concerns and develop its community is predicated upon the accumulation of political and financial capital. Drawing upon the experience of the German, Belarussian and Jewish minorities in post-communist Poland, I argue that political capital has been accrued through the ballot box and through scalar strategies of empowerment. Those minorities that have been unable to raise their stock of capital (namely the Belarussians) have seen themselves marginalised socially, culturally and economically despite the guarantees of the new minority rights regime to promote and protect them.

Introduction

The ability of national minorities in post-communist Poland to reinvigorate their communities has been uneven. On the one hand, some minorities have undergone astonishing revivals, and, on the other, some minorities have been progressively marginalised to the extent that there is real concern about their continued existence. The intention here is to explore the mechanics of revivals and to explain the decline of selected national minorities within the framework of the new minority rights regime.

The new minority rights regime

Since 1989 a new minority rights regime has developed in Europe. This regime has the institutional support of the European Union (EU), Council of Europe (CoE), European Commission against Racism and Intolerance (ECRI), the Organisation for Security and Co-operation in Europe (OSCE) and
transatlantic support via the North Atlantic Treaty Organisation (NATO). By 1995 the Council of Europe’s Framework Convention for the Protection of National Minorities was opened for signing by member states. The new regime recognises that national minorities face challenges and problems which their co-citizens do not. The new regime is an attempt to allow minorities to overcome positions of subordination and to participate fully in the life of their state as members of a minority. This understanding replaces the notion of the abstract citizen, which tended to propagate the values and perspectives of the majority.

In the years 1945–89 there was no international treaty or legislation dealing with the rights of national minorities. This impasse can be understood as the result of both US and Soviet policy. For the United States, the main issue facing national minorities was seen to be one of discrimination. Integration and assimilation were seen to be the goals of immigrants to the United States. Minority rights, in this view, would hinder assimilation and thereby upset national unity. The government of the Soviet Union believed the co-termination of state with nation to be fact. The post-war population transfers in East-Central Europe and the redrawing of state boundaries had, it was believed, achieved the desired unity. In actuality, national minorities continued to exist throughout the republics of the Soviet Union and its satellites.

The policies of both the United States and the Soviet Union, together with the perceived failure of the League of Nations in the interwar period, had the effect of inhibiting the development of any legal or political instruments specifically to assist and protect national minorities. The only significant covenant that incorporated a mention of national minorities was Article 27 of the 1966 International Covenant on Civil and Political Rights (ICCPR). States were able to avoid any commitment to national minorities by defining minorities as something else – immigrants, aborigines – or by simply denying minorities existed. The Council of Europe also failed to develop a separate national minorities protocol.

The seeds of the new minority rights regime were planted in the development of the Conference for Security and Co-operation in Europe, which followed from a Warsaw Pact proposal in 1969 to facilitate East–West dialogue. National minorities were considered in the Helsinki Final Act (1975) (a high political statement rather than a legally binding agreement) and focused upon those belonging to a minority being able to enjoy their human rights. There were two reasons for this. First, it reflected the international consensus that issues associated with national minorities could be resolved within the framework of individual human rights and, secondly, it reflected the concerns of West European states – specifically West Germany – regarding co-nationals living in communist countries.

During the 1970s West Germany agitated for the good treatment of ‘Germans’ in Poland. This was due, in part, to increased pressure from expellee organisations in West Germany. It also wished to facilitate family
reunions and achieved this aim in the Schmidt–Gierek agreement of 9 October 1975. Between 1976 and 1979, some 120,000 to 125,000 people left Poland, mainly to West Germany (Kosiarski 1992: 48). Following the election of the CDU–CSU–FDP (Christian Democratic Union, Christian Socialist Union, Free Democratic Party) coalition in 1982, West Germany increased its efforts at securing the recognition of the rights of Germans in Poland, arguing that there were some 1 million Germans in Poland. This figure was predicated on the implications of article 116 of the German Basic Law, which assigned German nationality to those who held that nationality within the borders of the German Reich as of 1937 and their descendants. On 17 January 1984 a proposal was presented to the European Parliament, calling for the Polish government to stop violating the human rights of Germans, and to comply with the Helsinki Final Act.

The Polish government was adamant that there were no Germans left in Poland. It reasoned that: (a) the flight of Germans in 1945, (b) the deportation of Germans to Germany as agreed at the Potsdam Conference in 1945, (c) family reunifications between 1955 and 1970 and (d) the agreement between Schmidt and Gierek in 1975, had solved the German issue. It failed to recognise that people were acceding to a German identity due to the possibility of political and economic advancement, as a response to communist domination and also to the possibility of migration to Germany that was facilitated by the German Basic Law. Between 1981 and 1990, 740,034 people emigrated from Poland to West Germany as Poland regressed economically (Trzcielińska-Palus 1991: 83).

However, with German reunification, Germany’s policy towards co-nationals in other states was reappraised. The emphasis shifted from fostering emigration to securing improvements in the quality of life of ‘Germans’ in these countries. The main reasons for this change were the rising costs of reunification and the strong budgetary constraints implied by the Bundesbank’s weak tolerance of inflation. In addition, the idea that German minority communities could provide ‘a bridge’ to Germany, and thereby help develop the regions in which they lived, gained currency in Polish and German political circles. German organisations were encouraged and ‘Germans’ were mobilised. In Poland the German minority, composed of the autochthonous population of Opole Silesia, secured representation in the Senate elections of 1990 and in the Sejm election of the following year.

The new understanding of minorities was formalised in the 1991 German–Polish bilateral Treaty of Good Neighbourliness and Friendly Co-operation, which followed from the German–Polish Treaty of November 1990 confirming the inviolability of the frontier. Article 20 lists all the instruments to protect minorities. Article 21 obliges the governments to ‘promote’ the ethnic, religious, cultural and linguistic identity of minorities. Article 22 is the loyalty clause. The new regime will not tolerate irredentism. In addition, legislation in Germany undermined incentives to migrate from Poland to Germany. The Ethnic Settler Reintegration Act, in force since July 1990,
reduced the benefits available to German migrants, the War Consequences Consolidation Act revised the nationality policy so that those born after 1 January 1993 outside Germany would not be recognised as German, and the number of resettlers allowed to migrate to Germany was set at 225,000 a year. Between 1991 and 1999, 129,348 people moved from Poland to Germany.

In the changed post-communist environment, the forum for East–West dialogue – the Conference for Security and Co-operation in Europe (CSCE) – refocused and managed to link the concepts of civil society, democratic government, the rights of minorities and human rights as the foundations for stable democratic-capitalist states. The CSCE developed into the Organisation for Security and Co-operation in Europe and has, throughout the 1990s, concerned itself with the rights of minorities. NATO has also added its weight to the new minority rights regime. Its 1994 ‘Partnership for Peace Document’, for example, requires member states to affirm the Helsinki Final Act and all OSCE documents, including those concerning national minority rights. In addition, the EU and the CoE have co-operated in the field of national minority rights, and, since applicants to the EU must be members of the CoE, CoE minority commitments extend to EU members and applicants. A further pillar in the new minority rights regime is provided by the European Commission against Racism and Intolerance, which analyses discrimination and racism in member countries and releases recommendations following appraisal of the situation in each state.

Since the fall of communism in East-Central Europe, a new minority rights regime has emerged in Europe. It operates through a set of international institutions which liaise formally and informally with each other to achieve desired objectives. The strength of the regime in Poland is further enhanced by bilateral treaties, which detail commitments and obligations between the signatories. Poland has signed such treaties with its neighbours during the 1990s, and these all include references to national minorities. Poland has also improved its relations with Israel, the major breakthrough being Wałęsa’s 1991 visit to that state.

**Polish law**

In order to honour its international obligations, the Polish government has incorporated concerns for national minorities into both its Constitution and its penal code. Poland joined the Council of Europe in 1991, following the first post-communist election, and accepted the 1950 Convention on Human Rights and the 1990 European Convention for Minority Protection. It has signed and ratified the Framework Convention for the Protection of National Minorities (1995). Poland is also fully committed to the CSCE process.

The Polish Constitution includes several articles relevant to national minorities. Article 13 is a commitment to political pluralism, and outlaws parties that sanction race or national hatred; article 32 prohibits discrimination
and affirms the equality of all before the law; article 35 affirms the right of members of national minorities to maintain and develop their culture, traditions, religion and language, and to establish institutions to substantiate this right; article 53 guarantees the freedom of religion to all and allows religion to be taught in schools with the proviso that others’ freedom of religion is not infringed upon. In addition, article 25 affirms the equality of churches and religious organisations; article 43 ensures the freedom of expression; article 58 affirms the freedom of assembly; and article 60 guarantees all Polish citizens the equal right to enter public service.

Crucially, the Polish Constitution ensures that Poland is able to keep pace as the new minority rights regime develops further. Article 87 affirms the binding legality of multilateral and bilateral agreements; article 91 states that ratified international agreements constitute part of the domestic legal order and, if it conflicts with domestic law, international law takes precedence. The Sejm’s (the lower house of the Polish parliament) Commission on National and Ethnic Minorities, which was established in 1989, has, since 1993, been working on a draft law on national and ethnic minorities. This work has been closely linked to the process of ratification of the Council of Europe’s Framework Convention for the Protection of National Minorities (ratified in December 2000) and is likely to bear fruit in the new SLD–UP (Democratic Left Alliance, Labour Union) dominated Sejm. Nevertheless, it is unlikely to advance upon the demanding commitments made through the Framework Convention.

The Parliamentary Election Law of 28 May 1993 has allowed candidates representing a national minority party to enter parliament despite failing to achieve 5 per cent of the national vote which other parties require. This has benefited the German minority in Opole Silesia, which maintained a presence in the Sejm throughout the 1990s. In the September 2001 election, the minority claimed one-third of the vote in Opole Silesia and continued with two seats in parliament. Other minorities have been unable to capitalise upon this provision due to their geographic spread, the size of their population and their inability to mount a sustained campaign.

The new Polish Penal Code, which entered force in September 1998, contains a number of articles aiming to protect minorities. Article 118 sets specific penalties for racial, ethnic, religious or political violence; article 119 penalises the threat of such violence if directed at individuals or groups; article 256 penalises the propagation of hate literature. These articles correspond to article 272, 273 and 274 of the old penal code. The main difference is that these provisions are taken more seriously in the post-communist new minority rights regime.

The Polish state can formally be considered to be committed to the new minority rights regime. It has guaranteed the precedence of ratified international obligations and incorporated specific penalties for activities directed against minorities. It has also created a number of forums where the problems of minorities can be discussed, such as the Sejm’s Commission on National and Ethnic Minorities. But in practice a number of problems remain.
The situation of the German, Belarussian and Jewish minorities in Poland

The rights of national minorities and the obligation of states to ensure that these rights are substantiated have been grounded in international law. The most succinct and far-reaching expression of the new regime is the Council of Europe’s Framework Convention for the Protection of National Minorities. Article 4(2) of the Convention states:

The parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

However, in Poland, not all national minorities have benefited to the same degree from the development of instruments to promote and protect them. The contrasts between the German, Jewish and Belarussian minority populations show the limits of the formal regime.

The German minority population is mainly concentrated in the west of the country, in Opole Silesia, and numbers approximately 350,000. The Belarussians are concentrated in the northeast, in Podlaskie, with an estimated population of between 200,000 and 300,000. There are about 10,000 Jews in Poland, mainly in Warsaw, Łódź, Wrocław and Kraków. This geographic spread has had a real effect upon the development of national minorities in the post-communist period. Poland is marked by strong uneven development patterns, with the east of the country being least developed (it has long been tagged Polska B). As Grzegorz Gorzelak (1998: 19–20) has pointed out, the 20 per cent of gminas (local councils) with the highest revenues per inhabitant are in the west, the lowest are all in the east. The western voivodships (regions) are ten times more urbanised than the eastern ones. Inward investment has been directed at the major urban centres, but has been dominated by Warsaw. However, the period since 1989 has exacerbated Poland’s uneven economic geography, which has impacted upon the progress each minority has been able to make.

Substantiating minority commitments – financial support

The promotion and protection of national minorities requires financial support. The provision of education, journals, meeting houses and the organising of festivals all cost. Since 1989 funding for national minorities has been the responsibility of the Ministry of Culture, which focuses upon subsidising minority magazines, journals and sometimes monographs. In subsidising the minority press, the Polish government hopes that minorities can have their voices heard in the wider society. In a situation of severe state budgetary constraints, the government believes that this is the most efficient way of fulfilling its international obligations.
The amount of money allocated by the Ministry of Culture to minorities increased from 1,350,000 zl in 1994 to 4,545,000 zl in 2000, but remains, in real terms, below the funding level minorities enjoyed in 1990. In 1990, in addition to funds from the Ministry of Culture, minorities also benefited from a special fund to promote science and culture. Following the austerity programme of Leszek Balcerowicz (the finance minister), the budget devoted to national minorities was reduced by almost two-thirds.

Minorities can also secure funds for events from voivodship, powiat (county) and gmina budgets. These funds are specifically for activities such as festivals, and not for day-to-day activities that form the bedrock of minority life. In short, in order to fund the basic institutions, such as meeting/cultural houses and social clubs, which help sustain a community, minorities must solicit funds from non-government sources or be self-sufficient. This contrasts with the situation during the communist era when, in addition to minority events, the authorities funded day-to-day activities and paid staff working in minority institutions. It is true that this was a two-edged deal. Finance for minorities was channelled through the Ministry of Internal Affairs, and minority organisations monitored the minorities and communicated the government line (though there were periods of dissent, for example the Belarussian Social-Cultural Organisation’s (BTSK) issuance of demands for substantive equality to the Communist Party’s (PZPR) Secretary Stanisław Kania in 1980).

Consequently those minorities that can mobilise non-government funding streams have prospered (Germans, Jews), whereas those that cannot secure such funding have lost out (Belarussians) and community activity has been reduced. Both the German and Jewish minorities have been able to support a cadre of community professionals who provide the necessary infrastructure for community life: organising events, running social clubs, maintaining meeting/cultural houses. In contrast, the Belarussians now rely almost exclusively upon volunteers, which has reduced their organisational capacity.

*The German minority*

The German minority in Opole Silesia began agitating for recognition in the mid-1980s, in response to the Polish state’s concern for Poles who now lived in the Soviet Union (Poles who had been exiled by the Soviet, and earlier by the tsarist, authorities). These Germans were the autochthonous population of Opole Silesia, and affirmed themselves as Silesian and as German. This formulation was predicated upon the general sense of resentment amongst the older cohorts as a result of sustained marginalisation by the state authorities. Furthermore, the influx of Poles from the east in the immediate post-World War II period viewed the autochthonous population with suspicion, in some part due to the fact that the Silesian dialect uses many Germanisms.

As a consequence, the German minority was able to mobilise a large constituency in Opole Silesia, in response to the perceived injustices inflicted
upon it and as a reaction to the economic turmoil that engulfed Poland during the 1980s. West Germany, in contrast, was a startling economic success and continued to attract large numbers of migrants. However, the German minority leadership wished to create conditions in Poland for a German minority to prosper. The break with communism in 1989 created room for this vision to be widely promulgated. It also forced the West German government to reappraise its policy in regards to ‘Germans’ in third countries. In short, the encouragement of emigration was replaced by mechanisms to facilitate the development of ‘German’ communities in neighbouring countries. In Poland this has translated into the transfer of development funds, financial support to German organisations, and the development of business, cultural and social networks. Since 1990 the German government has invested approximately DM 250 million in Poland through the Silesian Development Fund and the principal organ of the German minority, the German Social-cultural Organisation (TSKN).

The sponsorship of the German minority in Poland by the German government has meant that the concerns of the minority can be expressed at the bilateral level. The minority can petition the German embassy, consulate and government to intercede on its behalf. More often than not the minority is disappointed (especially since Gerhard Schroeder (the German chancellor) came to power), but the support of the German government remains a crucial source of financial and political support. Indeed, during the 1997 election campaign, one of the selling points for German minority candidates was their ability to secure funds from Germany.

Since 1990 the German minority has been represented at all levels of government: local, regional and national. In Opole Silesia, east of Opole, the German minority dominates. In 1990 it secured 28 per cent of the seats in the regional parliament, roughly paralleling the proportion of Germans in the region. In 1994 it secured majorities in twenty-six councils, in 1998 in twenty-seven local councils. The minority has been able to secure positions of power at the local and regional levels, such as mayor and vice-chairman of the regional parliament. As early as 1990 the German minority formed the ‘Club of Mayors and Wójts of Native Origin’ in order to provide a forum to coordinate common objectives, such as securing German and European investment capital.

The electoral success of the German minority has been predicated upon the organisational capabilities of the major German minority organ, the TSKN. The TSKN is constituted by semi-independent organs, which are affiliated to a hierarchical organisational structure. Headquartered in Gogolin (south of Opole), and led by the charismatic German minority MP Henryk Kroll, the TSKN mirrors the political frame of the state, in that offices exist at the gmina, powiat and voivodship levels (commune, county, region). Members of the TSKN are frequently also the elected representatives, thereby ensuring that the minority is present in all deliberations. Concretely this closeness between government and the TSKN, especially at the commune level, has
allowed government actions to complement and enhance TSKN activities. In Olesno, for example, an unused public building was transferred to the minority to be used as a meeting/cultural house.

Co-operation between the various levels of elected government in Opole Silesia and the organs of the German minority occurs readily. This co-operation was particularly good during the 1997–8 administrative reform of the country. Prior to 1998 Poland was divided into forty-nine voivodships (regions). The reforms aimed to reduce the number of regions and part of the plan was to merge Opole Silesia with neighbouring administrative regions. The German minority was strongly against this plan, and liaised with the Polish majority in the region to secure the continuation of the voivodship, forming the Citizens Committee for the Defence of Opole Silesia (OKOOP). One of the points made by the German minority was that the redrawing of the borders would undermine their electoral achievements and thereby contravene commitments made at the international level (Article 16 of the Framework Convention, for example). The Opole Silesia voivodship remained.

Approximately 180,000 people in Opole Silesia have both Polish and German/EU passports. This has proved to be beneficial to the German minority, in that it artificially reduces unemployment in the region, especially in German areas. Labour migrates to Germany, frequently to the building sites of Berlin, and returns to the region. Remittances, delayed consumption and the accumulation of capital to invest in the region have become a feature of Opole Silesia’s economic profile, and insulate the region and the German minority from severe economic shocks.

The Belarussian minority

In contrast, the situation of Podlaskie, and especially that of the Belarussian minority which is centred south of Bialystok around the town of Hajnówka, is poor. Since 1980 rates of investment to this region have been in decline. The break with communism has exacerbated the real decline in living standards for the Belarussians in rural areas. The crisis in agriculture has forced people to migrate to centres of assimilation such as Bialystok or Warsaw, which is seen by Belarussian activists as a ‘catastrophe’ and is understood as an attempt ‘to liquidate our ethnic areas’.5 As the respected Belarussian minority author Sokrat Janowicz points out, ‘the biggest problem for Belarussians in Poland is stopping the economic downfall’.6

Paradigmatic of the post-communist marginalisation of the Belarussian population has been the ongoing saga over the extension of the Bialowieza National Park. The protection of the park has been vigorously championed by the World Wildlife Fund, and other wildlife NGOs, through intensive lobbying of Polish ministers and overseas embassies, and through the Council of Europe as well as through a number of demonstrations. The arguments made for the extension have now been shown to be false,7 but the park was doubled in size in 1996 and assigned IUCN (World Conservation Union)
category II status, thereby prohibiting the collection of forest fruits and
firewood, and hunting.8 This has deprived local inhabitants of their right to
forage and adversely affected their household budgets. It has also jeopardised
the wood-based industries in Hajnówka, such as timber-processing and
furniture-making which make significant contributions to the local economy.
Furthermore the 9 million zł that was promised by the Polish government to
affected villages, to alleviate the economic difficulties created, failed to appear
until January 2000, causing real hardship.

In response to the extension, the residents of Narewka submitted an open
letter to the minister of the environment in May 1998, stating that unem-
ployment had increased and that ‘expanding the Bialowieza National Park
will threaten the living conditions for our existence, that now have fallen
low’.9 It had no impact. In March 2000 a vigorous protest movement was
formed which had the support of the SLD MP and former prime minister,
W. Cimoszewicz (now the new foreign minister following the September 2001
elections), which drew together the disparate Belarussian organisations and
forced the government to reconsider its position. A poll by the Polish daily
Gazeta Wyborcza found that 90 per cent of those who lived in or around it
were against the extension of the national park.10

Nevertheless, in March 2001 the minister of the environment failed to show
up at a conference chaired by the Danish ambassador to discuss the issues
raised by the Belarussians, once more questioning the Polish government’s
commitment at least to listen to the Belarussian position. Unlike the German
minority, the Belarussians have been unable to secure an effective voice at the
various levels of government, and have been unable to express further their
perspective through external pressure exercised on their behalf by either
NGOs or their kin state. Whereas Germany is a key partner in the EU acces-
sion negotiations, and a large investor in Poland, Belarus offers very little to
the Polish state.

This inability to secure an effective voice in democratic forums is the result
of several factors. In Podlaskie, Belarussians have been deliberately margin-
alised during the post-communist period. In Bielsk Podlaski, for example,
following the 1990 election, individuals with Belarussian-sounding surnames
were sacked from the administration by the victorious local Solidarity on the
grounds that in the United States a new administration brings in a new team.
In a session of council on 8 October 1990, the local Solidarity even queried
the existence of the minority, arguing that the Belarussians were native Poles
who had converted to Orthodoxy under duress during the Partitions.

In the regional capital, Białystok, Belarussian perspectives have been
ignored by the dominant Solidarity Party. Following the 1998 election, the
regional parliament refused to set up a commission for national, ethnic and
religious minorities, despite a strong demand from the minorities.11 In 2000,
neither the regional parliament nor the government’s representative in the
region – the voivod, Krystyna Łukaszuk – took any action when the Christian
National Alliance (ZChN) MP, Mr Michał Kamiński, stated that the goal of
his party was to fight for Polishness and Catholicism in the east, at the ZChN congress that took place in Bialystok. The voivod herself set an inappropriate tone by failing to meet with the Sejm’s Commission for National and Ethnic Minorities, which had travelled from Warsaw, and by distancing herself from Belarussian events. It has only been in the town of Hajnówka that local politics have been relatively free of chauvinism.

However, Belarussians have been unable to mount an effective challenge to the particular problems which they face through the electoral process. Their failure at the ballot box and their marginalisation, even when successfully winning seats, is the consequence of a weak sense of nationality, which itself has become weaker as the process of marginalisation continues. As the Belarussian activist Eugeniusz Siemieniuk (1998) put it:

the idea of Belarussianness is not a lasting or attractive one. With it come complexes of being worse, which are embedded in the ‘from here’ (i.e. anational/locally orientated) Belarussians. The present level of civilisation in the Republic of Belarus confirms these sentiments. People know what is better, and want to identify with it. That is why our Belarussians formally come to be Poles – abandoning their mother tongue and native traditions.

These sentiments of inferiority have been encouraged through the propagation of negative stereotyping of Belarussians by the Polish Right.

In elections the Belarussian Party has fared poorly, with Belarussian voters preferring the SLD (post-communist party) or voting for the Orthodox Party, which was headed throughout the 1990s by Eugeniusz Czykwin. The split in the Belarussian camp between emphasising nationality or religion has been a continuous problem since the break with communism. Czykwin reasoned that religion would be a better source of shared identity; and the actions of the post-Solidarity parties (KO ‘S’), and later the AWS, which stigmatised Belarussians through negative religious stereotypes, made religious difference a key area of conflict. The post-Solidarity parties enjoyed the backing of the archbishop of Bialystok, Stanisław Szymecki, who was instrumental in creating the right-wing Jedność (Unity) coalition in Bialystok. The SLD, for its part, formed the counterweight to the Catholic-dominated right.

Belarussians are assimilating at a very fast rate and are migrating from the countryside around Hajnówka to the larger cities such as Bialystok or Warsaw. This movement results from the severe economic problems in the Belarussian heartland, which have been exacerbated by both the Bialowieza National Park saga and the regional development plan. Neither of these projects has been formulated in deliberation with the people that they affect – the Belarussians.

In 1991, for example, the Conservation Law passed through the Sejm without any Belarussian perspective being expressed. Article 16.1 of this law transferred responsibility for the Bialowieza National Park from the head of the powiat, who is the elected representative of the 55,000 people who live in the area, to the director of the park with responsibility for some 100
employees, thereby denying local people the chance to express their social and economic interest with regard to the park. A 20 million zł development package was agreed to ameliorate the difficulties this would impose upon local people. However, 12 million zł went straight to the National Park, funding one of the chief backers of the park – the environmental scientists – despite government assurances to the Council of Europe that the money had been invested as promised.

The Podlaskie regional development plan consigns the Belarussian areas to a future based on tourism. This is despite the fact that, of tourists to Podlaskie, only 20 per cent travel beyond Białystok, and the number of tourists has declined since 1975. Furthermore, key rail links in the Belarussian areas have been withdrawn by the state-owned railways undermining the tourism strategy. These include the Siedlce-Czeremcha-Hajnówka-Cisowka and the Białowieża-Hajnówka-Bielsk Podlaski-Białystok lines. The Belarussian activist Eugeniusz Wappa rightly argues that this will lead ‘not only to lower employment but also to the civilisational degradation of the area’. The regional development plan also fails to tackle the agriculture issue in southern Podlaskie, in which most farmers have holdings too small to benefit from EU agriculture funds. It is therefore difficult to see how the state is conforming to Article 4(2) of the Framework Convention.

The Jewish minority

The Jewish minority has been transformed in the post-communist period. Prior to the break with communism it was generally believed that the Jewish community in Poland was constituted by older people who failed to leave Poland following the 1968 ‘anti-Zionist’ purge, and who generally believed in the communist regime. In 1986 Rafael Scharf could write in the first volume of Polin with justification that, in talking about a Jewish community in Poland, one was essentially talking about the past. However, following the 1989 defeat of the businessman Ronald Lauder in his campaign to become mayor of New York, his foundation – ‘The Ronald Lauder Foundation’ – made significant investments in Jewish communities in Poland. These included the redevelopment of community centres, sponsorship of a rabbi, subsidies for press activities, schools, adult education, language classes and community-building programmes.

These investments built upon a thawing in Polish–Jewish relations during the 1980s, which saw Israel and Poland exchange interest missions in 1987, and attempts by Wojciech Jaruzelski (leader of the Polish Communist Party, and defence minister) to woo the Jewish diaspora in the belief that it could assist in the ending of the US boycott of Poland which had been in place since the imposition of martial law in 1981. Lauder’s sponsorship of the Polish Jewish community found a ready conduit in the form of a cohort of early-middle-aged people who had decided to affirm themselves as Jews in the wake of the 1968 events. They organised the Jewish Flying University in the late
1970s and 1980s, which aimed to further knowledge of Jewish culture and tradition, and by 1983 they had helped to set up committees in Warsaw and Kraków to maintain Jewish cemeteries. This cohort was eager to see a revival of Jewish life in Poland and keen to make it happen.

The form and structure of the Jewish community has consequently changed during the 1990s. Whereas in the 1970s and 1980s the community was generally secular and frequently sympathetic towards the government, by the mid-1990s religion assumed a new importance. The reason for this was the fact that many of those declaring themselves to be Jewish were brought up in either secular or Christian traditions and did not know about Jewish traditions and culture. Religion provided a way to learn about both, and a way to live as a Jew. The older cohorts, in contrast, grew up within a Jewish environment, and the oldest had the opportunity to pursue their Jewishness secularly through Jewish organisations and through Yiddish culture. The reconfiguration of the community has caused tension. Marek Edelman, the last surviving leader of the Warsaw Ghetto Uprising of 1943, for example, was initially sceptical with the new recruits to the Jewish community, stating, ‘You guys are a fraud, a literary fiction. The Jewish people is dead, and you have simply thought yourselves up, looking for originality and exoticism. You are not for real.’ As the 1990s progressed, these tensions subsided, but real differences remain.

Four different groups can be recognised in the contemporary Jewish community: first, the oldest cohorts who survived the Holocaust; secondly, a group of people who became Jews in the wake of 1968; and thirdly, those who have made their connection with Jewishness since 1989. The fourth group is composed of those people who accept their Jewish roots, but for whom they are not very important. These different groups come together in the Jewish Co-ordinating Committee – the official representative body of Polish Jewry, which has limited its activity to making declarations on anti-Semitism.

The Polish government, for its part, has been sensitive to the concerns of Polish Jews and has created a number of forums in which deliberation can take place. Between 1991 and 1995, a Board on Polish–Jewish Relations existed under presidential responsibility. The Sejm’s Commission on National and Ethnic Minorities has organised a number of meetings with representatives of the Jewish community. The government has also met frequently with the representatives of the Jewish minority to discuss the Law on the Attitude of the State to Jewish Gminas, which was finally passed in 1997. The Jewish community also liaises with the Joint Commission on the Adjudication of Property Restitution and with government over the status of Auschwitz–Birkenau. President Kwaśniewski also meets with Jewish representatives to discuss the community’s concerns. The existence of these forums is connected with the state’s desire to rehabilitate Poland’s image, as well as with the requirement to satisfy international obligations in regard to minorities.

The increasingly visible Jewish minority has forced the Jewish diaspora to recognise that Jews still exist in Poland. This is an important development, as
it has inhibited the World Jewish Restitution Organisation (WJRO) from taking unilateral action against Poland in pursuing restitution, and may have forced the WJRO to recognise that restitution in Poland is especially difficult given that the country moved 150 miles west following the post World-War II territorial settlement. The presence of a thriving Jewish community also challenges the notion expressed by former Israeli Prime Minister Yitzhak Shamir that Poles suck anti-Semitism with their mothers’ milk. In response to Poland’s poor image with the diaspora, the post of ambassador to the diaspora was created to facilitate dialogue and to avoid the recurrence of embarrassing scenes which took place during the various controversies over Auschwitz.

Poland takes the views of the diaspora very seriously. In April 2001, for example, the Polish foreign minister was accompanied by representatives of the Jewish minority on a trip to the United States. The issues discussed included restitution and the massacre in 1941 in Jedwabne, which, the historian Jan Gross has argued, was committed by Poles, and which provoked an earnest and engaging debate in Poland.

**Accumulating political capital**

The German, Belarussian and Jewish minorities have had different experiences during the post-communist period. The development of their respective communities has been predicated upon their specific relationship with the wider society, the state and the degree to which they have been able to give effective voice to their concerns. This is in turn linked to the ability of each minority to organise itself, and to raise funds to finance its strategies of empowerment and development.

The German minority has had a two-pronged strategy. First, it has secured representation at the various levels of government, which has been achieved by articulating a specific notion of Germanness. In the late 1980s and early 1990s this notion included a perception of superiority in relation to the Poles. Their electoral success has allowed members of the minority to express themselves and develop their community. The second and equally important component of their success has been their ability to garner the support of Germany and, in the early 1990s, of German NGOs such as the Federation of Expellees (an organisation founded by expellees of former German lands that are now part of Poland). The German government has been an important guarantor and backer of the German minority in Poland. It has provided significant financial support, which has allowed a German minority professional cadre to form. These professionals have provided a firm framework for the further development and empowerment of the minority. According to official jargon the minority is ‘a bridge’ between Poland and Germany – and, in terms of investment and regional development, this is the case. The minority is treated as a partner in deliberation.
In contrast, the Belarussians have failed to secure significant support from their kin state or NGOs, and have been unable to break into democratic forums through the electoral process. A chronic lack of funds has severely limited the ability of Belarussian activists to mount effective election campaigns or to socially and culturally vitalise the minority. On the contrary, the culture of Belarussians has been denigrated, which has adversely affected members of the minority. The community is subjected to hegemonic control and to two forms of exclusion. First, physical exclusion, as in Bielsk Podlaski; secondly, and more commonly, ‘internal’ exclusion, whereby their claims are not taken seriously or their concerns are dismissed or patronised. For example, the Belarussian claim that the extension of the National Park is undermining their economic livelihood is a ‘misunderstanding’, according to a government official in Bialystok. Similarly, the vice-voivod failed to realise that the extension affects Poles and Belarussians very differently. First, it is mainly Belarussians who suffer from the withdrawal of traditional access rights to the forest and, secondly, in stimulating migration to other locations, Belarussians forfeit their language and culture, Poles do not. The ‘planned’ economic decline of southern Podlaskie deprives Belarussians of developing or using satisfying skills in a socially recognised setting, and sustains a vicious circle of exclusion, economic ‘forced’ migration, negative stereotyping and the disintegration of the Belarussian community.

The Belarussians, unlike the Germans, cannot appeal to their kin state, which is generally thought of disapprovingly. Indeed, when the SLD MP and chairman of the Belarussian Social-cultural Association (BTSK), Jan Syczewski, suggested in Minsk in 2001 that there is more than one form of democracy, the response in Poland was apoplectic. Even the liberal newspaper *Gazeta Wyborcza* made no attempt to place his speech in the context of the reality of the Belarussian minority. Syczewski was dropped by the SLD as a candidate for the Sejm at the September 2001 elections and ran for an impossible seat at the Senate. The Belarussians do not have a powerful NGO backer, either. However, since the Danish ambassador chaired a conference on Białowieża in 2001, a Danish government agency, ‘DANCEE’ (Danish Co-operation for Environment in Eastern Europe), has been working with Hajnówka Council to foster local development. The presence of this organisation could well prove to be instrumental in improving the situation of the Belarussian minority in the future.

The Jewish minority has benefited from a scalar strategy of empowerment. Since the Jewish population is so small (10,000 people), winning formal electoral representation is impossible. This problem has been overcome through direct contact with the highest levels of government – the president, ministers’ offices and special commissions. Supplementing these contacts has been engagement with well-resourced NGOs such as The Ronald Lauder Foundation, which have encouraged the articulation of a Jewish perspective. Polish Jews do have the opportunity to express their concerns, and the Polish government has become increasingly sensitive to their particular needs due, in
part, to diasporic pressure on a number of issues ranging from anti-Semitism, restitution and Auschwitz to Jedwabne.

However, the Jewish community would benefit from representation at a local level. In Warsaw, for example, the lack of a specifically Jewish representative has meant that a number of issues of concern to Jews have not been deliberated with the community, such as plans to redevelop an area very close to the Umschlagplatz (the concentration area for Jews from the Warsaw ghetto before deportation to Treblinka death camp). Consequently, the Jewish community has had to devote significant resources to ensure that their voice is heard locally. The repeated ‘jumping’ of scale to higher levels of authority positions the community as a ‘special’ interest, rather than as a fundamental participant in local democratic forums. In the long term, such ‘jumping’ undermines the efficacy of scalar strategies of empowerment since it becomes increasingly difficult to mobilise key individuals to act.

Conclusion

The emergence of a new minority rights regime in the post-communist period is a valuable framework in which to consider the treatment of national minorities. It forms just one factor contributing to the efficacy of the minority voice, but does not ensure it. As the examples drawn from Poland indicate, national minorities must continuously agitate if their ‘rights’ are to be substantiated and their voices heard. This struggle for substantive equality is ultimately political, and it is through political processes that minorities secure the space for their development.

These processes include both formal elections and scalar strategies of empowerment. Failure to secure electoral representation puts a premium on minorities’ ability to ‘jump’ scale to centres of power. The Jewish minority has been able to achieve this due to the specific nature of Polish–Jewish relations. Similarly the Germans have been successful in this approach following the realignment of Germany’s foreign policy in the post-communist period. On the other hand, the Belarusians have failed electorally and scalarly to secure representation. On both issues the Belarusians have been unable to overcome negative stereotyping and the economic degradation that has reduced the vitality of the minority and has fractured its conception of itself. The unpromising situation in Belarus has also been a major hindrance to the minority’s aspirations.

Thus, Poland presents a contradictory picture in regards to the fulfilment of its international minority obligations. Both the German and the Jewish populations broadly enjoy the rights to which they are entitled. There are issues of concern, such as negative stereotyping and discrimination. These are being addressed by the government, which is being continuously lobbied by NGOs such as the Polish Helsinki Committee and Open Republic. In contrast, the Belarusians have not seen the rights to which they are entitled
fulfilled, and substantial action is required to ensure that they enjoy ‘in all areas of economic, social, political and cultural life, full and effective equality’ with those belonging to the majority. Minorities’ lack of an effective voice not only excludes them from democratic participation, but also encourages the infringement of their rights.

Despite the universality of the new regime, only those minorities which can act at various scales (local, regional, national, international) and which continuously accumulate political capital enjoy its benefits. In contrast, weak minorities such as the Belarussians can only appeal to the norms of the new regime and structure their concerns accordingly, recognising that they may only be talking to themselves. This remains a long way from the initial hopes of the architects of the new minority rights regime.

Notes

1 Up until 2002 the Polish census included no question concerning nationality or ethnicity. Different government departments have different estimations, as do the minority groups themselves. See Szczepański 1997.

2 The state does support and has an obligation to support minority languages in schools where the demand exists. In Opole Silesia, a number of schools with specialisation in the German language have been created. The significant problem is the recruitment of sufficient German-language teachers. The German minority organisation, the TSKN, is working to overcome this. In Podlaskie there are two high schools teaching Belarussian – in Bielsk Podlaski and Hajnówka. The Jewish community recently opened a mainly privately funded primary school in Warsaw.

3 Source: Ministry of Culture and Art 2000; Sejm Chancellery 1993.

4 See Tomaszewski 1981.

5 Comments of Belarusian activists during interviews with the author in June 2000.

6 Interview with Sokrat Janowicz, Krynki, 2 June 2000.

7 See Franklin 2002. The supporters of the extension asserted that the forest is the last fragment of primeval forest in Europe – it has, in fact, always been used as an economic resource and cannot be considered to be a ‘forest unworked by humans’. The World Wildlife Fund claimed in 1995 that logging had intensified since 1989; in fact the reverse is true. The scientists supporting the extension have also made false claims about the threats to biodiversity.

8 It is worth noting that in Belarus the forest is an IUCN category V landscape park, which allows economic activity to take place.


10 Gazeta Wyborcza (Białystok), 3 April 2000.


14 Official ‘anti-Zionism’ in the wake of the 1967 Israeli–Arab War spilled over into anti-Semitism during a fierce intra-party power struggle. Some 20,000 to 25,000 (predominantly Jews or people of Jewish origin) left Poland as a result.

15 Quoted in Gebert 1994.

16 Restitution is proving to be a highly complex matter. Where clear title to gmina (community) property exists, that property is returned as regulated by article 29.1 of the Law on the Relationship between the Polish State and Gminas of Jewish Faith (1997). The restitution of the
property of individuals is problematic and it is largely in this area that the Jewish community in Poland has been involved in a serious dispute with the WJRO.

17 These include the controversies about the Carmelite convent, the church in Brzezinka, crosses at Birkenau, the ‘gravestone’ of Edyta Stein, and the supermarket. See Krajewski 1998.


19 Indicating the climate in Podlaskie, the head of Podlaskie SLD, Mieczysław Czerniawski, stated in an interview, ‘You journalists no longer see a place for him anywhere. But the Belarussian minority support him and they are part of the society of our voivodship’: Gazeta Wyborcza, 7 June 2001.

20 DANCEE is an agency within the Danish Ministry of Environment and Energy. One of its objectives is to ensure the implementation of the Aarhus Convention (1998). This Convention includes a commitment to promote local deliberation in matters regarding the environment. The presence of this agency in Hajnówka strengthens the position of the Belarussians vis-à-vis the environmental scientists who have advocated an exclusionary agenda with regard to the Białowieża National Park.

21 ECRIs Second Report on Poland (1999) fails to mention the situation in Podlaskie, despite the fact that their 1999 visit to Poland occurred in the midst of the Białowieża saga.

References


