

New Polish legislation regarding national, ethnic and linguistic minorities

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On the 6th of January, 2005 Polish Parliament passed the “Act on National and Ethnic Minorities and on the Regional Language”. It is the first legal act in the post-war history of Poland regulating completely the issues of national, ethnic and linguistic minorities.

Until now the Polish legislation regarding this matter was divided among many legal regulations and some issues were not codified at all. The most important legal acts to date defining the minorities’ rights included:

- Constitution of the Republic of Poland states in article 35: “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. 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”.
- Polish electoral law which waives the requirement of passing the five percent national vote threshold for electoral committees established by national minorities’ organisations.
- “The Act on Educational System” stating that public schools allow for maintaining national, ethnic, linguistic and religious identity, and in particular for the acquaintance of the language, and own history and culture.
- “The Radio and Television Act” stating that public radio and television shall consider the needs of national and ethnic minorities.

The act, which is now becoming effective, defines minorities – national and ethnic, as well as the regional language.

A national minority is a group of Polish citizens that meets all of the following requirements:

- is numerically smaller than the rest of the population of Poland
- differs substantially from other citizens by means of language, culture or tradition
- strives to preserve its language, culture or tradition
- is aware of its own historical and national bonds, and aims to express and preserve it
- its ancestors have inhabited the today’s territory of Poland for at least the past 100 years.
- identifies itself with a nation organised in its own state.

An ethnic minority is a group of Polish citizens that meets all of the following requirements:

- is numerically smaller than the rest of the population of Poland
- differs substantially from other citizens by means of language, culture or tradition
- strives to preserve its language, culture or tradition

- is aware of its own historical and national bonds, and aims to express and preserve it
- its ancestors have inhabited the today's territory of Poland for at least the past 100 years.
- does not identify itself with a nation organised in its own state.

Therefore, the only difference between a national and ethnic minority is the fact that a national minority currently has its own independent state and an ethnic minority does not have one.

The act mentions national and ethnic minorities that meet the above requirements. There are 9 national minorities: Belorussian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian and Jewish; and 4 ethnic minorities - Karait, Lemko, Roma and Tartar.

According to the European Charter for Regional or Minority Languages, a regional language is a language traditionally used within a given territory of a state by nationals of that state who form a group numerically smaller than the rest of the state's population; and it is different from the dialects of official language of that state and from the migrants' languages. The act mentions one regional language - Kashubian.

In regard to geographical names, two regulations included in the act are of special importance. First one refers to the use of minorities' languages and the second one to geographical names in these languages. In Poland there are no limitations regarding use of any language in private or public life. However, up to now only Polish language was legible for official contacts with authorities. The new act allows for use of a minority language as an auxiliary language in contacts with commune authorities (3rd level administrative units). The minority language can be used as an auxiliary language in contacts with commune authorities only in communes in which the given minority constitutes at least 20% of the population and provided the commune has been registered in the Official Register of Communes in Which an Auxiliary Language is Used. The registration is made exclusively in consequence of a motion submitted by the Commune Council. Therefore, not every commune meeting the requirement of the number of population belonging to minority will have an auxiliary language since the final decision has to be made by the Commune Council that can refuse the introduction of such language. It is also up to the Commune Council to withdraw use of such language.

Geographical names in minority languages

The act states that traditional names in minority languages of localities and physiographic objects, as well as street names can be applied as auxiliary names to fixed geographical names in Polish. The names of localities and physiographic objects in Polish are official names and they are determined at the central level of administration, currently by the Ministry of Interior Affairs and Administration, whereas Polish names of streets, places, squares, parks and so on are determined by Commune Councils.

Names of localities and physiographic objects in minority languages are determined by Commune Council and they must receive a positive opinion of the Commission for Names of Localities and Physiographic Objects. These names in minority languages can be determined for objects located in communes in which the given minority constitutes at least 20% of the population. Such names can be also determined for localities in communes in

which the given minority constitutes less than 20% of the population. In such cases, an auxiliary name can be introduced provided that the majority of the locality's population decides for it in result of consultations held according to rules and regulations defined by the Commune Council.

Names of localities and physiographic objects can be introduced in the entire area of the given commune or in part of it. These names cannot be used independently and must always be mentioned after the official name in Polish. On the contrary to the Polish names, the names in minority languages will not be official but only auxiliary (supplementary) names. This means that in areas inhabited by minorities either solely Polish names will be used or Polish names followed by minority names.

The number of population belonging to given minority is officially determined as a result of the last general census. The general census was held last in 2002. In the census, in the question about nationality only one of two given options could be chosen: Polish or non-Polish (in such case it should be stated which). On the other hand, in question about the language one could declare use of several languages at home. Therefore, the officially determined number of population belonging to minorities depends exclusively from what was declared by the citizens themselves. Such method of determination of the number of population belonging to minorities complies with the Council's of Europe Framework Convention on the Protection of National Minorities, according to which every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such.

The quantities of respective minorities based on the general census are as follows:

Minority (national, ethnic, linguistic)	Officially determined number of population belonging to the minority	Officially determined number of population speaking language other than Polish
Belorussian	47.640	40.226
Czech	386	1226
Karait	43	0
Kashubian	–	52.567
Lithuanian	5639	5696
Lemko	5850	5605
German	147.094	196.841
Armenian	262	321
Roma	12.731	15.657
Russian	3244	12.125
Slovak	1710	794
Tartar	447	0
Ukrainian	27.172	21.055
Jewish	1055	207

At present in Poland, a national or ethnic minority or population using a regional language constitutes at least 20% of the population in 51 communes (out of the total number of 2478). Only the minorities: Belorussian in 12 communes of the Podlaskie Voivodeship, Lithuanian in 1 commune of the Podlaskie Voivodeship, German in 27 communes of the Opolskie Voivodeship and 1 commune in the Śląskie Voivodeship, and Kashubian in 10

communes of the Pomorskie Voivodeship constitute at least 20% of the population. Therefore only in languages of these minorities geographical names may appear, provided the commune authorities agree to it. However, in order to make it possible, executive regulations are required, which precisely determine the application procedure for introducing geographical names in minority language. Polish law (“Act on the Official Names of Localities and Physiographic Objects”) states that changes of names may become effective only on January 1st. Therefore, the first names in minority languages can theoretically become effective only on January 1st, 2006.

Before the 2nd World War, Poland was a multiethnic state, and national minorities constituted more than 30% of the society. Nowadays, the minorities in Poland constitute 2-4% of the population, which makes Poland a rather homogenous country. Some of the minorities are dispersed throughout the territory of Poland (i.e. Ukrainians, Roma, Russians) and some live in rather dense areas (i.e. Germans, Lithuanians, Kashubians). Due to a low number of Polish citizens belonging to minorities and to dispersal of some minorities, the minority languages as well as geographical names in minority languages will be used only in a small part of Poland’s territory. These small areas where minorities constitute rather compact communities will benefit the most from the new act.

It will definitely take a while for the first official maps including names in minority languages to be published. However, some maps of commercial publishers already include double naming, i.e. Polish and German or Polish and Kashubian. These maps though are targeted more at tourists than at minorities and therefore maps with German names of localities have been published for the Mazurian District or the Karkonosze Mountains, which German tourists visit often, and not for the Opolskie region where there is the main concentration of German population now living in Poland. One can only hope that once the geographical names in minority languages are introduced, double geographical names will appear also on maps published by commercial editors for domestic purposes.