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UDC 343.7

DOI <https://doi.org/10.32842/2078-3736/2023.6.40>

## COLLABORATIVE ACTIVITY: HISTORICAL OVERVIEW OF FOREIGN STATES' EXPERIENCE

The article examines collaborative activities in the foreign policy context of several states. An analysis of cooperation with the Nazi regime during World War II, specifically in the context of expulsion and physical violence against the Jewish population, is conducted. The article explores legal verdicts, accountability for crimes against humanity, and the interconnection of collaboration with wartime actions and ethnic conflicts. It highlights the peculiarities of interaction with the Nazi regime in different countries and underscores the importance of criminal accountability for collaborative actions.

The detailed analysis of collaboration during World War II is presented for Poland, Lithuania, Bulgaria, and Croatia. In Poland, the focus is on the changes in political structure and the national movement, highlighting the relations between occupiers and local elites, as well as the reactions of national groups to specific political decisions.

The role of various groups, such as the Lithuanian Activist Front (LAF), in Lithuania is analysed in the context of resistance or collaboration with the Nazis. The interaction of Lithuanians with the occupiers and their participation in repression are crucial aspects.

Bulgaria is examined through the lens of collaboration in the deportation of Jews and changes in government policy toward the Jewish population during that period.

Croatia is scrutinized concerning the physical extermination of Jews and Serbs by the Ustasha government. The role of the police and Ustasha in committing crimes against humanity and their collaboration with the Nazis are described.

The article emphasizes the relevance of such research for contemporary Ukraine, providing lessons for law enforcement and officials, particularly in developing clear and effective regulations to avoid legal unpredictability. Given the current wartime conditions in Ukraine, studying the history of collaboration assists in devising strategies for detection, accountability, and prevention of potential acts of betrayal. The examination of collaboration in modern Ukraine aids in formulating effective legal mechanisms to respond to such phenomena, contributing significantly to the construction of a just and resilient society.

**Key words:** *collaborative activity, criminal liability, cooperation with the Nazi authorities, military actions, responsibility for crimes against the foundations of Ukraine's national security.*

### **Сорокін А. А. Колабораційна діяльність: історичний огляд досвіду зарубіжних держав**

Стаття розглядає колабораційну діяльність у зовнішньополітичному контексті ряду держав. Здійснюється аналіз співпраці з нацистською владою під час Другої світової війни, зокрема в контексті виселення та фізичної розправи над єврейським населенням. Розглядаються судові вироки, відповідальність



за злочини проти людства та взаємозв'язок колабораційної діяльності з воєнними діями та етнічними конфліктами. Стаття висвітлює особливості взаємодії з нацистським режимом у різних країнах, а також підкреслює важливість кримінальної відповідальності за колабораційні дії.

У статті здійснюється детальний аналіз колабораційної діяльності в країнах, зокрема Польщі, Литві, Болгарії та Хорватії під час Другої світової війни.

У Польщі, з огляду на зміну політичної структури та національного руху, було виділено особливості взаємодії з нацистським режимом. Розглядаються відносини між окупантами та місцевими елітами, а також реакція національних груп на визначені політичні рішення.

У Литві аналізується роль різних груп, таких як Литовський фронт активістів (LAF), у контексті опору або співпраці з нацистами. Важливим є висвітлення взаємодії литовців з окупантами та їхня участь у репресіях.

Болгарія описується через призму співпраці в депортації євреїв, а також змін в політиці влади та її ставлення до єврейського населення відомими єврейським населенням в той період.

Хорватія розглядається з точки зору фізичного знищення євреїв та сербів, вчиненого урядом Усташі. Описується роль поліції та усташі у вчиненні злочинів проти людяності та їхня співпраця з нацистами.

Наголошується, що важливість подібного дослідження для сучасної України обумовлена рядом факторів, зокрема, історичний аналіз надає правозахисним органам і чиновникам уроки та вказівки для розробки чітких і ефективних нормативів, щоб уникнути правової непередбачуваності; сучасна Україна, перебуваючи в умовах воєнного стану, вивчає історію колаборації для розробки стратегій виявлення, притягнення до відповідальності та запобігання потенційним актам зради; завдяки вивченню історії колаборації в сучасній Україні можна сформулювати дієві механізми правового реагування на подібні явища, роблячи вагомий внесок у побудову справедливого та стійкого суспільства.

**Ключові слова:** колабораційна діяльність, кримінальна відповідальність, співпраця з нацистською владою, воєнні дії, відповідальність за злочини проти основ національної безпеки України.

**Introduction.** There are pages in the country's history that leave incurable wounds on the public body. One such theme is collaboration – collaboration with occupying forces, which took on a special face during World War II. Modern Ukraine, faced with martial law and economic challenges, feels the need for a detailed review of the historical experience of collaboration to bring criminal responsibility. Through the study of collaboration history in modern Ukraine, effective legal mechanisms for responding to similar phenomena can be formulated, making a significant contribution to building a just and resilient society.

**Problem Statement.** The primary objective of this article is to explore the legal dimensions surrounding collaboration with the Nazis during World War II and to analyse the justifiability of criminal accountability for those who chose to collaborate. By examining the historical context, legal frameworks, and international perspectives, we seek to evaluate the basis upon which collaborators can be held criminally responsible.

**Research Findings.** The concept of “collaborative activity” is traditionally associated with the period of the Second World War. In the study of the German occupation of Poland published in 1979, J.T. Gross defined a collaborator as someone who, in the context of “unequal distribution of power,” wishes to grant certain powers and information to the occupier [1, p. 119]. In this context, it is worth emphasizing once again that betrayal of the state is likely considered a stigmatizing label for most people. A collaborator essentially betrays the state, but in unique and complex circumstances for society and the state (conditions of occupation, war). Resistance, in this context, is the antithesis. Both collaboration and resistance are responses to foreign occupation. Very



few individuals accused of collaboration once defined their relationships with foreign invaders as betrayal. Clearly, any study of collaborationism, regardless of its academic definition, must consider the various manifestations of the phenomenon, acknowledging its broad spectrum of possible behaviours, ranging from politically motivated conditional cooperation to complete identification with the ideological goals of the occupier [2, p. 167]. In our opinion, collaborationism during the Second World War in Europe became possible due to the existential dilemma of preserving stability and developing the traditional socio-economic model or aligning with Germany, which had already established its hegemony in Europe. Overall, during the Second World War, the state policies of European countries were subordinated to two trends. On the one hand, the spread of the communist threat in Europe, which a strong dictator could hinder, and on the other hand, pro-German policies evolved into state-political cooperation carried out through state bodies. This became possible due to the need to counter the Soviet Union and the mental attraction of most Europeans to German values against the backdrop of Soviet ones. Examples of state collaboration were demonstrated by France, Denmark, as well as Czechoslovakia, Norway, and other countries.

State policy and the average consciousness of citizens in European countries fostered tolerance towards aggression from Germany. As a result, both state officials and most citizens in European states were willing to engage in voluntary and conscious cooperation with German occupiers. Except for Great Britain, none of the European countries had a significant military opposition to Germany and “resistance movements,” except for partisan movements. Thus, the logical consequence of the development of the state-political system was widespread collaborationism in Europe on the eve and during the Second World War [3].

While it may sound banal that history tends to repeat itself, the current external political situation with Ukraine has indeed followed a similar pattern. Since 2014, the world, by and large, tolerated the actions of the Russian Federation in Eastern Ukrainian territories and Crimea. We believe that this desire not to provoke the aggressor became one of the preconditions for active military actions on Ukrainian soil.

During the Second World War, European partners of Germany collaborated with the Nazi regime, proclaiming, and implementing anti-Jewish legislation. In some cases, they deported their Jewish citizens and/or residents under German guard on the way to killing centres or labour camps. In certain countries, fascist militarized organizations terrorized, looted, and killed native Jews under German leadership or on their own initiative. The Hlinka Guard in Slovakia, the Iron Guard in Romania, the Ustasha in Croatia, and the Arrow Cross in Hungary were responsible for the deaths of thousands of Jews on their native soil. In these and other countries, military personnel, police, and gendarmerie played a crucial role in the expropriation, concentration, and deportation of Jewish residents within their territories. In Hungary, Slovakia, Croatia, Bulgaria, and Vichy France, police, military, and gendarmerie officials were vital in implementing Germany’s initiated policy of deporting Jews living in areas under their influence or control to killing centres in the east [4].

We propose to focus attention on specific manifestations of collaborative activity in individual states. One of the main manifestations of collaboration was cooperation in the physical destruction of Jews. For instance, the Ustasha government in Croatia built its concentration camps. By the end of 1942, the Croatian authorities killed over two-thirds of Croatia’s Jews (about 25,000), many of whom were in the Jasenovac camp system. The Croatian police and Ustasha also killed between 320,000 to 340,000 ethnic Serbs, some in Jasenovac, but most in villages where they lived.

The Slovak government deported almost 80% of the Jewish population of Slovakia in collaboration with the Germans in 1942. Italy and Hungary collaborated with Germany in various ways, including enacting anti-Semitic legislation. However, neither Italy nor Hungary deported Jews until Germany directly occupied these countries [4]. Bulgaria willingly collaborated with the Germans in deporting Jews from territories occupied by the Bulgarians because of the disintegration of Yugoslavia and the occupation of Greece by the country. Responding to public resistance and even reservations within the ruling party, the Bulgarian authorities refused to deport Jews from Bulgaria itself. However, they expropriated many members of the Jewish community and sent Jewish men to forced labor during 1943 and 1944.



The Romanian gendarmerie and military units directly killed and deported Romanian and Ukrainian Jews in the re-annexed provinces of Bukovina and Bessarabia in Ukraine, as well as in the Romanian-controlled Transnistria. Nevertheless, the Romanian government refused to deport Jews from the main provinces of Romania (Moldavia, Wallachia, southern Transylvania, and Banat) [4].

Estonian, Latvian, Lithuanian, Ukrainian, and ethnic German collaborators played a significant role in the killing of Jews across Eastern and Southeastern Europe. Many served as perimeter guards at killing centers and participated in the mass murder of hundreds of thousands of Jews using poison gas. Others, especially ethnic Germans from Southeastern Europe, served in the system of Nazi concentration camps, particularly after 1942.

Lithuanians, Latvians, Estonians, Belarusians, and Ukrainians spontaneously formed groups that German SS and police subsequently cleared and reorganized. From the outset, members of these “partisan” or “self-defense” groups killed hundreds of Jews, as well as real and perceived Communists. Reorganized by the Germans, these units became ruthless and reliable auxiliary police units, assisting German authorities – civil, military, SS, and German police – in the extermination of hundreds of thousands of Jews and millions of non-Jews in the occupied Soviet Union.

Norwegian police and militarized formations aided SS units and German police in deporting Jews to Auschwitz-Birkenau. Similarly, local civilian and police authorities closely collaborated with the Germans in Belgium and the Netherlands in the capture and deportation of Jews residing in these two countries [4].

Another important aspect of collaboration activity lies in cooperation and support for the occupying authorities in the occupied countries. Many individuals in Nazi-occupied countries and regions did indeed collaborate with the German occupation authorities. Even in Poland, where applying the concept of collaboration might seem challenging at first glance, there were instances of cooperation with the occupiers.

Former leading political elites and influential social groups of the Second Polish Republic had little influence on the fate of their people, as occupied Poland became an experimental ground for implementing repressive and utopian manifestations of demographic policies unprecedented in Europe. According to the plans of Nazi Germany, the Polish nation was to disappear.

In this context, one can draw parallels with contemporary events in the context of the Russian-Ukrainian war, where some groups or individuals may engage in cooperation with the occupying authorities or exhibit collaborationist tendencies [5, p. 539]. At the same time, both in wartime Poland and in contemporary Ukraine, due to a lack of interest from the occupying authorities, there was no basis for widespread state collaborationism; only isolated examples existed, lacking a systemic character.

In the western territories of Poland annexed to the Reich, the Polish state authority was completely abolished. Simultaneously, the occupiers heavily relied on social, educational, and cultural policies that required forced cooperation. The number of administrative staff was significantly reduced by early 1941 (122,700 compared to the pre-war figure). However, by 1943, their numbers had increased again to 206,300 [6, p. 217]. And within a year, it even exceeded the level of 1939. The proportion of Polish mayors (except for Galicia) reached 73%. The occupiers aimed to “place” priests as well as Polish mayors, heads of district offices, and representatives of cooperatives to influence public opinion. The youth actively engaged in collaborationist cooperation [7, p. 750].

Polish citizens whom the Nazi regime considered (potentially) German were one of the pillars supporting the new regime in the occupied territories [8, p. 20]. Therefore, publicly declaring oneself as German meant opening the path to social and economic advancement. However, the occupiers’ policy still involved distinguishing collaborators. A list was created to categorize ethnic Germans (and individuals subject to Germanization) into four categories that would govern the “racial” selection of the population [9, p. 250].

In Poland, there was a small ethnic German population that they began to artificially increase by enlisting people of ethnic German origin who had once been Polonized and were now to be



re-Germanized. Their number increased from about 70,000 in 1939 to 111,000 by the end of 1941 and 264,000 by the end of 1943.

In the context of researching collaboration activities, the annexation of territories by the Soviet Union is often referred to as occupation. Thus, during the twentieth century, Lithuania experienced half a century of foreign rule, as practically the entire period between 1940 and 1990 can be characterized as “occupation” in any sense except the legal one. Certainly, at least from the late 1950s onwards, the world in general, like many residents of Soviet Lithuania, ceased to think of their country’s condition as an “occupation.” [8, p. 20].

Overall, throughout the entire period of occupation, the Germans continued to recruit auxiliary personnel from the indigenous peoples of the Soviet Union into their police forces, military units, and civilian administrations. Research on collaboration in Lithuania suffered from tendencies to narrow or expand the concept of collaboration for partisan purposes, often with the aim of attacking or defending the historical reputation of “nationalist” movements. Sometimes, defenders use the same data to draw diametrically opposite conclusions. For example, supporters of the Lithuanian Activist Front (Lietuvių aktyvistų frontas or LAF) claim that the anti-Soviet uprising that broke out during the Nazi invasion had about 100,000 insurgents – evidence, in their view, of patriotic sentiments among the population. Israeli author S. Shner-Neshamit takes the same absurdly inflated figure as evidence of something entirely different, namely, mass collaboration with the Nazis [10, p. 98]. To our understanding, such an assumption by the author is not fair. Resisting Soviet soldiers did not necessarily mean collaborating with the Nazis simultaneously. The wartime actions on the territory of Ukraine vividly and firmly rooted in the minds of Ukrainian citizens the unwillingness to live under occupation. Therefore, protests one set of invaders should not be negatively assessed and presented as tolerating Nazism. Moreover, the actual number of insurgents was at least five times less. The debate also gave rise to the “theory of two genocides,” according to which Lithuania’s collaboration in the Holocaust was only revenge for the atrocities committed by Jewish supporters of the Soviet regime [11, p. 138]. Furthermore, even today, there are assumptions that the populations of the Baltic countries and Ukraine voluntarily collaborated with the Germans for the purpose of killing Jews [12, p. 320].

**Conclusions.** In summary, it is worth noting that the international experience regarding the nature, manifestations, and responsibility for collaboration has been analyzed in a retrospective aspect, as collaboration is a product of warfare, occupation, and expansion. We have highlighted the aspect of collaboration: cooperation in the context of expulsion, displacement, and physical violence against Jews. It has been argued that collaboration is not always the opposite of resistance and, in some cases, is a forced step. It is noted that, considering the high moral condemnation of collaboration, holding individuals accountable for collaboration did not always happen in the legal field, and even when sentences were issued, punishments were always particularly severe. We would like to emphasize another unusual trend, according to which, within the framework of our study, we described foreign experience mainly for comprehensive research, not for borrowing into domestic legislation. Unfortunately, the war in Ukraine has spawned new social relations that are “unknown” to the modern democratic world. Therefore, Ukrainian legislation should now become a positive example to follow in the context of holding individuals criminally responsible for collaboration.

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