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Federation of Expellees' Demands for Changes in Foundation "Flight, Expulsion, Reconciliation"

by Ryszarda Formuszewicz

The terms on which the Federation of Expellees is seeking to resolve a dispute over the composition of the board of the Foundation "Flight, Expulsion, Reconciliation" represent open criticism of the fundamentals of the German government's concept of remembrance. The value of the political compromise, worked out under the grand coalition's rule, has thus been put in question. Due to the radical nature of the demands, only some of them can be met by the German authorities. But the introduction of new themes to the debate makes it possible for the Christian democrats and liberals to tone down the conflict within the coalition over Erika Steinbach's board presence.

Foundation "Flight, Expulsion, Reconciliation" (Foundation FER) was established under a 21 December 2008 law as an institution subordinated to the German History Museum in Berlin, the latter being also given the legal form of a foundation (the activities of both institutions are governed by the German History Museum Establishment Act). Three seats on the Foundation's 13-strong board were reserved for the Federation of Expellees. In early spring 2009, in the name of good Polish-German relations, the SPD opposed a move for Erika Steinbach to be appointed a board member. Under the new ruling coalition, that opposition was upheld by Foreign Minister Guido Westerwelle of the FDP, despite pressure from his Christian democratic colleagues, especially from the CSU. As a result, the Federation named only two candidates and continued to seek approval for Ms. Steinbach's candidacy.

In a statement released on 5 January 2010, Erika Steinbach presented the conditions to be met for her to give up a board seat. Her demands included major changes in Foundation FER's legal status, its transformation into a full-fledged public-law foundation, abandonment of the requirement for board-member candidates to receive federal government approval, and an increase in the Federation's presence on the board. Those principal demands came with other ones, such as incorporating the Lastenausgleichsarchiv, based in Bayreuth (Bavaria), into the Foundation's structures, and turning the entire space of Berlin's Deutschlandhaus office building for use by an emerging exhibition and documentation centre—which would represent a radical change in the scale of the exposition as compared with the original announcements. The first three demands in particular, aimed to widen the Federation's influence, provoke one to attempt assessing prospects for their attainment and their consequences for the operation of Foundation FER.

Demand for Foundation Autonomy. The Federation is demanding an end to Foundation FER's legal dependence on the German History Museum. But even then, the entity would stay as a public-law foundation—as opposed to the private-law initiative Centre against Expulsions, in place since 2000, under the Federation's auspices. The Foundation would probably remain under the supervision of the federal government commissioner for culture and the media, but its new legal status would result in major changes in the organizational set-up, in addition to necessitating an adjustment of its governance pattern to the qualitatively changed competences. And back at preparatory stages, it may be noted, the government stressed that the use of the existing resources, both in terms of expertise and the organizational potential, would be conducive to a swift opening of the centre.

Call for the Government's Board-appointment Powers to be Restricted. This is the Federation's most controversial demand. Under the existing law, the board makes decisions on major programme-related questions, matters of fundamental importance for the Foundation, and the appointments of permanent academic consultants and of the Foundation's head. The board comprises representatives of the Bundestag (two persons), the Ministry of Foreign Affairs, the Federal Ministry of the Interior, the federal government commissioner for culture and the media, and also stakeholders: the Evangelical Church, the Catholic Church and the Central Council of Jews in Germany. Only the Federation of Expellees has the right to name three board members. Sitting on the board, in their official capacity, are also heads of two foundations: German History Museum and the Bonn-based German House of History.

At present, the candidatures put forward by the authorized entities are subject to formal approval by the government. This is the main instrument with which the sponsor, i.e. the state, can influence the operation of the Foundation. Against claims by the Federation of Expellees, this regulation is not discriminatory: the two-stage procedure for board member appointment applies to all authorized stakeholders.

Request to Have More Federation of Expellees' Members on the Board. The Federation argues that its three seats on the 13-strong board are not enough to properly represent the interests of the displaced persons' community, but it has yet to specify the number of seats that would suit it. If the demand were granted, either the board would have to be expanded or the currently represented entities excluded (or, possibly, the Bundestag representation would have to be scaled down to one person). The expansion option faces functional barriers—during the legislative process, the present number of board members was found to be adequate to the Foundation's nature and scope of activities—and besides, if taken, it might encourage opposition parties to seek a stronger presence of the Bundestag (the stronger-presence question could also be taken up if the board's statutory composition came up for revision).

According to the memorandum of explanation attached to the parliamentary bill, the board composition is expected to ensure "good cooperation, based on mutual trust" among the legislative, the executive, the displaced persons' community and other social stakeholders. The internal logic of Ms. Steinbach's demands indicates that, with the present number of board members unchanged, the Federation's increased influence could be achieved at the expense of the heads of two museum foundations (German History Museum and German House of History). That, however, would only result in a diminished expert competence of the body responsible for the pursuit of the Federation's goals, thus lowering its credibility.

Conclusions. The Federation's demands should be seen primarily as criticism of the present form of the remembrance concept, considerably transcending the procedural questions about board membership. Major elements of the compromise worked out under the grand coalition have openly been put in question, with the SPD primarily blamed for the alleged weakness of the Foundation. But it is unlikely that all demands might be met, and the Federation can at best negotiate partial solutions, such as increasing its board presence or meeting office-space requirements (translating into greater financing).

But from the perspective of the governing coalition, the Federation's initiative—no matter how its substance is assessed—provides a welcome impulse to resolving the appointments conflict. Efforts to find a compromise receive a boost from the forthcoming election to regional parliament in North Rhine-Westphalia, where the displaced persons' community is strong. In the event of the Federation's demands being partially met, the perception of the appointments dispute among society could change. With the discussion channeled towards the advisability and scope of amendments to particular statutory provisions, the confrontation between governing parties and the opposition can become more pronounced than a conflict within the coalition.

One unintended consequence of the Federation's pronouncement may be a German discussion about its mandate to represent those in society who have been affected by forced migrations. As the largest central-level organization of displaced persons, the Federation arrogates to itself the exclusive rights to represent the entire community of expellees, displaced persons and refugees. Putting publicly in question the Federation-declared two million membership may indicate a more critical approach to the organization on the part of the elites and the public.

Polish political elites should avoid taking steps which could be used, especially by Federation functionaries, to present the German debate on the Foundation as a key contentious issue in bilateral relations.