

## Pragmatic Cooperation instead of a Strategic Partnership

The Current Status and Perspectives for German-Polish Relations

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German-Polish relations are currently going through a difficult phase. The announcement by expelled Germans, to file claims for restitution in Polish and international courts, and the demand made by the Polish Parliament for war reparations, have ensured that there will be turbulent relations between the two countries. Although both the German and Polish governments distanced themselves from those demands, tension in bilateral relations in the near term should be expected, in part because in Poland there are growing doubts about whether a long-term orientation towards Germany makes sense. At the same time, since Poland's accession to the European Union on May 1, 2004, there has not been a big project that binds both sides together in a constructive way. Therefore, the approach of a less ambitious "pragmatic cooperation" of both countries seems to be more realistic than one with a specific two-party relationship, a type of "strategic partnership."

The announcements by German citizens of their intention to sue to recover their assets lost because of World War II, or at least compensatory damages, in Polish and international courts has bothered the general public in Poland for some time. The Polish Parliament took the opportunity, on September 10, 2004, to pass a resolution, which called upon the government in Warsaw to demand compensation from Germany for the damages caused during the occupation in World War II. The resolution of the Sejm, the lower house of the parliament, which passed with 328 of 329 votes, contained several points:

- ▶ The Parliament requested the government to become more involved with regard to the question of obtaining war reparations from Germany.
- ▶ The Sejm emphasized that no financial obligations to German citizens whatsoever, which arise as a result of World War II, would be accepted.
- ▶ The Polish government was requested to estimate the amount of the damages that Poland suffered as a result of the German occupation. Some large Polish cities have already carried out the corresponding mandate. For Warsaw alone the damages

are estimated to be approximately 35 million euros.

- ▶ The Federal government has been requested to deny the claims of the German citizens on the grounds that they are baseless and illegitimate and to turn down the authorization of the legal process.

Although this Polish preemptive strike is not legally binding, the resolution intensified the rhetoric in German-Polish relations and provoked a lack of understanding, consternation and indignation in Germany.

### **The Level-Headed Attitude of the Governments**

After the initial commotion, the waves in the German-Polish relationship smoothed themselves out again for the time being. This can be attributed primarily to the conduct of the governments.

The Polish government expressed its understanding for the Sejm resolution and wants to somewhat meet the Polish parliamentarians' demands, such as documenting the magnitude of the damages incurred during the occupation and finding ways to grant legal assistance to Polish citizens to defend themselves against possible claims from Germany. Naturally, the government rejected the principal demand of the parliamentarians and refused to confront Germany with claims for reparations. In fact, on July 13, 2004, it confirmed its official position: hereafter the "reparations question" is closed for the Polish government, bilateral relations should not be burdened [by this issue]. (Statement of the Polish Foreign Ministry from September 10, 2004).

The Belka government bases its position on a political and legal argument. First, German-Polish relations, because of its high-ranking importance in Europe, should not be allowed to be damaged by frivolous or "adventurous" initiatives (from both sides). Second, through its governmental declaration of August 23, 1953, which is

binding under international law, Poland has already renounced claims against Germany for reparations, which was more or less confirmed later in the "Two-plus-Four-Agreement."

The German government indicated, also following the Sejm resolution, its refusal to intervene, which Chancellor Schröder had announced on August 1, 2004 in Warsaw. In his speech on the occasion of the 60th anniversary of the Warsaw resistance, the Chancellor assured the Polish side that his government would not support any individual claims (also in international courts) that are related to questions about assets in connection with World War II.

### **... would be conducive to a provisional calming of the situation**

At their meeting on September 27, Chancellor Schröder and Prime Minister Belka tried to get the initiative back into their hands. The package presented by the government heads on this occasion consists of measures to reduce the historical-legal potential for conflict as well as forward-looking initiatives. The first type of measures includes the establishment of an expert commission, which should contribute to ensuring that claims for damages from German expellees (and also including possible claims of Polish citizens against Germany, as the case may be) have only a slight chance of success. Moreover, Prime Minister Belka agreed that the competent authorities can no longer threaten recipients of burden sharing payments with demands for repayment of money they have received, provided that the affected people cannot prove that they no longer control their former assets. In this way, possibly thousands of German citizens, especially Germans who were resettled, will be prevented from going to a Polish court in order to recover their property or to receive the confirmation that they no longer have it under their control.

In addition, the Schröder-Belka package contains some new recommendations,

which are supposed to stimulate German-Polish cooperation as well as defuse the present conflicts. For a project that is supposed to symbolize this cooperation, the Viadrina University in Frankfurt an der Oder is due to be transformed into a tri-national French-German-Polish research university with the respectable sum of 60 million euros (50 million of which come from Germany). The government-appointed “coordinators” of the bilateral relationship are supposed to improve mutual cooperation. In order to ease tensions, German and Polish experts are supposed to participate in a regular dialogue on EU finances.

In order to further reduce tensions, both parliaments want to add to and intensify exchanges. At the meeting of the two parliament presidents in the middle of October in Słubice, it was announced that the foreign and European committees of the German Parliament and the Sejm would hold joint sessions. The German-Polish group of parliamentarians is supposed to get moving, and a joint group of younger representatives might be established.

Without a doubt, these are steps in the right direction. The fact that they nevertheless do not offer any protection against further irritations in German-Polish relations can at least in part be attributed to the fact that the legal arrangements regarding possible German claims is unsatisfactory from the Polish point of view. Although the Polish government welcomed the German government’s refusal to intervene, Warsaw still hopes for a formal renouncement of claims from Berlin combined with a German settlement of the claims of expellees. Warsaw’s goal is still to redirect the disputes between German citizens and the Polish state and to refer German citizens to the German government. This solution, however, is not supported by the German government. The reasons for its position receive barely any attention in Poland, as little attention as the fact that Berlin has substantially accommodated the Polish side, as demonstrated by the Chancellor’s speech on August 1 and

Germany’s participation in the bilateral expert commission. Suspicion prevails in Poland as Germany balks at administering its own settlement of the claims, due to domestic politics or financial reasons, in effect putting its own individual interests ahead of German-Polish relations. This dissatisfaction will lead to nervousness in bilateral relations. However, the more deeply embedded deficiencies and developments outweigh those that have become apparent in the last few years.

### **What the dispute revealed**

In an unmistakable way, the latest disputes made clear numerous deficiencies that have impaired the German-Polish relationship for a fairly long time.

Thus it became visible, that the three fundamental principles and development trends, to which the bilateral cooperation oriented itself in the 90s—de-historification, de-politicization and Europeanization—, have reached their limit. The attempt to reduce the overwhelming influence of history for cooperation in the present and future by excluding contentious issues was without a doubt, in hindsight, justified. The resulting *modus vivendi* contributed significantly to the intensification of the mutual cooperation in the previous decades. Certainly people in Poland as well as in Germany allowed themselves to be blinded by the success of the reconciliation efforts and the marginalization of problems, which are rooted in the past. The latter point also applies to the efforts made to achieve a progressive depoliticization of bilateral relations.

Since the end of the 90s at the latest, “Germany” started to appear in Poland again as an issue in domestic politics. The end phase of the EU accession negotiations demonstrated that the gradual integration of the bilateral relationship into a multilateral one, above all in the European context, is not a panacea. Controversial issues such as the freedom of movement of workers and land acquisition by foreigners reflected

a strong German-Polish connotation. Even more emphatically, the German-Polish differences over the Iraq War or over the voting system in the EU Constitution showed quite clearly that politics on the European level is not only an additional forum for discussion of bilateral problems, but also a place where bilateral friction can begin or even increase.

What was known as the “community of interests” in the 90s, the peak of German-Polish cooperation, mutated into a “community of conflict,” at the latest following the disagreements over transatlantic relations and the method of voting for the EU. In the meantime, one cannot even speak of a “community of conflicting interests” because this at least presumes that both sides considered themselves to be dependent on one another and on, above all, a specific, mutual cooperation which transcends the bilateral and European contexts.

In Poland, a new “Germany Syndrome” is spreading, which manifests itself in the form of overreactions and increasing uncertainty and is causing a structural crisis of confidence. This is based on the interplay of multiple factors.

*First*, there is considerable fear of an alleged, general reinterpretation of the history of the 20th century in Germany. In this context, it is much more than just “radical” voices in Poland that have warned against playing with history and revisionism. It must be disconcerting that so far rather moderate circles have also exhibited a selective and biased perception and, for example, assume that the public discussion in Germany denies historical causes or that the political class wants to at least escape responsibility. A good example of this are the statements of the deputy Sejm President Donald Tusk of the conservative-liberal Citizens Platform at the second reading of the draft resolution for the Polish reparation demands. According to him “the Germans [want] to do away with their history” and “independently from party membership, rewrite history or at best forget it entirely.”

*Second*, concern about an “assertive” Germany is also spreading. This concern is based on several factors: (1) that the external or self-imposed connection to the post war era is fading, (2) that Germany has become an unreliable ally of America, (3) that Germany is making efforts, together with France, to build an informal leadership role in the EU, (4) through intensive bilateral cooperation with Russia, Germany is making it more difficult for the Union to maintain a uniform position in its relations to Moscow, and (5) through Germany’s efforts to obtain a seat on the UN Security Council, it is placing its own interests above the welfare of Europe.

*Third*, among the Polish elite, Germany has lost its status as a model in social and economic matters. In consideration of the structural challenges that Germany must face, many observers in Poland fear that in the future they will have to deal with an economically, socially and also politically unstable Germany.

Through membership in the EU (and NATO), in principle, the possibility exists for Poland to reduce the effects of asymmetries in bilateral relations through the multilateralization of cooperative relations. Nevertheless, structural asymmetries have not disappeared as a result of Poland’s accession to the EU: based on political potential, economic strength and sheer size, there is still a considerable gap between Germany and Poland. This imbalance explains, at least in part, why an outsized sensitivity to social, political and foreign policy developments in Germany dominates in Poland and more than a few Poles are somewhat fascinated, in a negative way, by the German expellee associations and their representatives. Accordingly, the entire lower house of the Polish Parliament reacted so strongly to the initiative of a few people in the “Prussian Trust” of united German citizens.

After the “German Factor” found its way back into Poland’s foreign policy in the course of the past few years, it is now also a determinant of domestic policy again. This

supports the notion that in Poland foreign policy is replacing, more and more, domestic policy as the terrain on which the political parties fight for the favor of voters. (See Jerzy Surdykowski in *Gazeta Wyborcza* dated October 26, 2004). In this context, the dynamic nationalistic and “patriotic” powers as well as the heated public debates play an important role. Thus, in consideration of the success of the National-Catholic League of the Polish Family (LPR), the conservatives and the conservative-liberal groups of the center-right can not elude the rhetoric that is increasingly critical of Germany. As the Sejm resolution for the reparations demands shows, the parties of the left cannot even permit themselves to remain outside of the debate. Otherwise they run the risk of being defamed in Poland as “useful idiots” or comrades-in-arms of the supposed “front for pushing through German interests” (according to the chairman of the conservative Law and Justice party [PiS], Jarosław Kaczyński). It must be viewed as rather ominous that in the course of this discussion, dialogue-oriented people are becoming isolated or stigmatised. This trend accompanies a temporary loss of importance for the traditional “reconciliation lobby” in business, politics and journalism.

### **A Gloomy Outlook**

With this background, the German-Polish relationship could be continually tested, in both large and small ways, for the foreseeable future.

Domestic and foreign policy debates in Poland are already taking place with an eye to the parliamentary elections expected for next Spring. The public debate over Germany will thus intensify due to the election campaign: the advocates of a tough Germany policy have a good chance to be the leaders in the opinion polls. With a new draft resolution, which is supposed to invalidate the renunciation of reparations of 1953, the LPR intends to keep this theme on the front burner.

In all probability, there will be a change of government in Poland after the election. It is most likely that the parties of the right and center-right will set the tone in a new coalition. Presumably, such a government would act more pragmatically, as is presently suspected. The Citizens Platform party in particular (it would be according to current polls the strongest party and it would have a very good chance to designate the prime minister) would act with a level-head, as has been the case so far. Groups for which a confrontation with Germany is part of their ideology, such as the PiS or possibly even the LPR, could, however, be represented in a future coalition. Even a pragmatic head of the government would be under constant pressure from the nationally-aligned parties. If a prime minister selected by Citizens Platform were to refrain from making reparation demands to Germany, he would risk a fight within the coalition.

In Poland, a collapse of the foreign policy consensus that originated in the 90s has been visible for some time. If the divisions that accompany this collapse solidify, in the next few years “European”-oriented politicians who want a friction-free relationship with Germany might be juxtaposed with Europe and Germany skeptics. The disagreement between the two camps could become a dominating, permanent dividing line in Poland’s political landscape.

The likely soon to be carried out filing of the restitution and damage complaints of the German Trust in Polish courts will cause the public debate in Poland to escalate again. Even if the legal process, as most legal experts anticipate, turns out well from the Polish perspective, an explosive debate in Poland’s politics and media should be expected for the duration of the case in Poland, in the European Court of Human Rights and in the European Court of Justice—and therefore for an extended period of time.

In parallel, the Poles will carefully follow the progress of the discussion about the planned Berlin “Center against Expulsion

and Displacement” (CED). Some Polish commentators are already of the opinion that the damages issues will be less burdensome for German-Polish relations in the long run than the CED. While the claims of German expellees can be denied after some time, the CED would be the manifestation of a lasting and fundamental reappraisal of German history. In addition to support received from the Prussian Trust, this reappraisal is being promoted by parts of the political establishment in Germany.

Finally, there will also be in the future some European issues, to which a German-Polish “Note” is attached and which could be the source of additional disagreements in bilateral relations. Indeed, with regard to the important finance issues, both sides are anxious to avoid any German-Polish confrontations. But the process of the negotiations could badly hamper these efforts. Moreover, there are differences of opinion with regard to how the economy and business should be managed in the EU. Thus, in May, the ideas of the Chancellor with regard to taxation in the EU, which he had presented in Warsaw, were labeled as “German-centric” by the head of Citizens Platform, Jan Maria Rokita (possibly the future prime minister). The European policy of Germany, as it is defined by the Schröder government, stands in “open conflict with the economic interests of Poland.”

### **Rebuilding German-Polish Relations**

Presumably the current stage in German-Polish relations will later be viewed as a necessary desensitization phase, which was required for both sides to come to terms with their joint role in Europe. It may also be perceived as the expression of the level of maturity of the bilateral relationship, if the Germans and Poles are able to demonstrate that they can bitterly disagree but after a short time, or even at the same time with respect to many undisputed issues, work together constructively. Whether the German-Polish path reaches this point, is

still by no means settled. Surely, until then, there is still an appropriate way to go.

At present, the German-Polish relationship has definitely lost the glue that holds it together. After Poland’s accession to the EU and NATO, German-Polish cooperation is missing an overarching mandate that both sides can accept. While the relations between the two countries in the 90s were stabilized by their immersion in the European context, now they seem to have hit a stumbling block again. It is a cause for concern when the Sejm, out of its national interests, wants to prevent the development of the (German-Polish-Czech) traffic infrastructure in “Zittauer Zipfel,” when parliamentarians want to require the foreign minister to resolutely protest against “undue pressure from German politicians” who “demand that Poland and other EU countries increase taxes,” and when not least there is talk of mistrust of the Polish foreign minister because of his supposedly conciliatory attitude towards Germany. It also makes sense that if the PiS becomes stronger as a result, that in the future a 5%-hurdle would also apply to national minorities—which would deprive the German minority of its existing representation in the Polish Parliament. The problem with these types of approaches is that through them, the current, historically motivated differences threaten to encroach on other areas of mutual cooperation. In Poland, everything possible should be done to make sure that these trends do not continue.

Without a doubt, German-Polish relations, after May 1, 2004, must be set, or “reconstructed,” on a new, European-based foundation. In a first step, both countries should ascertain the “levels of ambition” of their mutual cooperation: they should define which objectives and expectations they have in the context of the mutual relationship. Simply put, it is possible to differentiate between three such levels.

**1. “Strategic Partnership.”** Should Germany and Poland agree on this wide-ranging approach, they must draw up a joint agenda with long-term projects that are relevant for both sides. Both countries would then see the maintenance of their cooperation as a special responsibility for the European Union. The common past would not be understood as a dividing factor, but rather as an obligation to be especially constructive. The objective of a “strategic partnership” would include the goal of intensifying bilateral relations on all levels. It would also encompass the mutual claim to understanding and sensitivity.

**2. Pragmatic Cooperation.** Under this less ambitious concept, German-Polish cooperation would still be deemed to be beneficial, but, it would have the character of a partnership of convenience for avoiding bilateral or European conflicts rather than for the implementation of a few, albeit important projects. Tension, which originates in the past, could temporarily chill the bilateral relationship. In any event, the cooperation in many areas would be undisturbed and deepened. No specific value would be assigned to the German-Polish relationship. Instead, it would be understood as one of many intensive, but ultimately “normal” relationships in Europe.

**3. “Indifferent Neighbors.”** In this scenario, Germany and Poland would primarily focus on other partners. Strategic discord over important European political issues would alienate the countries from one another. The mutual contact would be plagued with mistrust and far-reaching disinterest. They would be hypersensitive to conflicts “from yesterday” and would prefer to merely coexist than to cooperate with each other. Notwithstanding these issues, there would be however a robust basis for cooperation: economic exchange, business contacts, cross-border cooperation and other things would continue largely unharmed.

## What kind of Partnership?

From the German perspective, which of these models should be worked towards? A “strategic partnership” and a “go-for-it” German-Polish tandem with a forward-looking palette of European issues would surely be worth working for: such a responsible cooperation would promise new initiatives for the EU and a harmonic German-Polish coexistence. Such a strategic partnership is predicated on two things: the existence of a common agenda and the will on both sides to agree to this style of collaboration. In regard to both premises, at least at present there are substantial uncertainties.

A German-Polish agenda for the larger EU must first be defined. The “Neighbourhood Policy” of the European Union and the relations with the eastern neighbours are surely an issue, which both sides want to take up. And as the German-Polish Council initiative on EU policy towards Ukraine demonstrates, both countries are also ready to engage together on this question. Other issue areas could be energy, infrastructure or transport policy. It is also possible to imagine cooperation on security and defense policy in the course of the strengthening of the European Security and Defense Policy (ESDP). Whether in further, partly disputed policy fields (tax policy, industrial policy, environmental protection, etc.) a special German-Polish role is imaginable, remains to be seen.

However, at present and in the near future, it is doubtful that the prevailing desire in Warsaw would be to ally Poland “strategically” with Germany in the EU. On the one hand, it is due to the (already discussed) growing suspicion of Germany among the political class of Poland. On the other hand, especially after a possible change of power in Warsaw, there could be a European policy in effect that emphasizes national interests within the EU more strongly than in the past. See, as an example, the words of a parliamentarian from Citizens Platform: “No foreign prime minister, no foreign minister has to like us.

What is important is that he must reckon with our opinion. [...] Those who have the steering wheel of Polish foreign policy in their hands should take Margaret Thatcher as an example, she was the most unloved leader in the history of united Europe, but at the same time she defended the strategic national interests of her citizens in a highly efficient manner” (Parliamentarian Paweł Graś in the debate over the no-confidence vote against foreign minister Cimoszewicz on October 13, 2004).

Thus, at present, a “strategic partnership” seems to be out of the question. Germany and Poland must, in the near term, gather experience in the EU-25, in order to appreciate the reality, especially with regard to alliance building and making compromises, of the larger Union. Moreover, Poland must first find a new consensus for its foreign and European policies as well as learn how to constructively handle dissent. Perhaps both countries should leave the disputes in bilateral relations to the side for a moment. Then, when certain disagreements have been defused, a reactivation of the bilateral relationship might have a chance to succeed. All things considered, at present a form of “pragmatic cooperation” between Germany and Poland seems to be a more realistic approach than one based on “special roles” for both countries.

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