

WHERE ARE THE POLISH-GERMAN RELATIONS HEADING?

THE 30TH ANNIVERSARY OF THE TREATY OF GOOD
NEIGHBOURSHIP AND FRIENDLY COOPERATION



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- The Polish-German relations at the turn of 2020-2021, although marked by a difficult history, sometimes even by mutual misunderstanding, are relatively correct now. This is thanks to good personal relations between Polish and German politicians (presidents and heads of government) and very good economic relations. Germany is a key trade partner for Poland.
- Geography still determines foreign policy directions, even though globalisation has reduced the role of the geographical factor in international relations. The geostrategic dimension makes the relations with Germany crucial for Poland, especially if we take into account Poland's other big neighbour, Russia.
- There is a long list of challenges to overcome in the Polish-German relations, such as geopolitics (the construction of Nord Stream 2, the mutual attitude towards Russia), the issue of the Polish minority in Germany and possible reparations (a politically controversial and difficult topic), the future of Germany and Poland's role in the European Union.
- Poland's scepticism towards Germany's federalist ideas about Europe may cause frequent tensions between Berlin and Warsaw, especially as Germany has become accustomed to the fact that Poland acted as its supporter during a major part of its EU membership. It can be assumed, however, that Poland's attitude towards Germany will become more assertive as Warsaw's political and geo-economic power grows stronger.



SOURCE: PUBLIC DOMAIN

Determinants of the German-Polish relations

Poland's bilateral relations with Germany (since its reunification in October 1990) have been treated as a priority in Polish foreign policy. For Poland, the Federal Republic of Germany is not only the most important neighbour but also an essential NATO ally and the most important economic partner. The importance of relations with Germany is also a consequence of Poland's participation in the European Union. Germany remains the demographically, economically and politically strongest EU state, in practice being its leader together with France. The attitude towards Germany and the need to establish adequate relations with Germany result not only from specific challenges, but mainly from the geopolitical location of Poland.

In the Polish-German relations, it is still geography that determines foreign policy directions, even though globalisation has effectively minimised the role of the geographical factor in international

relations. The geographical position of Poland makes it crucial to ensure correct and equal relations with Germany, especially taking into account Poland's other big neighbour, the Russian Federation. Thus, despite the changing alignments, the challenge for Poland is still to define itself between Russia and Germany in the new times of the third decade of the 21st century.

Germany, as the largest EU state and, at the same time, a state with ambitions to play the role of at least a regional power, will perceive Poland's position through the prism of its own goals. Two problems in this area may arise in the near future. The first may be Poland's wait-and-see position in the EU and the fact that Poland – unlike the pre-2015 period – will not support German interests at all costs. Consequently, Poland's lack of support for its western neighbour's ideas on Europe may cause tensions between the two countries, especially as

Germany has been accustomed to Poland's support during the major part of Poland's EU membership (since 1 May 2004). It can be assumed that Warsaw's attitude towards Berlin will become increasingly assertive as Poland's political and economic strength increases. The relation between both states, with Poland gradually strengthening its position (which is facilitated by the integration projects in Central and Eastern Europe), may become more and more competitive.

Therefore, the second problem may turn out to be Poland's active foreign policy within the Three Seas Initiative, and at the same time the fact that after 2018 Germany has expressed its interest in the initiative despite its previous passive attitude. Berlin's support for the Three Seas Initiative undoubtedly raises its importance. However, the reasons for Berlin's stance remain unclear, and they may include: the USA's involvement in the project and the desire to "outdo" Washington; an excessive, from Germany's point of view, strengthening of Poland's position in the region, which appears to be the natural leader of the Three Seas Initiative, and if Germany joins in, this position could change; the fear of losing German influence in the region; and the fear of weakening the EU on its eastern flank.

The key challenge will be to direct Polish foreign policy in such a way as to avoid a clash with Berlin's policy, but at the same time taking a pragmatic approach to Polish interests.

The indicated potential problems in bilateral relations between Warsaw and Berlin will become more and more real if Germany continues to abandon the rhetoric of post-war reconciliation, which was prevailing in relations between the two countries since the 1990s. However, the three decades of Poland's transformation, and the resulting dynamic economic development, translated into an increase in Poland's activity on the international arena, which inevitably could have interfered with Germany's ambitions¹. As a result, the key challenge will be to direct Polish foreign policy in such a way as to avoid a clash with Berlin's policy, but at the same time taking a pragmatic approach to Polish interests, which over time may or may not become less and less convergent with German interests.

1. Por. M. Staniszewski, Wyjść z cienia hegemonii, „Fundacja Republikańska” from 9.12.2020, <https://fundacjarepublikanska.org/wyjsc-z-cienia-hegemonii/> [accessed: 10.12.2020].



SOURCE: CHANCELLERY OF THE PRIME MINISTER

The current agenda of Polish-German relations

The agenda of the bilateral Polish-German cooperation should include two general groups of issues, i.e., bilateral relations and relations within the EU. It should be pointed out that the group of EU affairs, in particular, is becoming more and more important nowadays (all the more so as Ursula von der Leyen, a German and a former defence minister in Angela Merkel's government, is the president of the European Commission). It seems that an agreement between Berlin and Warsaw is crucial for the success of any institutional reform of the EU. It would represent a compromise between the aspirations of the so-called "old Union" (comprising the states from before the 2004 enlargement) and the "new Union" (the states of Eastern, Central and Southern Europe). The tension between the two "Unions" has long been visible and was the most extremely represented

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by disagreements over the rule of law in countries such as Poland, Hungary and Romania. However, the intergovernmental and parliamentary dialogue between Poland and Germany should also include a broad catalogue of bilateral issues. Here, issues such as the legal and factual situation of the Polish minority in Germany, problems with the Jugendamt (i.e. excessive interference in the parental authority, often affecting Polish citizens in Germany), the historical policy of both countries, and joint activities for

the protection of the natural environment, especially in the Baltic Sea area, can be addressed. Apart from the mentioned issues, the Ukrainian affairs and, above all, the role of Russia in the region of Central and Eastern Europe could also be on the agenda without making any arrangements. The position of

Poland, which consistently advocates the stabilization of the region, needs to be strongly articulated. There are many fields for a German-Polish dialogue and for taking joint actions as well as challenges in our mutual relations.

Disputes – a catalogue of unresolved issues

There are several unresolved problems or, more broadly, challenges in the Polish-German relations, which Polish politicians and diplomats should focus on. June 17, 2021, is the day of the 30th anniversary of the “Treaty on Good Neighbourship and Friendly Cooperation” signed by Poland and Germany, which complemented and developed the Border Treaty concluded on November 14, 1990². It would be advisable to thoroughly analyse both documents in order to clarify some of the treaty provisions that have not been fulfilled until now. The most important unfulfilled provision is the question of the position and rights of Poles in Germany. It is estimated that 1.5-2 million Poles are living behind the western border of Poland, more than 1.5 million of which have exclusively Polish or dual (Polish and German) citizenship. The treaty guaranteed that the rights of the German minority in Poland and the Polish minority in Germany would be regulated and applied reciprocally. The German minority in Poland has about 150,000 citizens declaring themselves as Germans. Since 1991, the German minority has had the right to elect its representatives to the Sejm on special terms (there is no 5% electoral threshold at the national level, but at the district level). In places where lives a significant group of Germans, local government authorities pass resolutions on the use of bilingualism in particular offices and on the use

of signs with two names of these places – currently, there are over 350 of them. Meanwhile, 2 million Poles in Germany are not recognised by the law as a national minority. It is significant that the status of the national minority was taken away from Poles in 1940 by the Nazi authorities, who also seized all the property of Polish organizations. In November 2014, The German Ministry of Foreign Affairs rejected the request to recognize, formally register and restore the deprived Polish minority rights.

Poles are also very sceptical about the Jugendamt's actions against Polish parents in terms of childcare, as there have been cases when children were forcefully taken from Polish families³. The great current challenge is to arrange the rights of Poles permanently living in Germany according to the Treaty on the basis of reciprocity. The approaching thirtieth anniversary of the Treaty could be used as an excellent moment for implementing its provisions.

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2. I.e. Treaty between the Republic of Poland and the Federal Republic of Germany on the confirmation of the existing border between them, signed in Warsaw on 14 November 1990, Dz.U. 1992 nr 14 poz. 54

3. The German Youth Welfare Office (Jugendamt) is an autonomous local authority established to carry out youth welfare tasks and to support parents in difficulty. The Jugendamt's activities are widely criticized. The authorities are mainly accused of “preventive” placement of children in care centres and foster families and of discrimination against immigrants. The functioning of the Jugendamt was the subject of studies of the European Parliament. These studies confirm some of the arguments put forward by opponents of the authorities. See: K. Kryla-Cudna, Niemiecki urząd do spraw dzieci i młodzieży (Jugendamt), „Prawo w Działaniu. Sprawy Cywilne”, 25/2016, pp. 191-205.

The German authorities supported Poland in many matters, especially during Poland's efforts to join the EU. At that time, Germany became the main advocate of Poland's accession on the forum of the „old” EU.

Bearing in mind all the disproportions and unresolved issues in the German-Polish relations, it has to be acknowledged that the German authorities supported Poland in many matters, especially during Poland's efforts to join the EU. At that time, Germany became the main advocate of Poland's accession on the forum of the “old” EU. Now, however, the mentor attitude is no longer necessary. Poland is a fully-fledged and independent member of the EU. Therefore, in all negotiations, Poland's representatives should be assertive, decisively present their own position and consistently defend its interests.

Among the unresolved issues, even though so many years have passed since the end of World War II, the problems related to post-war reparations in favour of Poland are still being raised. As these issues may be the subject of a serious dispute with Germany, then it should be a great challenge for the Polish policy towards Germany to establish a competent – maybe even international – team of specialists who would examine all facts, documents and events, and only on this basis would decide to formally lodge possible claims. Otherwise, the Polish-German relations would only be aggravated, without any real chance for Poland to succeed in this matter.

It is also worth remembering that there are German initiatives to commemorate the martyrdom and losses of Poles and the Polish State. At the end of October 2020, at the request of the majority of the

fractions in the Bundestag, it was decided to build a monument to the Polish victims of World War II in the centre of Berlin. It is designed as a building in which not only memorabilia related to the topic will be presented, but also meetings, conferences or events will be held, on the one hand, commemorating the difficult past, and on the other building positive relations between the two nations.

It is emphasized that the project is not an idea of the authorities and politicians, but a grassroots community effort. The idea was conceived over three years ago, and the final project is now to be implemented. Nevertheless, critical voices of Poles questioning the concept of the monument appear. It seems that Poland should welcome this German initiative with hope. Since the project is still in the making, concrete, desirable solutions can be suggested and negotiated. A possible initiative undertaken by the Polish Sejm and Senate could be appropriate in this matter⁴.

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A natural partner for the German major undertaking could be the state-owned Witold Pilecki Institute for Solidarity and Valor, which, after changes and reorganization, started operating in September 2018. An Office of the Institute in Germany has also been established. This professional institution is aimed at expanding and popularizing knowledge about the traumatic experiences of Poles during World War II,

4. See: Deutsche Welle, <https://www.dw.com/pl/bundestag-za-miejscem-pami%C4%99ci-o-polskich-ofiarach-wojny/a-55448357> / [accessed: 8.12.2020].



SOURCE: KRZYSZTOF SITKOWSKI / KPRP

commemorating the victims and Polish heroes, and organizing undertakings developing and consolidating good, friendly relations with the German. The Institute's permanent presence and activity in Berlin create the conditions for the revival of partnership relations and for healthy, open relations between the two nations. This is a great challenge for Poland and should be treated as an opportunity to strengthen its position in mutual relations. There are still many serious problems that we have to face. This concerns historical policy, both in the presentation of facts and their interpretation in the creation of a policy of permanent presence and "common voice"; a policy of maximum openness and reliable treatment of painful experiences of a very difficult history, as well as working out principles of action taking into account partnership in contemporary politics.

In the times of the coronavirus pandemic, the problems of Poles working in Germany are becoming extremely important. Ad hoc decisions taken by individual countries as part of the fight against

COVID-19 may hinder border traffic or make it completely impossible for Poles living in Poland border areas, but working in Germany to cross the border every day. The temporary suspension of the Schengen agreements is of course understandable. However, given the fact that the work in Germany is the only source of income for most of these Poles, Poland should urgently arrange the right to cross the border for the Poles employed in Germany.

Poland should be committed to the development of trade and economic relations with Germany, which is its largest trading partner. Poland is the fifth state in the ranking of countries with which Germany conducts intensive economic policy, and it is worth noting that within two years it has surpassed Great Britain and Italy in this respect. The trade exchange between Poland and Germany is steadily growing and has increased from only 8 billion euros in 1991 to 123 billion euros in 2019⁵. For Poland, such a situation cannot be overestimated, moreover – if not for the shortage of skilled workers,

5. Data cited for: KUKE S.A., Grupa PFR, <http://www.mapa.kuke.com.pl/niemcy.html>, / [accessed: 9.12.2020].

the results from this exchange could be much higher. In the first quarter of 2020, we still had very good results. However, with the COVID-19 pandemic spreading to all countries, there is a risk of long-term economic slowdown or even a crisis in the entire global economy. Poland should mobilise all forces to maintain relations with the German economy. The government's support would be advisable – both substantive and financial – by an undertaking or a specific programme promoting Polish companies internationally, especially in Germany, which is an attractive market.

Currently, there are many contentious issues in Polish-German relations, both political and economic, which is another challenge of bilateral relations. Both countries have different views on the EU format and functioning. Poland is a supporter of a Union understood as a “Europe of the Fatherlands,” ensuring maximum sovereignty of states, while Germany strongly advocates a federation of member states, a strong eurozone, and Germany as the obvious leader of such an EU. Poland does not intend to introduce the euro as a common currency in the near future. A strong EU under German leadership, with a common euro monetary system and taking over many of the internal competences of individual states – this is the German concept of the community, which Poland does not fully accept at the moment. For this reason, if Poland wants to strengthen its position by developing cooperation with Germany, it should simultaneously work towards consolidating the front of the Central and Eastern European states (by developing various regional cooperation formats, such as the Visegrad Group or the Three Seas Initiative) as a counterbalance to the excessive, pro-integration and federalist actions of its western neighbour.

However, the members of the EU should also pursue common political goals and look after the interests of all EU states. A particularly sensitive foreign policy

issue in Polish-German relations is the question of Germany's attitude towards Russia. Germany prioritises economic interests without exposing political differences, which Poland cannot accept. The most disputable issue is the construction of the Nord Stream 2 gas pipeline through German territory, to which Germany has given its consent (although not all leading German politicians support the construction of NS2, for example, the Chair of the Bundestag Foreign Affairs Committee, Norbert Roettgen, is sceptical about the project).

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The construction and route of the gas pipeline have been the subject of international dispute. From the beginning, the project has been marked by an atmosphere of political scandal, after Chancellor Gerhard Schroeder, who supports this investment, became the head of the supervisory board of the consortium building Nord Stream 2⁶. The pipeline has been widely criticized due to economic, environmental and political reasons. The United States has joined the fight against the project, even imposing sanctions on companies involved in its construction (for example, sanctions against the Swiss-Danish company Allseas resulted in the suspension of work on the project, and construction was halted). The difficult situation of Germany is caused on the one hand by widespread international protest, and on the other by continuous lobbying by politicians and citizens from the eastern federal states, who see their benefits from leases, new jobs, and income from the operation and maintenance of the facilities. It should be noted that many prominent politicians

6. Paavo Lipponen acted in a similarly controversial way, who as prime minister of Finland lobbied for the construction and then accepted a lucrative job from the Russians. Portal Wnp <https://www.wnp.pl/gazownictwo/kolejny-europejski-premier-pracuje-dla-gazpromu,57336.html> [accessed: 10.12.2020].



SOURCE: WARSAW INSTITUTE

(e.g. Norbert Roettgen) as well as part of the public opinion and scientists, are against the continuation of this project⁷.

Admittedly, in case of aggressive geopolitical moves by Russia, Germany together with the entire EU decides to apply political and economic sanctions. The latest event, which caused a unanimous protest of the EU, was a failed assassination attempt on Alexei Navalny, which outraged the whole world. Russia has growing problems with its gas project⁸. It is difficult to say today what the final of the Nord Stream 2 investment will be, but in Germany, there are more and more categorical voices of opposition. Poland would be very satisfied if Germany finally abandoned this controversial investment. That is why Poland should continue to raise this issue on the

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EU forum and in negotiations with the United States and other countries, and clearly present its position.

It should be emphasised that politicians, numerous institutions and German citizens have a different opinion on many issues. It is therefore important to

7. See: R. Formuszewicz, Germany case and Nord Stream 2, „Portal OSW”, <https://www.osw.waw.pl/en/publikacje/analyses/2020-09-07/germany-case-navalny-and-nord-stream-2> and Warsaw Institute from 28.12.2020, <https://warsawinstitute.org/pl/nord-stream-2-determinacja-niemiec-rosji/> [accessed: 29.12.2020].

8. See: W. Jakóbik, Gazprom słono zapłaci za awanturniczą politykę Kremla przy Nord Stream 2, Portal ECR „The Conservative Online” from 31.12.2020, <https://theconservativeonline/article/gazprom-slono-zapaci-za-awanturnicza-polityka-kremla-przy-nord-stream-2/> [accessed: 01.01.2021].

follow the moods and opinions in Germany and to react quickly and effectively to interesting issues to counteract solutions that are disadvantageous for Poland and the Poles. A well-known example is a dispute about the obligation of Polish companies to pay salaries at the level of German standards. Such

a high and compulsory increase in wages for e.g. drivers in international transport would lead to a serious collapse of the Polish economy. As a result of intensive negotiations, however, the problem was resolved.

Challenges and opportunities for 2021

Despite the many unresolved problems in Polish-German relations, both in the past and in current affairs, it is worth engaging in dialogue and initiating concrete undertakings to promote both common activities and the initiatives of each country to improve mutual relations. Hopefully, this is the case of the Bundestag's decision to build a monument in Berlin to commemorate the martyrdom of Poles in World War II. It is necessary to emphasize and spread knowledge about this project. Since the Bundestag has decided on this grass-roots social initiative and many leading politicians and institutions have welcomed this decision with satisfaction, it would be worthwhile that the Polish Sejm deems to adopt a resolution expressing its satisfaction with the decision of the Bundestag and declaring its readiness to cooperate and join in the work at the preliminary stage of design. The Sejm's statement would have to be preceded by a detailed analysis and drafting of appropriate words of thanks and offer of cooperation in this matter.

It is worth adding that in the second half of 2020 Germany also signalled its willingness to cooperate in other fields. In the name of universal solidarity, they offered Poland material and logistic aid in the fight against COVID-19. In his letter to President Andrzej Duda, German President Frank-Walter Steinmeier (who was himself infected at the time) explicitly asked for an indication of needs which Germany could help to fulfil. The development of the pandemic in Poland, numerous reports of lack

of ventilators or free hospital beds and medical staff could justify the decision to accept the help offered. The Czech Republic accepted such an offer receiving respirators, antiseptic supplies and equipment, as well as the opportunity to treat COVID-19 patients in hospitals located in the border area. President Andrzej Duda expressed his gratitude for offering possible assistance and declared that Germany could also count on Poland's help. Finally, he expressed hope for a personal meeting when the pandemic has passed⁹.

2020 was a special year for the EU for several reasons. The first was certainly the outbreak of the coronavirus pandemic. The plague rapidly spread to countries not only in Europe but to all continents. The development of a vaccine raises hopes that the pandemic will be contained and extinguished in 2021. The means and methods used in 2020 to suppress COVID-19 resulted in a dramatic increase in unplanned expenses for the direct fight against the virus and the costs of mitigating the socio-economic impact due to the slowdown of the economy, the collapse of many of its branches, bankruptcy of companies and an increase in unemployment.

The second area of great importance for EU members in 2020 was the negotiation and subsequent adoption of the EU budget for the next 7 years. In addition to the massive amounts of the "standard" budget, a separate appropriation was passed for the Recovery Fund, intended to cover the costs of the direct fight

9. An interview with President A. Duda from 5.11.2020 in „Polsat News”, <https://www.polsatnews.pl/wiadomosc/2020-11-04/andrzej-duda-niemcy-moga-liczyc-na-polske/> [accessed: 11.12.2020].

against COVID-19 and as a source of funding to reconstruct the economies of individual member states. In July 2020, the framework of a seven-year budget was negotiated, and according to Prime Minister Mateusz Morawiecki, it was very favourable to Poland, which became the main beneficiary of the adopted distribution of funds. In the autumn, however, it was proposed to make the disbursement of the sums dependent on compliance with the rule of law by almost all EU countries. Poland and Hungary protested, as for several years they have been pursuing internal policies that are often not accepted by other EU countries. In order to have this provision withdrawn, Poland and Hungary threatened to veto the budget. Politicians from Germany, which holds the presidency, and especially Angela Merkel herself, strived to obtain a positive declaration from all the countries. In the end, a “conclusion” was reached, according to which the application of the condition “money for the rule of law” will apply only with regard to the observance of legal and accounting principles in the spending of funds from the Recovery Fund. The compromise was considered a success by all, including the Polish government. Angela Merkel, who is retiring from politics this year, managed to set the budget for 2021-2028, which she certainly considers largely her own success as well.

In 2021, elections will be held in Germany, certain changes will take place and new politicians will have their say. The Polish government should kindly observe the election of the new authorities and strive to develop healthy, positive principles of co-operation from the very beginning. Harmonious relations with Germany are very important, especially as the emotional presidential election in the US requires Poland to reasonably analyse and work out co-operation with the new authorities in the United States. While not giving up on maintaining good Polish-American relations, Warsaw should put much effort into defining the position, goals and directions of cooperation with Germany. A good starting point of a new page in mutual contacts would be an insightful, kinder interest and application for Polish accession at an appropriate level (maybe NGO, as

it is a civic initiative on the German side) to the group working on the realization of the Monument of Polish Victims (an institution similar to Polin could be established). It is important to gain a solid partner and ally in the new German authorities. It seems that this is the right moment for thorough verification of the stances on many issues between Poland and Germany. Expression and adequate publicity of the problems that are important for Warsaw, especially concerning the rights of Poles living in Germany (analogous to the rights of the German minority in Poland), such as learning their mother tongue, bilingual names of streets, towns and offices, solving problems of children in dysfunctional families – these are, among others, concrete issues that the government should address with the participation of competent institutions and organizations. A more intensive, wisely organized cooperation and exchange of Polish and German youth could play a very positive role.

A much more difficult and, to tell the truth, currently unsolvable matter is the question of war reparations. If there is such a will, detailed analyses are needed: legal, political, historical, financial or logistic, as well as discretionary, diplomatic work for changing the position of the German state and nation in order to change the attitude towards possible claims. The argument that we, as a state, could have accepted Marshall Plan benefits does not stand up to a confrontation with the obvious truth that the People's Republic of Poland could not decide on these issues on its own.

Another issue of concern for Poland is the Nord Stream 2 gas pipeline project. It is difficult to count on the eventual abandonment of its construction if one takes into account the advancement of the project, the amount of funds involved, the attitudes and expectations of Germans living in the north-eastern part of their country, the number of new jobs, and finally the development of the region. EU or US sanctions against Russia may not be enough to lead to the abandonment of the project.



SOURCE: PRIME MINISTER'S OFFICE

The Polish government should support Polish companies that want to develop or start economic cooperation with Germany, provide substantive and administrative care to Poles working in Germany, organise projects promoting participation in the German economy and encourage Germans to invest in Poland. There are also issues whose undertaking and development require international cooperation. There is a lot to be done in the field of environment and ecology – border areas, the Baltic

coast, combating litter (utilization and recycling technologies), eliminating sources of air pollution, saving energy and water; this is a challenge for both countries, which can and should replace their dark common history with constructive cooperation. To sum up, at the turn of 2020 and 2021, Polish-German relations are relatively correct and if the dialogue continues, they can be much better. It depends on openness and willingness to talk from both sides.

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