

## ■ August 23, 1953: Polish government waives claims to reparations from Germany

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On August 23, 1953, the government of the People's Republic of Poland, headed personally by Bolesław Bierut, then First Secretary of the Central Committee of the Polish United Workers' Party, adopted Poland's declaration to cease collecting war reparations from Germany. Poland had been receiving such reparations since 1945 via the Soviet Union. The final payment was scheduled for late 1953. Without a doubt, the declaration was forced upon the Polish authorities by the Kremlin, which sought to pivot on its policy towards Germany.

The matter of the Bierut government's statement remains controversial. A great number of inaccurate reports and undocumented allegations have been circulated. It is therefore prudent to put the record straight and examine the original statement itself, the full text of which is provided below.

Soon afterwards, during the Tehran conference in late 1943, the Big Three assumed that Poland would be compensated at Germany's expense for the 1939 annexation of the Eastern Borderlands by the USSR by a handover of Germany's territories located to the west of Poland. In the summer of 1945, the Potsdam Conference agreed to have Poland acquire territories of the former German Reich to the east of the Oder and Nysa Łużycka Rivers (as well as the Free City of Gdańsk). In addition, the conference entitled Poland to seek reparations from Germany via the Soviet Union. The reparations were to amount to 15% of the value of the reparations obtained from Germany by the Soviets. The Soviet Union enshrined this decision in a Polish-Soviet treaty of August 16, 1945 while forcing Warsaw, whose government it controlled, to commit to sell to the Soviets millions (8 to 13 million) tons of coal annually at a "special" price of \$1.22 per ton, which was many times below market. The Kremlin's justification was that the Western and Northern Territories that Poland had acquired were worth substantially more than the Eastern Borderlands it had lost and that supplying tens of millions of tons of coal for a pittance would offset this difference. The deal was imposed on the Polish communist government. Incidentally, the Warsaw government was incapable of assessing the value of the goods that the Soviet Union received from Germany as reparations and therefore had no basis on which it was to assess the 15% of that amount that was to be due to Poland.

Over the years, Poland received goods of substantial value as reparations. These included ships, machinery, equipment, steam locomotives, rail cars, propellants, chemicals, as well as tableware, furniture, and gardening tools. However, there were also a number of goods of doubtful value. For instance, in 1949, about 10% of the value of the in-kind reparation deliveries to Poland came in the form of 6 million copies of books by classical



Marxist-Leninist authors, including Joseph Stalin, printed in the Soviet occupation zone in the Polish language.

Poland continued to receive reparations from Germany (the value of which was dramatically reduced by losses on the coal being supplied to the USSR) until the end of 1953. Their delivery ended after Moscow changed its policy towards communist East Germany in the summer of that year.

At a London conference in early 1953, Western countries agreed to postpone pursuing all World War II related claims against the Federal Republic of Germany until the conclusion of a peace treaty with that country. This made the Soviet Union look bad as a state that insisted on the continued collection of reparations. More importantly, however, an anti-Soviet and anti-communist uprising broke out on June 17, 1953 in East Berlin and across many other cities of East Germany. Although bloodily suppressed, the protests changed the Kremlin's approach to communist Germany. Moscow found it needed to lighten East Germany's burden and, to that end, chose to forego the reparations from this state, which had formerly been a part of the Soviet occupation zone.

One can only surmise that the puppet government of the People's Republic of Poland did little to oppose the decisions of the Soviet hegemon. On August 19, 1953, the Bierut administration passed a resolution accepting the "suggestion" of the USSR to waive "all reparations owed to Poland under an agreement between the People's Republic of Poland and the USSR" effective January 1, 1954. Furthermore, the Polish government "gratefully" accepted the lifting by the Soviets of Poland's "obligation to deliver on the coal agreement" while committing to supply its eastern neighbor with coal "on standard commercial terms".

By all indications, Poland was never in a position to negotiate these terms with the Soviet Union. The Warsaw government had no say in the matter and was simply faced with a done deal. The leaders of Poland's ruling communist party were most likely reduced to a rubber stamp that blindly accepted any decisions put to it by the Kremlin.

Three days later, on August 22, the USSR and the GDR concluded an agreement to "have the Democratic Republic of Germany cease all payments of reparations as of January 1, 1954 (...)". On the following day, the Sunday of August 23, the Bierut government convened what was probably an emergency meeting. Without any debate, all of its 35 attendees accepted the "proposals of the Soviet government for the Polish authorities" to adopt a "statement of the government of the People's Republic of Poland" issued specifically by the Minister of Foreign Affairs. In it, the Polish government committed to "relinquish, as of January 1, 1954 any compensation due to Poland." As set out in the document, the relinquishment applied to the "German nation" (and not merely the GDR, which was highly praised in the text). It said this was a way to help East Germany "not only strengthen its economy, but also lay the groundwork for restoring its unity and



establishing a reunified, peaceful and democratic German state, which was in the vital interest of the Polish nation”.

Years afterwards, Polish government experts would admit in confidence that the Bierut administration's statement went above and beyond the demands of the Soviet government. They noted that Moscow had concluded a bilateral agreement with East Berlin, and that all that the Polish People's Republic did was issue a statement. The USSR made it clear it was only speaking of reparations from East Germany, while the Bierut government's statements spoke sweepingly of Germany as a whole in several places. However, the USSR-GDR agreement called for "a complete cessation of the collection of reparations", and not their renunciation, as was the case in the statement of the Polish People's Republic of August 23, 1953. Moreover, the Soviet Union used the term "reparations", while the Bierut government used the broader term "compensation" which continues to be used by successive German governments, from Adenauer to Scholz. A confidential study of May 24, 1971 by the War Compensation Commission emphasized that the 1953 statement of the People's Republic of Poland contained errors that have had "adverse legal and economic consequences for Poland's ability to pursue further claims against Germany".

The statement was released shortly after it was published in the press, and then in the semi-official "Document Dossier" of the Polish Institute for International Affairs. A few weeks later, the statement's assertions were acknowledged by the Deputy Minister of Foreign Affairs of Poland speaking before the United Nations.

On October 5, 1970, during talks preceding the negotiation of the Polish-West German treaty of December 7, 1970, Poland's Deputy Minister of Foreign Affairs Józef Winiewicz reconfirmed the renunciation of the reparations by Poland. In a conversation with West German Chancellor Willy Brandt on December 7, 1970, the First Secretary of the Central Committee of the Polish United Workers' Party Władysław Gomułka also reasserted that the waiver of the reparations by Poland was binding. He said: "As is common knowledge, the Polish government forewent the reparations from Germany as a whole, and thereby also from the Federal Republic of Germany. We will not renege on that pledge regardless of how we might see things at any future time". The day after the treaty of December 7, 1970 was concluded, West Germany proclaimed publicly that during their negotiations, "the Polish delegation again unequivocally upheld the validity of the Polish Government's statement" of 1953. The Polish side did not contest this announcement.

Until the collapse of communist Poland and during the Third Polish Republic period, no Polish government (including that of the United Right that has been in power since autumn 2015) questioned the statement of August 23, 1953. As early as October 16, 1989, responding to a parliamentary question, Foreign Affairs Minister Krzysztof Skubiszewski noted that the "unfortunate 1953 waiver of claims" remains in full force and effect.



However, in the 1960s, '70s and '80s, Warsaw's position was that although the Bierut administration had waived reparations, it never forwent compensation for Polish citizens. The authorities of the People's Republic of Poland made strenuous albeit unsuccessful efforts to obtain compensation from West Germany for Polish victims of the German occupation. The position of the successive Bonn governments on that matter remained unrelenting.

In Poland's public discourse post 2015, a number of right-wing journalists questioned the legality of the 1953 Statement of the Polish government. One of their assertions was that the document never existed (despite the fact that it is held in the Archives of the Chancellery of the Prime Minister under reference number 88/15/1). They also claimed it was insignificant as, in 1953, the Polish People's Republic did not maintain diplomatic relations with the Federal Republic of Germany (which is irrelevant) and that the document could only apply to East Germany, despite the fact that the statement itself implies quite the opposite. A peculiar argument was also voiced that the document had no legal force as it was not placed on official record in the UN (no such obligation existed).

Also to be noted is the position of late Prof. Jan Sandorski (of Adam Mickiewicz University of Poznań) dating back to 2004, which is rarely raised in Polish legal literature. According to this reputable lawyer, the fact that Moscow forced the Polish People's Republic to waive claims to reparations/damages from Germany renders the statement invalid from the moment it was issued (*ab initio*). However, Poland is not in a position to bring this case before the Hague Tribunal after, in 1996, it declared it would not bring cases predating 1989 before that court. A similar declaration was also made by the Federal Republic of Germany. Equally notable is the so-called Babinski-Kastrup agreement of October 1991 under which the Jan Krzysztof Bielecki administration pledged not to support compensation claims of Polish victims of the German occupation in return for a relatively small amount of 500 million German marks (DM) donated to the Polish-German Reconciliation Foundation that was established at that time.

Given that no legal avenues of claiming damages from Germany are available, all that remains is a political solution that could be arrived at through bilateral negotiations.

Annex

#### STATEMENT OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND

The Government of the People's Republic of Poland wholeheartedly welcomes the decisions of the Government of the Union of Soviet Socialist Republics regarding the German matter.



These decisions aim to secure lasting peace in Europe, permanently thwart any imperialist plots to make West Germany a dangerous focal point of a new war, and create a reunified, democratic, and peace-loving Germany.

These decisions are of vital importance for all nations and, in particular, the Polish nation that neighbors Germany and that has repeatedly fallen victim to armed German invasions.

These decisions strengthen Poland's security and, by subverting criminal plots by neo-Nazi retaliators and revisionists and their protectors, strengthen peaceful democratic forces throughout Germany, as expressed by the German Democratic Republic.

Considering that Germany has already largely satisfied its obligations to provide compensation and that improving the well-being of Germany is crucial for its peaceful development, in its wish to make a further contribution to the settlement of the German issue in a peaceful and democratic spirit in the best interest of the Polish nation and all peace-loving nations, the Government of the Polish People's Republic resolves to renounce, as of January 1, 1954, any claims to damages due to Poland.

The Polish Government fully shares the conviction of the Government of the USSR that the said decisions will significantly help the German nation to create the necessary conditions for the restoration of its unity and for establishing a united, peaceful, and democratic German state, in which the Polish nation is vitally interested.

Original Polish quoted from: Problem reparacji, odszkodowań i świadczeń w stosunkach polsko-niemieckich 1944-2004, vol. II. Dokumenty, edited by Sławomir Dębski and Witold M. Góralski, Polski Instytut Spraw Międzynarodowych, Warsaw 2004, p. 271; original: Archives of the Chancellery of the Prime Minister, ref. 88/15/1.