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## **Germany as a Kin-state: Norms and Objectives<sup>1</sup>**

Germany's role as a kin-state of ethnic German minorities in Central and Eastern Europe stems from a number of factors.<sup>2</sup> At one level it is part and parcel of a unique historical legacy. It is also inextricably linked with the country's foreign policy towards this region. The most profound policy that the Federal Republic of Germany developed in this context after the early 1960s was Ostpolitik which contributed significantly to the peaceful end of the Cold War, but has remained relevant thereafter despite a fundamentally changed geopolitical context, as Germany remains a kin-state for hundreds of thousands of ethnic Germans the entire Eurasian post-communist political space.<sup>3</sup>

In this paper my aim is to show how since the early 1990s, the German government's policies as the kin-state of remaining German minorities in post-communist Europe, demonstrates the basic continuity of German Ostpolitik since the late 1960s and to explain continuity in terms of the development of, and adherence to a set of norms to which the overwhelming majority of the German political class and public subscribes. German Ostpolitik priorities—peace, reconciliation and 'change through rapprochement'—have remained largely constant, while the opportunities for success have at times gradually and at other times rapidly increased.

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<sup>1</sup> I would like to extend my thanks to Stefan Wolff for his assistance in the preparation of this work, elements of which are based upon our numerous prior collaborations.

<sup>2</sup> Geographically, our understanding of Central and Eastern Europe covers ethnic German minorities in the following countries: Poland, Czech Republic, Slovakia, Hungary, Romania, and the successor states of the former Yugoslavia and of the Soviet Union. On the origins of these communities as well as more recent developments, cf. Cordell and Wolff (2005a and b) and Wolff (2003, 2006). We take ethnic Germans to be people whose ancestors emigrated from the German heartlands and who have retained some affinity with German language and culture, as well as the descendants of people who assimilated German culture and language during periods of German rule of territories that are now integral parts of nation-states other than Germany.

<sup>3</sup> Bade, K. (ed), 1993. "*Republikflüchtlinge-Übersiedler-Aussiedler*", *Deutsche im Ausland*. München: Verlag C. H. Beck, pp.393-411

I develop my argument by offering a broad contextualisation of Ostpolitik since the 1960s, and examine in greater detail how one of its key components, external minority policy, has been implemented in the Cold War period since 1989/90. This broader analysis forms the context within which I employ case studies of Germany's external minority policy as illustrative examples of this policy continuity.

Later in the paper, I return to the broader context of Ostpolitik and demonstrate that its defining norms have remained constant following another major change occurred in the geopolitical environment, namely European Union (EU) enlargement. I conclude with some general observations about the development and implementation of Ostpolitik as a norm-consistent foreign policy.

### Determining a Normative Framework

This framework provides only a partial foundation for the main argument that I develop, namely, that long-standing links between the states and nations of Central and Eastern Europe, and especially events before, during, and after the Second World War and their interpretation on the part of the German political elite have given rise to a set of norms that since the late 1960s have governed the conduct of German foreign policy in the sense of setting out the objectives of Ostpolitik and the appropriate means with which to pursue them.

In order to develop a more persuasive argument, it is worthwhile paying attention to the importance of norms in foreign policy in general and this sub-set in particular, however, we first need to identify the relevant social norms at the domestic and international levels. Here I rely on Boekle, Rittberger and Wagner,<sup>4</sup> who highlight the centrality of the following indicators of international and societal norms:

- 1) *Indicators of international norms*: general international law; legal acts of international organizations; final acts of international conferences.
- 2) *Indicators of societal norms*: constitutional and legal order of a society; party programmes and election platforms; parliamentary debates; survey data.

<sup>4</sup> Boekle, Henning, Rittberger, Volker and Wagner, Wolfgang. 2001. 'Constructivist Foreign Policy Theory', in *German Foreign Policy since Unification: Theories and Case Studies*. Manchester: Manchester University Press, pp. 105-137.

The relevance of such an approach is clear. Since the early 1970s, Germany has entered into several legally binding treaties with the countries of Central and Eastern Europe and is also bound by the obligations that derive from its membership in the United Nations. These include limitations on the use of force, plus respect for the sovereignty and territorial integrity of other states. The Federal Republic has long been an advocate of the employment of peaceful and diplomatic means for the resolution of disputes, and in particular in relation to Ostpolitik judicial decisions and opinions at domestic and European level have been significant in determining (and post hoc confirming) the appropriateness of specific courses of action. As a member of the EU, Germany is bound by legal acts of this organization that at the same time it shapes significantly. The critical role that Ostpolitik played in making the process of the Conference on Security and Co-operation in Europe (CSCE) possible and the mutually sustaining relationship that the two have had since the Final Act of the Helsinki Conference of the CSCE in 1975 indicates the significance that can be attached to this process and the principles upon which it was founded.

It is also obvious how societal norms manifest themselves in the German constitutional and legal order, in party programmes and election platforms of the major political parties, and in parliamentary debates and survey data. The architects of Ostpolitik never questioned another fundamental norm with which German foreign policy had to comply—the maintenance of close and permanent ties with Western political, security and economic structures that were established from the early 1950s. The gradual development of a consensus on the value-based norms governing Ostpolitik was only possible as a double consensus on *Westbindung* (embedding the Federal Republic within the nascent process of European integration) and Ostpolitik.<sup>5</sup> In other words the triumph of Germany's first post-1945 chancellor Konrad Adenauer facilitated the (success of) the 'new thinking' toward the Soviet bloc on the part of the *Sozialdemokratische Partei Deutschlands* (Social Democratic Party of Germany/SPD).

This set of circumstances also illustrates the close and dynamic relationship between societal and international norms. Eventually, the success of Ostpolitik in establishing a *modus vivendi* that allowed both *Westbindung* and the pursuit of a policy of reconciliation, peace and regime change towards the countries of Central and Eastern Europe

<sup>5</sup> Erb, Scott. 2003. *German Foreign Policy: Navigating a New Era*. Boulder, CO: Lynne Rienner.

contributed to the broadening consensus on the norms that governed Ostpolitik. In other words, my argument is not that certain norms suddenly appeared on the horizon of German foreign policy and were immediately embraced by political elites and the general public, but rather that a number of factors combined during the 1960s to transform the context of German foreign policy towards the Soviet bloc. Most important among them was the overall climate of détente within which from 1969, the government of Willy Brandt embedded its new Ostpolitik, including the reorientation of policy on German reunification. Other important factors included the success of the integration process of expellees and refugees, Germany's economic recovery (the economic miracle), reconciliation with the Western Allies and Germany's incorporation into Western economic and security cooperation structures. Against this background, Brandt's determined diplomacy succeeded in reconciling West Germans to the reality of two German states and in re-establishing a *modus vivendi* with Bonn's eastern neighbours'.<sup>6</sup> This did not mean that German reunification ceased to be an objective of West German foreign policy, but rather that more attainable objectives were placed higher on the foreign policy agenda and in the relevant policy and public discourses.<sup>7</sup>

### The Broader Context: German Ostpolitik since the 1960s

Little doubt exists that from the 1960s onwards, a gradual reorientation of German foreign policy occurred towards a more constructive engagement with Central and Eastern Europe. The reasons for this are varied, but they include the consolidation of Germany's links with the West through membership of Nato and the predecessor organizations of today's EU, the completion of the social, political and economic integration of over 10 million refugees and expellees primarily from Poland and Czechoslovakia, and a generational change in the German political class with younger and more pragmatic leaders rising to the top.<sup>8</sup>

<sup>6</sup> Wallace, W. 1978 Old States and New Circumstances: The International Predicament of Britain, France and Germany. In: *Foreign Policy making in Western Europe*, edited by William Wallace and William E. Paterson. Westmead: Saxon House.

<sup>7</sup> Brandt, W. 1967. *Entspannungspolitik mit langem Atem*, *Bulletin des Presse und Informationsamtes der Bundesregierung*, 85, 1967, 729

<sup>8</sup> Bender, P. 1995. *Die "Neue Ostpolitik" und ihre Folgen*. München: Deutscher Taschenbucher Verlag

In this context and following the post-1963 general relaxation of tensions in Europe, in the Grand Coalition (between 1966 and 1969) of the *Christlich-Demokratische Union/Christlich-Soziale Union* (Christian Democratic Union/Christian Social Union-CDU/CSU, and the SPD, and then in an SPD-led coalition government (between 1969 and 1982) with the liberal *Freie Demokratische Partei* (Free Democratic Party/FDP), Willy Brandt and a close-knit circle of his foreign policy advisors grouped around Egon Bahr developed a new policy towards the countries of Central and Eastern Europe.<sup>9</sup> It proceeded from the recognition that the political and territorial status quo in Europe could not and should not be changed through force or a policy of attempting politically to isolate the Soviet bloc. Rather, the premise of the new Ostpolitik was that stable peace, reconciliation, and political transformation in Central and Eastern Europe could only be achieved by means of rapprochement. After 20 years of negligible relations with the East, this shift in foreign policy orientation had something quite revolutionary about it. In a domestic and governmental context in which fear and distrust of the East's intentions had been the order of the day for so long, rapprochement could not but meet initial significant resistance.

Yet, both the governmental and international, as well as to some extent the bilateral contexts of Ostpolitik enabled Brandt and his team to reshape underlying societal norms at the domestic level. Concluding treaties with the Soviet Union, Poland, East Germany and Czechoslovakia, as well as other countries in Central and Eastern Europe, became possible because of an international climate that presented a window of opportunity in the form of détente between the superpowers.<sup>10</sup> The initiative was further strengthened because the SPD/FDP coalition had a secure parliamentary majority as of November 1972 and because of a bilateral context in which coalitions of interest emerged that were able to respond positively to the opportunities that arose.<sup>11</sup>

<sup>9</sup> Löwenthal, R. 1974. *Vom kalten Krieg zur Ostpolitik*, Stuttgart: Seewald Verlag. Wolff, S. 2003. *The German Question since 1919: An Analysis with Key Documents*. Westport, CT: Praeger.

<sup>10</sup> Bender, P. 1995. *Die "Neue Ostpolitik" und ihre Folgen*. München: Deutscher Taschenbucher Verlag. (p. 119)

<sup>11</sup> In the case of the German-Czechoslovak treaty of 1973, it was also, and perhaps primarily, Soviet pressure put on the Czechoslovak communist regime that made a successful conclusion of the negotiations possible.

In turn, the success of the new Ostpolitik had a profound impact on the content of societal norms in the domestic context of foreign policy making. Not only did a majority of the population recognise that Ostpolitik was the only way forward in relations with the East under the conditions of Cold War geopolitics but more importantly previously dominant norms that were most obviously embodied in Chancellor Adenauer's *Politik der Stärke* (Policy of Strength) lost credibility very quickly (a process that had begun following the building of the Berlin Wall in 1961).<sup>12</sup> Over time, smaller and smaller constituencies, mainly comprising the elderly, and those who had experienced expulsion and flight as adults, continued to adhere to foreign policy concepts of hostility towards Germany's eastward neighbours, but they were becoming increasingly unimportant in electoral terms. As mentioned, his change had come about because of the successful integration of the large majority of expellees within the social fabric of the Federal Republic, and the gradual realisation on the part of the expellee generation that 'what had been gambled away had been lost forever'.<sup>13</sup> In addition, Ostpolitik became so embedded within the overall political culture of the Federal Republic that it would neither have been worthwhile, nor possible for any mainstream party to depart from a long-established consensus. Consequently, changes in government configuration since 1982, have not led to the return of an Adenauer-style *Politik der Stärke*.

While one could argue that none of this suggests that German Ostpolitik was indeed norm-consistent, i.e., that it pursued a logic of appropriateness rather than one of consequentiality, the preservation of the basic direction of this specific instance of German foreign policy in the post-Cold War era suggests otherwise. Realist predictions, several of which were quite influential at the time, assumed that Germany's power gains, both relative and absolute, as a consequence of the end of bipolarity, the collapse of communism in Central and Eastern Europe and German unification, and sheer economic power would inevitably lead to a more assertive foreign policy, including in relation to its eastern neighbours. Yet, none of this occurred. Germany remained committed to the project of European integration

<sup>12</sup> This is most evident in the 1972 elections which were fought as a *aussenpolitische Richtungswahl*, that is, an election in which the Federal Republic's relations with Central and Eastern Europe were the predominant theme and in which the Ostpolitik approach by Brandt and his allies in the FDP won out over the more traditional westward orientation and eastward hostility of the CDU/CSU.

<sup>13</sup> Brandt, W. 1967. *Entspannungspolitik mit langem Atem*, *Bulletin des Presse und Informationsamtes der Bundesregierung*, 85, 1967, 729.

and its ties to its Western partners in the various regional and international organizations in which it was a member, while at the same time continuing its Ostpolitik.<sup>14</sup>

The important point to bear in mind in this discussion is the norm-consistent character of Ostpolitik and the fact that the norms guiding its formulation and implementation have by-and-large remained identical since the 1960s and beyond the end of the Cold War. Policy content may have changed over time but its underlying norms have remained unchanged. In particular, changing dynamics in the international context, can explain this. Take the example of regime change. Always one of the guiding norms of Ostpolitik, the opportunities to realise it were obviously more limited during the Cold War than they were after the collapse of communism. Once the reform process in Central and Eastern Europe was successfully under way, regime change in itself was no longer the key issue. Rather, the question became one of how to consolidate the process of economic and political reform. Clearly, this reorientation in goals required a change in policy content, which in turn was enabled by the broader overall context in which these policies were pursued during the Cold War, the transition period and the period of democratic consolidation in Central and Eastern Europe. As different countries progressed at distinct speeds and paths, policy options towards each country were by necessity diverse. The example of external minority policy helps to illustrate these broad claims, and it is the analysis of this policy area that I shall now turn.

### **Ostpolitik in Practice (1): The Limits of External Minority Policy, 1949-1989**

In the immediate post-war period large numbers of ethnic Germans from Central and East European countries were expelled from their areas of traditional settlement in Poland, Czechoslovakia and a number of other East European countries and/or deported to forced labour camps, prior either to their expulsion to Germany or release back into wider society.<sup>15</sup> By the early 1950s the (communist) authorities had completed the process of expulsion. Although remaining ethnic Germans had their citizenship rights gradually reinstated, their situation was still not considered satisfactory by

<sup>14</sup> K.-M. Schröter, Head of the Europapolitik Section of the Free Democratic Party, interview with Karl Cordell, 16 February 2004.

<sup>15</sup> On the expulsions more generally, see Douglas (2012).

the West German government, partly because they suffered all the 'usual' disadvantages of life under communism, and partly because the experience of German occupation during the Second World War made them vulnerable to continued discrimination.<sup>16</sup> As a result full citizenship rights were not fully re-instated in some countries until as late as the 1960s, and even then, on the de facto condition that total assimilation into the host society was accomplished.<sup>17</sup>

For their part, early post-war governments in the Federal Republic were preoccupied with domestic issues and considerably constrained by the geopolitical situation of the early Cold War in terms of foreign policy. Domestically, the rebuilding of society and the economy, including the integration of millions of refugees and expellees took priority. On the international stage, Chancellor Adenauer had set a foreign policy agenda whose foremost aim was to ensure the integration of the country into the Western Alliance.<sup>18</sup>

This process of integration into the West was the preferred option of the overwhelming majority of the population and politicians. Yet, at the same time, the Western alliance as a symbol of post-war developments signalled, at least temporarily, an acceptance of the status quo, which, given the loss of territory suffered by Germany, found significantly less support, particularly among the several millions of people who had experienced flight or expulsion, many of whom had in fact never lived in Germany prior to the coming of war in their ancestral areas of residence. While it was generally accepted that the *Sudetenland* could not rightfully be claimed by Germany, the fixing of the German-Polish border along the Oder-Neiße line was denounced in public by West German politicians of nearly all political colours, including Adenauer and his cabinet ministers.<sup>19</sup> Simultaneously, however, it was equally clear that the federal government was in no

<sup>16</sup> This took different forms and occurred at different levels of intensity. For example, in the former Soviet Union, until the 1960s ethnic Germans had restricted access to higher education and were among the few minority groups who were not allowed to return to their pre-deportation settlement areas. At the other end of the spectrum, members of the German minority in Romania did have various opportunities to maintain, express and develop their ethnic identity, if only to enable the Ceausescu regime to obtain premium fees from the West German government from the 1970s onwards for each ethnic German allowed to migrate to the Federal Republic.

<sup>17</sup> Cordell, K. and Wolff, S. 'Germany as a Kin-State, *Nationalities Papers*, 35, 2, 2007, 290-315.

<sup>18</sup> Adenauer, K. 1967. *Erinnerungen*, Teil Zwei, Stuttgart: Deutsche Verlag.

<sup>19</sup> Loth, N. 1989. *Ost-West-Konflikte und deutsche Fragen*. München: dtv Verlag (p.26-47)

position to offer a credible political approach as to how the German-Polish border might be revised. Not only was any such revision contrary to the interests of all four allied powers of the Second World War, but West Germany itself did not possess a common border with Poland. Despite the claim of the Federal Republic to be the sole representative of the German people (*Alleinvertretungsanspruch*),<sup>20</sup> it was a matter of political reality that the East German state had officially recognised the new border in a treaty with Poland in July 1950.

When integration into the western world had sufficiently progressed by the mid-1950s through membership of Nato and the precursor institutions of today's EU, Germany could, more confidently, turn eastwards again.<sup>21</sup> As a result of public pressure and political lobbying by the various expellee organisations, but also as a consequence of the *Alleinvertretungsanspruch*, the Federal Republic committed itself to a foreign policy vis-à-vis the communist countries in Central and Eastern Europe that incorporated humanitarian efforts to improve the situation of ethnic Germans in these countries. Until 1989, the possibilities of direct involvement were however, extremely limited, so that the major instrument of German external minority policy was the negotiation of terms, through the Red Cross, with the host-states that would allow ethnic Germans to migrate to Germany. A precondition for deeper involvement could only come through the establishment of diplomatic relations with the relevant states in the east bloc.

The first step in this direction was the Soviet-German treaty of 1955, followed by a verbal agreement in 1958 according to which all those persons of ethnic German origin who had been German citizens before 21 June 1941 were entitled to repatriation.<sup>22</sup> This policy was continued by all successive governments, and received impetus with the coming of the SPD/FDP coalition to power in 1969 in the

<sup>20</sup> In a speech before the German Bundestag on 21 October 1949, Chancellor Adenauer declared that 'pending German reunification, the Federal Republic of Germany is the only legitimate state organisation of the German people.'

<sup>21</sup> Brandt, W. 1967. *Entspannungspolitik mit langem Atem*, Bulletin des Presse und Informationsamtes der Bundesregierung, 85, 1967, 729.

<sup>22</sup> This, however, solved only a part of the problem as it included only the Germans of the northern territories of former East Prussia, the so-called Memel Germans, and those ethnic Germans who, in the aftermath of the German-Soviet treaty of 1939, had been resettled to the then German territories from the Baltic states, Galicia, Volhynia, Bessarabia, and the Northern Bukovina, but found themselves again on Soviet territory at the end of the war. Thus, it did not cover the by far largest group of ethnic Germans who had migrated there, mostly between the middle of the eighteenth and nineteenth centuries.

shape of treaties with Poland (1970) and Czechoslovakia (1973), that specifically addressed the sensitive issues of borders, confirming that the German government of the day respected the territorial status quo.<sup>23</sup> Both treaties included provisions to the effect that the signatory states assured each other of respect for each other's territorial integrity and of the fact that neither had territorial claims against the other.<sup>24</sup> Thus, even though the international context remained relatively constraining, important changes occurred at the bilateral level, driven, especially after 1969, by a reorientation of policy in the German governmental context and the support that a majority of the general public was ready to provide to the government for this.

Ostpolitik priorities of promoting peace, reconciliation and 'change through rapprochement' against the background of the political realities of the Cold War did not leave the West German government any other option apart from facilitating the emigration of ethnic Germans from Central and Eastern Europe to the Federal Republic, which included primarily ethnic Germans from the Soviet Union, Romania, and Poland.<sup>25</sup> German external minority policy was thus not very active between 1945 and 1989, partly because it had always been suspected of a hidden revisionist agenda not only by the host-states, but also within Germany itself, and partly because remaining in their host-countries was not the preferred option for most ethnic Germans in Central and Eastern Europe. Thus, international expectations in east and west of what was an appropriate Ostpolitik for the Federal Republic to pursue, combined with a pragmatic recognition of what was achievable through bilateral engagement during the Cold War given the broader German commitment to peace and reconciliation. From this perspective, the set of norms that came to guide German Ostpolitik was determined by both domestic and external factors. It manifested itself in both spheres: in the international obligations that Germany entered into in the form of multilateral and bilateral treaties and agreements; as well as in a set of complementary domestic policies that sought to promote the permanent integration of expel-

<sup>23</sup> Cramer, D. "Bahr am Ziel", Deutschland-Archiv, November 1972.(p. 1121-1123)

<sup>24</sup> cf. Bulletin 1970: 1815 and Bulletin 1973: 1631

<sup>25</sup> The agreements between West Germany and some of the host-states on the repatriation of ethnic Germans included financial arrangements setting 'per capita fees' to be paid by the federal government. Average figures of annual emigration of ethnic Germans after 1950 are as follows: 1955-59: 64,000; 1960-64: 18,000; 1965-69: 26,000; 1970-74: 25,000; 1975-79: 46,000; 1980-84: 49,000; 1985-89: 148,000; 1990-94: 258,000; 1995-99: 148,000; 2000-04: 83,000. In 2005, the number fell to 35,000 (BMI, 2006).

lees and refugees after 1945 and of ethnic Germans emigrating from Central and Eastern Europe thereafter.

### Ostpolitik in Practice (2): External Minority Policy after 1990

The transition to democracy in Central and Eastern Europe, which began in earnest in 1989-90, provided an entirely different framework of new and increased opportunities for Germany's external minority policy. On the one hand, democratisation meant the granting of such basic rights and liberties as the freedoms of speech, association, and political participation, allowing ethnic Germans in their host-countries to form their own parties, stand for election as candidates of such parties, and actively advocate the interests of their group. On the other hand, it also meant that there were no longer any restrictions on emigration, and given the experience of at least the past forty years, many ethnic Germans, particularly in Poland, Romania, and the Soviet Union and its successor states, seized this opportunity and migrated to Germany. Both developments required a measured and responsible policy response from Germany – domestically to cope with the enormous influx of resettlers, internationally to assure the neighbouring states in Central and Eastern Europe of the inviolability of the post-war borders, while simultaneously continuing the support for the German minorities at qualitatively and quantitatively new levels, and ensuring their protection as national minorities. All this had to happen within the framework of general German foreign policy premises, such as the support for the transition process to democracy and a market economy, the creation of a new collective security order embracing all states in Europe, and respect for international law and human rights.

#### *The Domestic Response: Restriction of Immigration*

The most important legal act passed in response to the vast increase of ethnic Germans<sup>26</sup> leaving their host-states to migrate to Germany was the 1993 War Consequences Conciliation Act. Hitherto, effectively automatic entitlement to German citizenship, for those (who claimed to be) of German ancestry was revoked – ethnic Germans now had to prove ethnically-based discrimination in their host-states and a long-standing affinity to German culture, language, and traditions in order to qualify. Furthermore, the annual intake of ethnic

<sup>26</sup> In 1988, over 200,000 ethnic Germans 'returned' to Germany, in 1989 it was 377,000, and in 1990 a figure of 397,000 was recorded.

Germans was limited to the average of the years 1991 and 1992 within a 10 percent margin, i.e., a maximum of about 250,000 people. In 1996, a language test was introduced that has to be passed by ethnic German applicants for citizenship as a way of testing their affinity to German language and culture. Together, these changed regulations have considerably reduced the influx of ethnic Germans to the Federal Republic – from around 220,000 each year between 1993 and 1995, the immigration figures dropped to 178,000 in 1996 and 134,000 in 1997. Since then, yearly immigration numbers have continued to shrink, remaining by and large below 100,000, almost all of them now coming from the former Soviet Union.

It is important to view these changes within the overall context of Ostpolitik. This is not to deny that the federal government did not have one eye on domestic concerns regarding the rate of migration to Germany of individuals who had increasingly tenuous links with Germany, and who were accused of using such connections simply to escape from political and economic uncertainty. However, the German government in partnership with states such as Poland, Hungary and Romania had wider objectives. The primary goal was of course to nurture a set of circumstances that would allow Germany's relations with such states to flourish. In order to achieve these goals a set of measures had to be undertaken which would provide ethnic Germans with a *Zukunftsperspektive* in their countries of origin (as opposed to Germany), and which would make sure that ethnic Germans living in these countries did not become a constant strain on bilateral relations, as had been the case in the past when their presence had been instrumentalised by the governments of both their host- and kin-states.

In addition, the new policies formulated by the German government after 1989/90 would simultaneously also have to align German nationality laws with post-Cold War realities. Moreover, the aforementioned War Consequences Conciliation Act of 1993, which was passed in light of the changed situation, cannot be viewed as being analogous to the so-called benefit laws that have been passed in recent years in countries such as Hungary, Romania or Slovakia that deal with the position of co-ethnics who live outside the borders of their kin-states. The crucial difference is that these benefit laws seek to freeze ethnic identity by allowing the descendants of kin-state passport holders to obtain the nationality of their parents. The German law of 1993 does the opposite, and accords no special nationality privileges for the descendants of those who obtained German nationality under that

statute.<sup>27</sup> On the other hand, both sets of laws lay down the basic framework of interaction between the kin-state and ethnic compatriots living in neighbouring states. Hence, while we can note important changes in the German domestic and governmental contexts in response to a dramatically changed international environment, these changes do not undermine the general premises of Ostpolitik as a whole or of its external minority policy component. On the contrary, German domestic law, as an indicator of societal norms, remains fully committed to Ostpolitik objectives.

Within this context it is important to note that unlike a number of post-communist states, for example Hungary, Croatia and Romania, Germany does not extend voting rights for members of its diaspora born outside of the state's current borders. There is a broad consensus within the German political class that such a step would be counter-productive and contribute to a freezing of ethnic identity as well as hindering the process of social integration of a previously alienated minority. This stance may well have disappointed ethnic Germans scattered across the former Soviet bloc, together with their lobbyists in Germany. However, successive German governments conscious of historical sensitivities and within the setting of attempting to contribute to the creation a new norm consensus built upon deepening European integration have remained resolutely opposed to the idea.

#### *The External Response: Creating an Alternative to 'Repatriation'*

Realising that the changed conditions after 1990 required a recalibration of policy toward the former communist bloc, the German government embedded its external minority policy into the wider framework of its efforts to promote democracy, prosperity, and security in Central and Eastern Europe. While peace and reconciliation remained two key objectives of Ostpolitik, 'change through rapprochement' gradually gave way to aiding and consolidating the democratic transitions that occurred in Central and Eastern Europe after 1989. Another objective was to stem the inward flow of migrants many of whom had increasingly tenuous links to Germany.<sup>28</sup> In so doing, the federal government sought not only to ease the burden on its own resources, but endeavoured to minimise the economic damage that the outflow of skilled workers was inflicting upon some areas, particularly in Poland.

<sup>27</sup> Cordell, K. and Wolff, S. 2005b. Ethnic Germans in Poland and the Czech Republic: A Comparative Evaluation, *Nationalities Papers*, 33, 2 142.

<sup>28</sup> Bade, K. (ed), 1993. *Republikflüchtlinge-Übersiedler-Aussiedler, Deutsche im Ausland*. München: Verlag C. H. Beck (p. 393-401)

Given the ethnopolitical demography of the region with its many (albeit greatly reduced) national minorities, potential border disputes, and latent inter-ethnic tensions, it was obvious that the role of minorities would be crucial one two ways. The ultimate test of successful democratisation would have to include an assessment of whether or not members of national minorities, individually and collectively, were entitled to full equality and the right to preserve, express, and develop their distinct identities in their host-states. Equally important, however, would be whether old and new democracies with external minorities would pursue foreign policies in this context that were compatible with the aims democratisation across Central and Eastern Europe, as it was clear that it would not be possible to operate a viable collective security system without the definitive settling existing ethnic and territorial conflicts and establishing frameworks within which future disputes could be resolved peacefully. Taking these assumptions as a starting point, the German government concluded that national minorities should play a crucial part in bringing about results in these two interrelated processes as they could bridge existing cultural gaps. It is a stance that successive German governments have held to this day.

Cultural, social, and economic measures to support German minorities, although primarily 'aimed at an improvement of the living conditions of ethnic Germans in their host-countries', would naturally benefit whole regions and their populations independent of their ethnic origin, and thus promote inter-ethnic harmony and economic prosperity while strengthening the emerging democratic political structures.<sup>29</sup> Thus, by creating favourable conditions for the integration of ethnic Germans in the societies of their host-states as citizens with equal rights, the German government hoped to provide an alternative to emigration.<sup>30</sup> In the immediate post-Cold War era, the emphasis was on the creation of large-scale structural projects. In recent years the emphasis has shifted to youth work, the construction of community centres and promoting twinning projects between towns, villages and provinces in Germany with their counterparts in

<sup>29</sup> Bundesministerium des Innern (BMI), <http://www.bmi.bund.de/>, Deutsch-rumänische Arbeitsgruppe zur Förderung des muttersprachlichen Deutschunterrichts tagt erstmals in Hermannstadt/Sibiu, accessed 10 July 2012. Bundestagsdrucksachen 13/1116, 13/3195, 13/3428.

<sup>30</sup> Deutschunterrichts tagt erstmals in Hermannstadt/Sibiu, accessed 10 July 2012. Bundestagsdrucksachen 13/1116, 13/3195, 13/3428.

East-Central Europe and the former Soviet Union.<sup>31</sup> The other main factor is declining prejudice toward ethnic Germans. With regard to the former Soviet Union, the economic situation is far more uncertain than it is in much of the former Soviet sphere of influence. Correspondingly, there continues to be greater migration from the former Soviet Union of ethnic Germans to Germany, although once again the rates of migration are much reduced since the peak years 1989-2002.<sup>32</sup>

The situation of German minorities in the former Soviet bloc has improved not only because of the general, although sometimes patchy economic upswing in Poland, the Czech Republic, Hungary and Romania, but also because the process of democratisation has led to a more honest appraisal of long and short term historical relationships between ethnic Germans and their host states, and because governments in the region rarely attempt to utilise residual Germanophobia in order to garner electoral support. At a more concrete level, and in tandem with the desire to 'Return to Europe', i.e. seek membership of Nato and the EU, there have been several legislative/legal milestones that have served to buttress the process of post-communist democratisation by providing better support for ethnic minorities. They include:

- 1) The European Council's Copenhagen Criteria of 1993, concerning the accession of post-communist countries to the EU.
- 2) The Council of Europe's minority policy including the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,
- 3) A generally more relaxed attitude in home countries toward their minorities which is partly expressed in national protection laws and an active minority policy,
- 4) Policies (relations between Germany and its putative partners and wider economic factors. in this instance) by the German government in favour of German minorities.

So far we have established three things. First, that the Federal Republic's Ostpolitik has remained norm consistent for a period of over forty years, even if there has been a change of accent due to the changed domestic and international political landscape in Europe. Secondly, in a general sense the analysis has shown that the posi-

<sup>31</sup> Bundesministerium des Innern (BMIa), <http://www.bmi.bund.de/>, accessed 9 March 2006.

<sup>32</sup> Bundesministerium des Innern (BMIa), <http://www.bmi.bund.de/>, accessed 9 March 2006.



tion of German minorities in countries that have acceded to the EU has improved and stabilised. Thirdly, it has revealed that in the medium term in countries that remain outside the EU, the situation of German minorities will remain difficult. In this latter group of states the fate of remaining German minorities continues to depend on bilateral-state relations and internal political and economic developments, than it does on developments at the supranational arena.

Having established the context within which these changes have occurred, we are now in a position to evaluate the success of these policies through the presentation of three case studies. Each illustrates how this approach has been implemented in practice, and how, despite changing geopolitical and bilateral opportunity structures, German Ostpolitik remained guided by its fundamental commitment to peace, reconciliation and 'change through rapprochement'. The three case studies: Poland; Hungary and Romania have been chosen because individually and collectively they illuminate the challenges faced by the German government as a kin state, by host state governments and by the minorities themselves. In each instance, the overarching principle employed by the German government is that aid should facilitate the ability of the German minority to act as a bridge between the kin-state and the host state, thereby creating a series of mutually beneficial relationships. I shall commence my analysis with Poland, and then move on to consider Hungary and Romania in turn. This running order has been adopted as a conscious means of elucidating the problems faced in a situation where the German minority is sufficiently territorially concentrated for it to be a significant force the local level (Poland): where the minority is small, but apparently viable in at least the short term (Hungary); and where the minority faces the real possibility of extinction as a minority (Romania).

### *Poland*

The German government estimates that around 300,000 ethnic Germans live in Poland,<sup>33</sup> although the Polish census of 2002 offered a figure of 152,000<sup>34</sup> and preliminary results of the census of 2011 indicate a further decline to 109,000. The situation is complicated given that many respondents to the census of 2011 claimed to have a

<sup>33</sup> Bundesministerium des Innern (BMI), <http://www.bmi.bund.de/> 14.Sitzung der Deutsch-Rumänischen Regierungskommission für Angelegenheiten der deutschen Minderheit in Rumänien in Sibiu/Hermannstadt, accessed 10 July 2012.

<sup>34</sup> Cordell, K. and Dybczyński, A. Poland's Indigenous Minorities, and the Census of 2002, *Perspectives on Politics on Society in Europe*, 6, 1, 2005, 87.

dual German-Silesian identity, and that many declared Silesians (of whom there are apparently now 809,000) have cultural and linguistic affinities to Germany. To further confuse matters, the census of 2011 showed there to have been a spectacular growth in the number of Kashubes, up from 5,000 to 228,000,<sup>35</sup> some of whom could also claim cultural affinity to Germany if they so choose. Whatever the case, the large majority of declared Germans continue to reside in the Opole Voivodship of southern Poland.

Relations between Germany and Poland have their legal basis in the 1990 border recognition treaty, in which the Federal Republic explicitly guaranteed the Oder-Neiße line as the common German-Polish border. They also proceed from the 1991 Treaty on Good Neighbourly Relations and Cooperation, which served as a benchmark for similar treaties between Germany and other post-communist states in Europe.<sup>36</sup> Prior to the conclusion of these treaties, in 1989, a joint declaration by the German Chancellor and the Polish Prime Minister acknowledged the existence of a population of German descent in Poland and of the need to protect its cultural identity. As with all German minorities in post-communist Europe, the *Bundesministerium des Innern* (Federal Ministry of the Interior/BMI), carries primary responsibility for the conduct of Germany's kin-state policy.<sup>37</sup> As such the BMI works closely with its Polish counterpart, which in turn has a watching brief for Germany's Polish minority, under the terms of Poland's National and Ethnic Minorities Act of 2005. Today as in 1991, the BMI has as its main objective the aim of facilitating the expression of German identity in Poland by various means. Official recognition of the minority in Poland has been strengthened in a number of ways in Poland. For example in terms of electoral representation (see below), and in administrative terms by virtue of the fact that a German representative sits on the Parliamentary Commission for National and Ethnic Minorities, which is a decidedly post-communist construction. In addition, there is a lone German MP in the lower house of the Polish parliament.

The securing of a legal framework for the development of the German minority in Poland was but one part of a policy that has been complemented by substantive material aid in the areas of culture and educa-

<sup>35</sup> Polish Central Statistical Office (GUS), [http://www.stat.gov.pl/cps/rde/xbr/gus/PUBL\\_lu\\_nps2011\\_wyniki\\_nsp2011\\_22032012.pdf](http://www.stat.gov.pl/cps/rde/xbr/gus/PUBL_lu_nps2011_wyniki_nsp2011_22032012.pdf), accessed 10 July 2012.

<sup>36</sup> Cordell, K. and Wolff, S. 2005a. *German Foreign Policy towards Poland and the Czech Republic: Ostpolitik Revisited*. London: Routledge. (p. 79)

<sup>37</sup> BMI 2012

tion, economic reconstruction and social and community work (the responsibility of the German Red Cross, before 1990 also through the Ministry of Inner-German Affairs). The transition of 1989/90 allowed the allocation of larger funds, through different channels, and for new purposes. Geographically, material support has always been concentrated on Opole Silesia and to a lesser extent Upper Silesia proper.<sup>38</sup>

The provision of German-language educational opportunities has been another key objective by the BMI and its various partners. Then as now, German-language teaching provision is deemed as being vital to the preservation of identity and culture.<sup>39</sup> The German government has provided staff support aimed at improving the quality of German language teaching in Poland, with the German Academic Exchange Service and the Goethe Institute act as conduits in this regard. Since 1993, members of the German minority in Poland have had access to a special grant programme to study in Germany for a period of up to twelve months. The German government also provides supplementary funding for TV and radio broadcasts and print media of the German minority and supplies German newspapers and magazines to the grassroots friendship circles *Deutsche Freundschafts Kreise* (German Friendship Circles/DFKs) of the minority.<sup>40</sup> Crucially, given the particularly poisonous legacy of Polish-German relations in the twentieth century, the BMI is also active in representing and reinterpreting the broader historic pattern of Polish-German relations in an effort to combat and finally bury negative stereotypes.

Over the years, and in particular prior to Poland's accession to the EU in 2004, by far the largest amount of aid has been spent on projects to support the economic recovery of the areas in which members of the German minority live, thus benefiting not only the minority itself, but also these regions and the wider population as a whole. Efforts here have been concentrated on infrastructural improvements. For the distribution of these funds, the federal government employs the Foundation for the Development of Silesia, a private body registered in Opole, which over the past twenty years has engaged in a number of projects designed to improve socio-economic conditions in areas

<sup>38</sup> Cordell, K. and Wolff, S. 'Germany as a Kin-State, Nationalities Papers, 35, 2, 2007, 30-3-304.

<sup>39</sup> BMI: 2012

<sup>40</sup> Cordell, K. and Wolff, S. 'Germany as a Kin-State, Nationalities Papers, 35, 2, 2007, 304.

of Poland in which there is a visible indigenous German presence.<sup>41</sup> Finally, we should mention social service provision, which during the early post-communist years was of particular importance, particularly with regard to medical services in general and care for the elderly in particular.<sup>42</sup>

Probably the most significant manifestation of this previously barely acknowledged minority is its political presence in the Opole Voivodship (province). The German Electoral Committee currently has six representatives on the provincial council. It controls four district councils within the Voivodship, and in addition there are 24 ethnic German mayors and 278 German representatives on a large number of communal councils.<sup>43</sup> The importance of this presence cannot be understated, precisely because it is not particularly controversial in Poland. This is despite the memories of German occupation and subsequent remorseless negative stereotyping by the communists, and the post-communist nationalist right. That it is uncontroversial is in part due to the overall success of a kin-state policy that as we have described has its roots in a norm consensus that first began to emerge in the mid-1960s and has remained remarkably constant over time. Moreover, it has contributed in helping to create a *Zukunftsperspektive* (perspective on the future) among remaining Germans in Poland that is not primarily reliant upon migration and as such, there is every indication, that natural assimilation to one side, the minority has a sustainable future.

### Hungary

As with Poland, Germany's relations with Hungary are governed, not only by international frameworks and standards, but also by a bilateral Treaty on Good Neighbourly Relations and Cooperation, which the two governments signed and ratified in 1992. In contrast to Poland, Hungary's German minority carries no particular political weight at the regional level, but unlike Romania's German minority (see below) it does not face the immediate likelihood of probable extinction as a minority. The number of Germans living in Hungary is open to interpretation, with some estimates claiming that over 200,000 Hungarians have some kind of German heritage or back-

<sup>41</sup> Stiftung des Entwicklungs Schlesiens, <http://www.fundacja.opole.pl/?setlng=de>, accessed 10 July 2012

<sup>42</sup> Deutschunterrichts tagt ersmals in Hermannstadt/Sibiu, accessed 10 July 2012. Bundestagsdrucksachen 13/1116, 13/3195, 13/3428.

<sup>43</sup> Verband der deutschen deutschen sozial-kulturellen Gesellschaften in Polen, <http://www.vdg.pl/de>, accessed 10 July 2012.

ground.<sup>44</sup> Until the relevant census returns of 2011 are released, we have to make do with above-mentioned estimate and the returns of the census of 2001 in which 62,000 residents gave their nationality as German, with approximately half of that number claiming German as their mother-tongue. I shall proceed from the basis that the figure of 62,000 is reasonably accurate and that the figure of 200,000 plus includes a large number of individuals who have a partly German background, but who in reality have little or no affinity to German language and culture. In terms of governmental and wider institutional support, on the German side the minority is supported principally by the BMI and the government of Baden-Württemberg. They in turn work together with various organs of the Hungarian state and with the *Landesselbstverwaltung der Ungarndeutschen* (Territorial Self-administration of the Hungarian Germans/LdU).<sup>45</sup>

In the early 1990s, as with their counterparts in Poland and Romania, ethnic Germans in Hungary faced a number of problems that have since been ameliorated. In part such disadvantages resulted from the consequences of expulsion between 1945-50 and the social disruption caused to the communities that remained behind<sup>46</sup>. They also related to subsequent years of officially sanctioned neglect during the period of communist rule, and on occasion outright discrimination. Finally, there was, and to an extent still is, comparative disadvantage with regard to Western Europe, which in the 1990s acted as a stimulus for migration to the Federal Republic.

However because of the contemporary economic and political advantages that Hungary enjoyed, these problems were not as structurally embedded as they are in Romania, and neither were they as severe as they were in Poland in the early years of transition. As a consequence, although the BMI and Hungarian government invest in the German minority, the level of per capita investment is not as great as in Poland or in Romania. Having established some basic parameters, it is now worth making some observations on the novel primary

administrative structures that embrace the organisation and activities of Hungary's German minority.

Since the early 1990s, successive Hungarian governments have sponsored a number of initiatives aimed at securing the identities and futures of Hungary's wider minority populations. They include the creation of an Office for National and Ethnic Minorities; a Parliamentary Committee on Human Rights, Ethnic and Religious Minorities, and the post of Parliamentary Commissioner for the Protection of National and Ethnic Minorities (Ombudsman).<sup>47</sup> Of crucial importance has been the promulgation of a unique system of territorial and non-territorial self-government for each of Hungary's fourteen recognised indigenous ethnic and national minorities. The framework legislation for this system of administration is the 1993 Act on the Rights of National and Ethnic Minorities.<sup>48</sup> As in Poland, the act regularises minority access to the broadcast media, and confirms the right to use minority languages in the public and administrative spheres. The body for co-ordinating and achieving the implementation of the government's objectives is the aforementioned Office for National and Ethnic Minorities. The German minority has taken full advantage of the provisions of this legislation. Since the late 1990s, over 250 German self-governments have been in existence, which in turn receive financial support from the Hungarian state and the BMI. The remit of these bodies is quite extensive and they work together with local authorities and the national government in a number of areas of significance to minority populations. Once again, the most important of these is the educational sphere and specifically the provision of mother-tongue education: Indeed, questions regarding the provision of education by local authorities can only be solved with the agreement of the minority self-governments, which gives the latter an executive as opposed to purely consultative function. In order for minority language to be provided either 25% of a school's children must come from a designated minority, or eight parents or legal guardians must request the provision of such education.<sup>49</sup> In addition to this educational work, the minority self-governments

<sup>44</sup> Hungarian Ministry of Foreign Affairs (MFA): The National and Ethnic Minorities in Hungary, <http://www.mfa.gov.hu/NR/rdonlyres/9F2D180E-538E-4363-AA-5E-3D103B522E3B/0/etniang.pdf>, accessed 10 July 2012:12.

<sup>45</sup> Landsmannschaft der Deutschen aus Ungarn (LDU), Eine kurze Übersicht zur Geschichte und Kultur einer deutschen Minderheit und ihres Schicksals, <http://www.ldu-online.de/4.html>, accessed 10 July 2012.

<sup>46</sup> Landsmannschaft der Deutschen aus Ungarn (LDU:ND), Eine kurze Übersicht zur Geschichte und Kultur einer deutschen Minderheit und ihres Schicksals, <http://www.ldu-online.de/4.html>, accessed 10 July 2012.

<sup>47</sup> Teller, N. Local Self-government and Ethnic Minorities in Hungary, <http://www.fes.hr/E->, accessed 10 July 2012. (p. 77.)

<sup>48</sup> UNHCR, 2005, <http://www.unhcr.org/refworld/country,,NATLEGBOD,-HUN,,4c3476272,0.html>, Act LXXVII of 1993 on the Rights of National and Ethnic Minorities, accessed 10 July 2012.

<sup>49</sup> Teller, N. Local Self-government and Ethnic Minorities in Hungary, <http://www.fes.hr/E->, accessed 10 July 2012. (p.,79.)

seek to preserve the national character, traditions and customs of the minority.

In many senses, the German minority in Hungary has a number of comparative advantages. The first set of advantages relates to other minorities in Hungary, who do not have the benefit of having a kin-state as active and indeed as wealthy as Germany. Secondly, Hungary's German minority profits from a comparative advantage over other German minorities in post-communist Europe because current economic problems to one side, the standard of living and general economic infrastructure in Hungary is better than it is in, for example, either Romania or Russia. Correspondingly, aid from either the German or Hungarian governments for funds to assist in economic improvement is not as pressing as it is in Romania, or as it was in Poland in the 1990s.

In terms of an overall prognosis the situation of the German minority in Hungary can be described as positive. There is little migration to Germany and inter-state relations are good. Due to its relatively small size and the fact that it is not territorially compact, the minority is however, vulnerable to wider social processes of assimilation.

#### *Romania*

Based on the German-Romanian Treaty on Good Neighbourly Relations and Cooperation of April 1992, the aim of German external minority policy vis-à-vis Romania is to secure and improve the living conditions of the German minority in the country in order to provide its members with a viable future in their host-state. In contrast to Poland, but similar to Hungary, there have never been border or territorial disputes between Germany and Romania, so that since 1949, relations between the Federal Republic and Romania have not been burdened by a latent border dispute. However in contrast to the Hungarian and Polish cases, due to the lucrative migration policy of the Ceausescu regime, and massive post-communist outward flows to Germany in the absence of a Romanian economic miracle, the age structure of the residual ethnic German population in Romania is disproportionately elderly. Furthermore, according to the census of 2011, the number of ethnic Germans in Romania has fallen to 37,000, down from 119,000 in 1992, most of whom reside in Transylvania.<sup>50</sup> As such, there are serious questions marks as to the long-term viability of the German minority in Romania.

<sup>50</sup> CPHCC 2012: 5

Despite having been a member of the Council of Europe since 1993, Romania still lacks a law on national minorities. However, Article Sixteen of the aforementioned German-Romanian treaty obliges the signatories to take concrete measures to secure the continued existence of the German minority and to support it in the reconstruction of its social, cultural, and economic life, as long as such measures do not disadvantage other Romanian citizens. As this aim coincides with one of the objectives of Germany's external minority policy – contributing to an environment of inter-ethnic harmony – this has not limited its humanitarian aid efforts.

In 2011, the BMI earmarked 1.661 million Euros in aid for the German minority in Romania.<sup>51</sup> In addition, the Foreign Office supplied a further 473,000 Euros, and the Land governments of Baden-Württemberg and Bavaria provided further subventions. For its part the Romanian government contributed approximately 1,317,000 Euros, primarily earmarked for day to day administrative and project running costs.<sup>52</sup> The German and Romanian governments administer this aid and identify areas of particular need, primarily through the German-Romanian Governmental Commission for the Affairs of the German Minority in Romania which was established in the wake of the aforementioned 1992 treaty. Both governments work together with the *Demokratisches Forum der Deutschen in Rumänien* (Democratic Forum of Germans in Romania (DFDR), established following the collapse of the Ceausescu regime in December 1989.

As with other German minorities in post-communist Europe, aid projects can be grouped into three main areas – social, economic, and cultural. The overall objective is to ensure that the German minority is afforded the opportunity to maintain its cultural identity and cohesion. Again, language teaching plays a crucial role in this regard. A joint German-Romanian working group was established in September 2011, with the brief of extending the provision of such education.<sup>53</sup> Specifically, the commission set itself four main objec-

<sup>51</sup> Bundesministerium des Innern (BMI), <http://www.bmi.bund.de/> 14.Sitzung der Deutsch-Rumänischen Regierungskommission für Angelegenheiten der deutschen Minderheit in Rumänien in Sibiu/Hermannstadt, accessed 10 July 2012.

<sup>52</sup> Bundesministerium des Innern (BMI), <http://www.bmi.bund.de/>, Bundesregierung unsterstützt weiterhin die deutsche Minderheit in Rumänien, accessed 12 July 2012

<sup>53</sup> Bundesministerium des Innern (BMI), <http://www.bmi.bund.de/>, Deutsch-rumänische Arbeitsgruppe zur Förderung deas muttersprachlichen Deutschunterrichts tagt ersmals in Hermannstadt/Sibiu, accessed 10 July 2012. Bundestagsdrucksachen 13/1116, 13/3195, 13/3428.

tives: First, to improve the pedagogic proficiency of German language teachers in Romania; secondly to intensify partnership and exchange programmes between the two countries' thirdly to improve the physical infrastructure of schools and finally to improve the provision of German language teaching materials.<sup>54</sup>

In addition, the two governments seek to provide aid in the economic sphere for German run enterprises, particularly for the self-employed in the handicraft, and agricultural sectors. Loans for start-up companies are available on preferential conditions, as is the supply of technology and machinery. Initial emphasis on providing farms with modern equipment was replaced some years ago by a programme of support for the creation of networks that enable ethnic Germans (and their Romanian neighbours) to achieve greater cost efficiency. In this context, a project to form a regional community of agricultural producers and an initiative to set up an organisation for the wholesale distribution of fuel has been funded by the German government. Another source of support have been training programmes for agricultural engineers and managers in, and funded by, the German government.

Of increasing importance given the demographic profile of the German minority, is the provision of welfare for the elderly. In 2011, plans were announced for the construction of four care homes for the elderly and two welfare offices.<sup>55</sup> Here we come to the crux of the matter. Despite all the aforementioned measures, many of which are designed to afford ethnic Germans the opportunity to express themselves as Romanian-born Germans who can use through their unique heritage help to act as a bridge between Romania and Germany, the future of this minority seems bleak. Although the wave of mass migration has ended, that wave was so extensive that it is barely conceivable that the minority can survive. Here, unlike in Poland and a lesser extent Hungary, we have an example of policy failure. This failure has occurred not because of inadequate design or faulty implementation, but because the lure of Germany proved to be more attractive than life in Romania, despite the promise of the 'Return to Europe'.

<sup>54</sup> Bundesministerium des Innern (BMI), <http://bmi.bund.de>, accessed 10 July 2012

<sup>55</sup> Bundesministerium des Innern (BMI), <http://www.bmi.bund.de/14.Sitzung+der+Deutsch-Rumänischen+Regierungskommission+für+Angelegenheiten+der+deutschen+Minderheit+in+Rumänien+in+Sibiu/Hermannstadt>, accessed 10 July 2012.

### *An Interim Report*

These three brief case studies illustrate the substance, successes and failures of post-1990 external minority policy. As such they reflect the increased opportunities that the German government had after 1990 for a more active pursuit of kin-state policies following the end of the Cold War and constitute an element of change in Germany's 'bilateral' Ostpolitik. Importantly there is also a significant element of continuity in the approach to formulating and implementing external minority policy. A number of observers concur that no significant in approach changes have occurred in recent years. On the contrary, initiatives launched by the German government in partnership with their interlocutors in East-Central Europe testify to continuity. Concrete examples are legion.<sup>56</sup>

The growth of such partnerships and the general climate of stability in Germany's relations with the states of post-communist Europe clearly indicates that the norms underlying the formulation and implementation of Germany's Ostpolitik, and by extension of its external minority policy, have been of importance to the wider process of democratic consolidation in the region. Germany remained normatively committed to peace, reconciliation and regime change (in the guise of democratic transition and consolidation) after 1990, and successfully pursued policies towards Poland, Hungary and Romania designed to make a practical contribution towards achieving these aims, and that were predicated upon the successful re-orientation of Germany's policy objectives as first laid down by the SPD in the early 1960s

### **The 'Return to Europe' and Its Consequences**

As we have seen, EU accession presented another important turning point for Ostpolitik in general, and for external minority policy in particular. Negotiating entry into the EU meant determining the terms under which the formerly communist countries of Central and Eastern Europe could join a value community with very strong legal foundations.<sup>57</sup> This implied implementing the vast body of existing regulations and laws known as the *acquis communautaire* but also subscription to the values and principles upon which the EU and its various predecessors had been founded. Crucial among these were

<sup>56</sup> Consider for example the work of the Friedrich-Ebert-Stiftung and the German Academic Exchange.

<sup>57</sup> B. Posselt MEP, interview with Stefan Wolff, 21 November 2003

some of the very norms that came to guide Ostpolitik in the 1960s in an attempt to replicate the ensuing success of Franco-German understanding and reconciliation.

What then were the apparent advantages of EU membership that made the political elites on all sides persist and eventually succeed in the negotiations? From the German perspective, following Hyde-Price,<sup>58</sup> the country's commitment to EU enlargement derives from four key factors. First, there is the desire to ensure stability along its own eastern frontier and to end the mass migration of ethnic Germans to Germany, by wherever possible embedding post-communist Europe within common pan-European structures and initiatives. Second, it was believed that enlargement will bring substantial economic benefits to Germany itself by facilitating trade and investment. Third, by embedding its bilateral relations with East-Central European countries within the overall framework of the EU, Germany sought to dispel fears that it seeks to re-create a German-led Mitteleuropa. Finally, there has long been widespread agreement within Germany that EU membership has been beneficial to all member-states. Therefore, the EU accession of countries in Central and Eastern Europe was supported in full, as it was seen as being virtuous in itself.

Nato membership of Poland and the Czech Republic (a reality as of 1999) provided for improved military security. Bilateral treaties (in place as early as 1990) offered comprehensive ways and means of addressing some of the residual issues of the past, including the borders and minorities. Foreign direct investment from Germany into Central and Eastern Europe also occurred long before EU accession was even seen as a realistic possibility. Yet, in many ways it was clear to German policy makers that the desire of the formerly communist countries of Central and Eastern Europe to become EU members presented a unique opportunity for Germany to assure the permanence of political and economic reforms in (near-)neighbouring countries that were seen as the best guarantee to ensure a constructive approach to the very sensitive issues that remained in relations with the two countries.<sup>59</sup> The very fact that the German government found this important, that no significant public counter-discourse emerged, and that large, albeit not all, sections of the expellee community were included in the implementation of this policy testifies to the fact that

<sup>58</sup> Hyde-Price, A. 2000. *Germany and European Order*. Manchester: Manchester University Press (p. 182-183)

<sup>59</sup> D. Heimsoeth, German Foreign Office, interview with Stefan Wolff, 6 June 2002

German post-1989 policy vis-à-vis Central and Eastern Europe was indeed a continuation of Ostpolitik goals that had been set during the Cold War era. In short, the objectives remained within the parameters of what was deemed appropriate according to persisting norms of German foreign policy conduct.

In 1989, former CDU chancellor Helmut Kohl saw the collapse of communism not simply as an opportunity to unite Germany, but also to promote the eastward enlargement of the EU.<sup>60</sup> In fact, in the case of Poland, Kohl attempted to develop a strategy that sought to replicate post-1949 Franco-German rapprochement and incorporate Poland within the Franco-German axis through the creation of the 'Weimar Triangle' of regional co-operation.<sup>61</sup> The overall strategy was designed to ensure that if the countries of Central and Eastern Europe would be able to accede to the EU, with membership offering a final resolution to most if not all of the residual issues arising from World War Two. After all, the EU operates on the principle of shared sovereignty, regional co-operation, malleability of borders and the freedom of movement. Yet equally importantly, the EU is a community of shared values and norms, and membership in it effectively requires subscribing to these norms and values.

Successive German governments, regardless of ideological stripe, have made it clear that it regarded eastward enlargement as necessary in order to right a historical injustice and in order to promote harmony, growth and stability throughout Europe. They also left no doubt for the *Bund der Vertriebenen* (Union of Expellees/BdV), and to the Czech and Polish governments, that Berlin would not support demands that expellees be compensated or be given special privileges with regard to re-settlement in their former homes. This shared stance has in turn facilitated better inter-state relations between Germany and its eastern neighbours and in turn, as the climate of suspicion has waned, has allowed Germany to better fulfil its role as a kin-state for ethnic Germans in post-communist Europe.

<sup>60</sup> Ingram, H. and Ingram, M. eds. 2002. *EU Expansion to the East*, Cheltenham: Edward Elgar. (p. 55.)

<sup>61</sup> Ingram, H. and Ingram, M. eds. 2002. *EU Expansion to the East*, Cheltenham: Edward Elgar. (p. 59.)

### Conclusion

Germany's Ostpolitik and external minority policy may have undergone significant changes in terms of its concrete manifestation over the past four decades, but these are due to changing external conditions rather than to fundamentally different objectives. The latter remain guided by a set of norms that have emerged in the 1960s and have remained by and large the same. This was more than mere instrumental recourse to an accepted rhetoric of peace, inviolability of borders, etc. The formulation and implementation of German external minority policy followed and follows the broad guidelines set by the norms that underlie Ostpolitik more generally—peace, reconciliation, and 'change through rapprochement'. In this sense, any policy adopted to improve the situation of ethnic Germans in Central and Eastern Europe had to measure up against these overall objectives.

Deriving, in part, from an acceptance of responsibility for the consequences of the Second World War, Ostpolitik norms implied the tacit recognition by German political elites and the German public of the geopolitical and territorial realities of Europe. For reasons of geopolitics coupled with pressing domestic priorities such as economic reconstruction and the crafting of a liberal democratic political culture, Germany's role as a kin-state during the Cold War was thus both externally and internally constrained within a framework of Ostpolitik priorities aimed at peace, reconciliation and 'change through rapprochement'. Political engagement with German minorities in Central and Eastern Europe, even if it was not put aside completely, was scaled down and largely limited to facilitating the emigration of ethnic Germans from their host-countries and their smooth integration into German society, rather than to demand their recognition and protection as minorities.

From the end of the 1980s onwards, the European political landscape experienced a fundamental change. As we have seen, the democratisation of the formerly communist societies in Central and Eastern Europe opened new opportunities for Germany's external minority policy. Greater possibilities to support the German minorities in their host-states, the need to do so in order to halt the mass exodus of ethnic Germans, and the genuine interest of the former communist countries in improving their relationship with Germany, which was seen as an important stepping-stone towards accession to the European Union and NATO, complemented each other in a

unique way. Germany's desire to bridge the gap between cultures and across history could only be fulfilled through reconciliation and mutual understanding. Part of this was the eventual unconditional recognition of the borders with Poland and Czechoslovakia/the Czech Republic. Yet, a common future of Germany and its eastern neighbours could not be secured without addressing the situation of the German minorities in these countries. On the basis of numerous treaties and within the framework set out by the 1993 Copenhagen Criteria, Germany has developed relationships with almost all post-communist states that facilitate the participation of representatives of the German minority in tackling the issue of minority protection and external support for ethnic Germans.

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