



## DIVERGENCIE V NEMECKO-POLSKej BILATERÁLNEJ KOOPERÁCII

### DIVERGENCE IN GERMAN-POLISH BILATERAL COOPERATION

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Nemecko-poľské vzťahy sú formované rôznymi fázami evolúcie, ovplyvnenými tak negatívnymi historickými skúsenosťami, ako aj politickým a ekonomickým vývojom v Európe. Z dôvodu rozdielov v národných záujmoch, ako aj v pozíciah oboch štátov v NATO a EÚ, je možné sledovať zásadné diskrepancie v ich bilaterálnej kooperácii. Článok má za cieľ identifikovať hlavné sporné body v nemecko-poľských záujmoch nielen výlučne na bilaterálnej úrovni, ale aj na úrovni multilaterálnej v rámci európskych záležitostí. Článok sa pokúsi odpovedať na hlavnú výskumnú otázku: „Správa sa Nemecko voči Poľsku v definovaných oblastiach kooperácie ako ideálna civilná mocnosť?“<sup>3</sup>

Kľúčové slová: utečenecká kríza, energetická spolupráca, otázky minulosti, Východné partnerstvo

German-Polish relations have undergone various phases of evolution, influenced both by negative historical experiences and political and economic developments in Europe. Due to differences in national interests and the positions of the two countries in Europe and Nato, some discrepancies do appear in the course of their cooperation. This article identifies the main disputed issues in German-Polish relations linked with both European policy and purely bilateral matters stemming from the context of the negative experiences of World War II. The article then attempts to answer the primary research question: “In defined areas of cooperation, does Germany treat Poland as an ideal civilian power?”

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<sup>3</sup> This paper was supported by the specific research project VaV Perspektivy evropské integrace v kontextu globální politiky (MUNI/A/1025/2018).

Key words: refugee crisis, security, energy cooperation, questions of the past, Eastern Partnership  
JEL: F55, R50

## 1 INTRODUCTION

When analysing the bilateral relations between Poland and Germany, the wider European context must be considered. Since Poland's EU integration, changes can be observed in German-Polish cooperation, in consequence of the different expectations and interests of the two partners. On the one hand, the influence of international events, such as the Iraq war, is manifest; on the other, the roles of the two central European countries have undergone a profound change. By integrating into the EU and Nato, Poland assumed the role of an equal partner to Germany, having abandoned the role of an applicant for support, as had typically been the case throughout the 1990s during Poland's political and economic transformation, when the country aspired to become a member of trans-Atlantic organisations (Malinowski 2013). Germany probably underestimated Poland and its different, particular interests that stem from its geographical position. It lies on the EU's periphery, close to Russia and other countries that emerged out of the former Soviet Union, notably Ukraine. At the same time, Germany and Poland sought to project their relationship as close, similar to that between Germany and France. But even the trilateral cooperation of the "Weimar Triangle" did not confirm German-Polish relations as close (Reiter 2003). German-Polish cooperation is influenced not just by the European context, but by the foreign-policy priorities of the successive governments on both sides (Lada 2011),<sup>4</sup> which have caused multiple issues in this relationship. Although relations improved when the two governments adopted a joint statement in 2011 on the twentieth anniversary of the German-Polish Treaty of Good Neighbourhood and Friendly Cooperation (Malinowski 2013),<sup>5</sup> multiple problems and disproportionalities persist.

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<sup>4</sup> As Gerhard Schröder's government came to office in Germany in the late 1990s, there was a renewed mistrust of Germany in Poland, especially due to fear that the concept of "Sonderweg", or separate path, was returning to Germany's foreign policy, a concept that led Germany to pursue its own national interests within the EU and to refuse to support the USA in the Iraq intervention. Poland responded by adopting a strictly disapproving approach towards negotiations concerned with the EU constitution. By contrast, under Prime Minister Donald Tusk Poland returned to the role of a responsible and constructive partner, active in negotiating financial and economic matters, as well as supporting deeper European integration. At that time the prevailing public opinion was that German-Polish cooperation in the EU was indispensable (Lada 2011).

<sup>5</sup> The two partners pledged to improve the situation of Polish-born German citizens and Polish-speaking inhabitants of Germany. They also agreed to closer cooperation within European projects and initiatives, including full implementation of the Euro-Plus Pact and a strengthening of the Common Foreign and Security Policy and the Common Security and Defence Policy,

This article aims to identify the main issues in German-Polish cooperation, both those linked with European policy and the particular issues stemming from the context of the negative experiences of World War II. The article then attempts to answer the primary research question: "In defined areas of cooperation, does Germany treat Poland as an ideal civilian power?" Methodologically this analysis relies on the fundamental premises of the civilian power concept. Support for democratisation, good governance and dissemination of democratic principles and universal values are considered as the main characteristics of a civilian power. It is in the interests of such a power to cooperate with its partners in the military domain, not just regionally or bilaterally, but in particular multilaterally, within international organisations such as the UN, Nato and the EU. A civilian power is even willing to support the increase of its partners' military capacities in order to maintain peace and stability. Military power can only be used in accordance with international law, as a measure of last resort, if every possible diplomatic attempt to resolve a conflict has proven ineffectual. In terms of the economy, a civilian power supports efficient structures and the market economy, and makes use of the benefits created by free trade. Hence it is in its interests to seek closer integration, helping to liberalise trade and remove trade barriers between partners (Maull 1999, Maull 2000, Kříž 2007, Kříž-Urbanovská 2014). Should be established that Germany's political behaviour towards Poland does not correspond to the civilian power concept, two more concepts, namely a trade state<sup>6</sup> and a middle power<sup>7</sup> will be considered.

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including increasing EU military capacities, and support for the European Neighbourhood Policy, with an emphasis on Eastern Partnership (Malinowski 2013).

<sup>6</sup> A trade state is primarily oriented towards the affluence and prosperity of the country as a whole and especially its population, and this is prioritised in any foreign-policy disputes. As with a civilian power, it is in a trade state's interest to resolve any conflict peacefully and to cooperate internationally on creating and maintaining peace. According to Michael Staack, the main rationale for such actions and for such a state's interest in peaceful conflict resolution, in cooperation and in balancing the interests of various states through multilateral cooperation is the trade state's awareness that trade and prosperity can be most consistently developed in a peaceful international environment, regionally as well as globally, but particularly in a world economic system based on liberal values and principles (Staack 2013, p. 1). Similarly scholarly literature encounters multiple arguments that confirm the primary interests of trade states and their efforts to liberalise trade and achieve an open economic environment, which should prevent any conflicts or wars (Mansfield- Pevehouse 2000, p. 2).

<sup>7</sup> States are qualified as middle powers on the basis of either their capacities and capabilities, or their behaviours. Be that as it may, many authors agree that a middle power is located between a great power and a small state; it has at its disposal certain power, both material and non-material, that is greater than that of a small state but smaller than that of a great power. In consequence of this a middle power is unable to influence international relations on its own. Its power is insufficient to do that; rather, what is expected is that it would be able to establish itself in a regional context, where it can act as a dominant power, determining the relations between the actors of the region. The relative power ranking of a state is important for the

In order to identify the main disputes in the German-Polish cooperation and the German foreign policy behavior as well 35 interviews were conducted with German policy-makers as well as foreign and security policy experts. Ten out of the total number of interviews were conducted with members of the German Parliament (Bundestag) in the period between March and July 2015, ranging across a wide spectrum of German political parties. The remaining interviews were with members of the German and Polish foreign and security policy community, and were conducted in the period from October 2017 to September 2018. This group is represented by experts of the European Council on Foreign Relation Berlin, the German Institute for International and Security Affairs (SWP), the German Council on Foreign Relations (DGAP), the Peace Research Institute Frankfurt, Bundeswehr University Munich, the Konrad Adenauer Foundation Berlin, the Hanns Seidel Foundation Munich, Centre for Eastern Studies (OSW) and the Polish Institute of International Affairs (PISM).

## **2 THE MAIN POINTS OF DIVERGENCE IN GERMAN-POLISH RELATIONS**

### **2.1 THE ENERGY POLICY**

The energy issue is a critical aspect of German-Polish relations. It is linked with both the German concept of “*Energiewende*”, or energy transition, and with the differing positions the two countries take on European energy policy.

First we need to consider that Germany’s energy policy is based on support for renewable resources and a gradual retreat from nuclear power. Germany set itself the goal that “in the future energy mix, renewable resources will provide the greatest part” (Bundesministerium für Wirtschaft und Technologie 2010, p. 3). Poland views “Energiewende” as contrary to its interests. Like other countries of the Visegrád Group, it supports renewable resources, but proposes that their share of the energy mix should be a minimum of 27%, whereas Germany strictly demands a minimum of 30% (Uken 2014). The two countries consider the proportion of renewable sources in the energy mix an important issue, as this is a matter of common agreement among EU member states; but in ensuring energy security, there are other energy sources that also play a key role, above all nuclear energy and coal, which particularly dominates Poland’s energy policy (Mišík 2013a). Poland is pushing for the constituents of the energy mix to be a matter solely for nation states (Records of interviews at the Centre for Eastern Studies (OSW) and the Polish Institute of International Affairs (PISM) 2018). According to Poland and its Central European partners, the energy mix must reflect national characteristics, which are key for ensuring energy security. Common

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overall conceptualisation of a middle power: such a power adjusts its behaviour to the relative balance of power in the system (Gecelovsky 2009, Ungerer 2007, Cooper- Higgot- Nossal 1993, Cooper 2013).

rules governing the energy mix, as presented by Germany and others, are seen in Poland as pressure exerted by some EU member states not to use certain energy sources (Mišík 2013a). In its energy mix, Germany focuses on developing biofuels and wind power, thus creating pressure on Polish and Czech transmission networks. Germany's intention to shut down all its nuclear power plants by 2032 is narrowly linked with this. In terms of developing transmission networks, Germany's policy seems strongly one-sided and focused on promoting the country's own interests in implementing its "*Energiewende*" project; German policy is thus affecting its neighbours and other countries in Central Europe (Mišík 2013b).<sup>8</sup>

What is crucial in energy matters from the viewpoint of Poland and other three Visegrád Group countries is that an Energy Union is the chief goal of contemporary German foreign policy, and it might guarantee energy security on the European continent. The EU's Energy Union necessitates the unanimity of all member states and the EU must act as a joint negotiator with third parties, including Russia (Nosko-Thim 2011). Germany's fundamental vision is to provide sufficient energy interconnections between all EU members and to implement important energy projects that would guarantee the EU's independence from importing energy raw materials. The country emphasises in this context that energy diversification is needed.<sup>9</sup> Despite this,

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<sup>8</sup> The development of transmission networks in Germany negatively influences its neighbouring countries, as theirs are overloaded largely by cross-border lines, which means greater losses in electricity transmission and hence a negative influence on the prices paid for electricity by domestic customers. Also, national transmission system operators are unable to perform agreed international electricity trades as their systems are overloaded. Several measures have been adopted to deal with the problems that arise, such as a compensation mechanism that applies at the EU level which, however, is insufficient. Acting under the influence of these negative externalities, Germany started bilateral talks with its neighbours, with the aim of establishing more efficient regulation of the amount of electricity allowed through the network, with advantages for both Germany and the Visegrád Group. A result of these negotiations was the construction of "phase-shifting transformers" at German borders, which are able to regulate the amount of electricity allowed through, and hence to protect the transmission networks. This was agreed by Germany and Poland. Together the Visegrád Group countries seek to achieve change and to exert pressure on Germany at the EU level. The Germans believe that the solution is further development of infrastructure, in particular, a "smart grid", which is better able to respond not just to the demand but also to the supply of energy (Mišík 2013b).

<sup>9</sup> Germany's former foreign minister and current Federal President Frank-Walter Steinmeier sees the options for diversification in, on the one hand, a focus on other suppliers, notably Asian countries, and, on the other, in support for shale gas, which will increase the competitiveness of countries that have such reserves. The common energy policy has as its aim to mitigate tensions in energy relations between states by implementing a resistant contractual scheme interlinking supply, transit and consumer countries on the basis of exactly stipulated rules as well as a mechanism for resolving any potential situations of crisis and conflict. This should prevent the current use by certain countries (for example, Russia in the context of the

Germany is also the main advocate of constructing the Nord Stream 2 gas pipeline, arguing that this is a largely economic and not a political project, though most EU member states led by Central European countries – Poland in particular – see it as deeply political. With Nord Stream 2 operational, Russia's Gazprom's share of the German energy market would rise from 40% to 60%. Germany emphasises that the construction can only go ahead as long as Russia adheres to its commitment, namely that even after 2019 it would not stop supplies of gas to Central Europe via Ukraine. Germany rejects the criticism voiced by its European partners, who have argued that Nord Stream 2 would increase EU energy dependency on Russia, and that a European energy union would not be created (Bota- Krupa- Thumann 2016). Poland sees Nord Stream 2 as a threat to its energy security, which is linked to Ukraine's energy security and risks to transit routes. The country calls for the diversification not just of energy routes but also of energy sources, relying again on cooperation with the USA, which is interested in exporting its gas to Europe. This means that in the further development and discussions of Nord Stream 2, the position taken by the USA will play a fundamental role, as the latter country could block the project and impose sanctions on European energy firms cooperating with Gazprom. Poland has also showed interest in closer cooperation with Denmark on the Northern Gateway gas pipeline project. In negotiations over halting the Nord Stream 2 project, Poland cannot rely on the support of other Central European countries, which are passive on this matter and seek other alternatives for diversification (Records of interviews at the OSW and the PISM 2018).

## **2.2 EASTERN PARTNERSHIP**

Polish and German interests also diverge somewhat with respect to the Eastern Partnership project. The aim of the German government is to gain greater influence over Polish interests in the Eastern Partnership policy and its implementation within the EU framework, that is, to harmonise Poland's geopolitical aspirations with the German position on the EU's Eastern policy. To date, Germany has been inclined largely to support the Eastern Partnership project because thanks to its Eastern policy the EU can develop its capabilities to act beyond its borders and over and above what was previously possible (Węc 2009, p. 163).

Germany's interest in stabilising the Eastern European region and the EU's external border must be understood primarily with respect to the country's export-oriented economy – that means with respect to a trade state, a position assumed by Germany vis-à-vis Eastern European countries. From Germany's point of view, what is needed is the introduction of instruments of support for Eastern Partnership countries, including free-trade zones, agreements on deeper and more comprehensive

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conflict in Ukraine) of energy and energy supplies as instruments to pursue their own political and foreign-policy objectives (Steinmeier 2014).

cooperation, the implementation of public administration reforms and the development of bilateral and multilateral cooperation with an emphasis on disseminating and sharing common values such as democracy, freedom and human rights. Germany welcomes the Eastern Partnership initiative – a product of Polish-Swedish cooperation – but key tasks in the region include, on the one hand, ensuring German economic prosperity in the region of Eastern Europe and South Caucasus by creating appropriate conditions there for trading with these countries, and, on the other, maintaining stable relations with Russia, which has its own specific position – and its own interests – in the region (Handl 2011, p. 375).

Germany is concerned that too much support for the Eastern Partnership project would be viewed negatively by Russia as an attempt: to exclude Russia from a privileged partnership with the EU; to prevent the signing of an exclusive Modernisation Pact; and especially to intervene in the Russian sphere of interest. The problem is that Chancellor Merkel's government lacks engagement and interest in Eastern policy (Meister 2011); some scholars have even described Germany's policy towards Eastern Partnership countries as passive.<sup>10</sup> They recommend closer and stronger cooperation between Germany and Poland, the initiator of the Eastern Partnership project and currently its greatest advocate. A combination of Polish and German interests would improve the efficiency of actions so far implemented and would win support from other EU members for the project, as well as from the majority necessary for the successful formation of EU foreign policy (Meckel et al. 2012). However, Germany confirms the conservative modus of its foreign policy, seeking to avoid antagonism not just in its bilateral relations with Russia but also in EU-Russian relations. Germany is not interested in developing the Eastern Partnership to the extent of its six partner countries acquiring full EU membership; rather its primary interest in Eastern policy is to develop bilateral relations with countries in the region at a level that will bring significant political and economic benefits to Germany. Eastern European countries are attractive to Germany: for its exports and investment; for their economic growth and the growth of their domestic demand; for their cheap labour, geographical proximity and cultural links; and, last but not least, because German firms have improved their knowledge of the region and its specifics. Although

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<sup>10</sup> A similar scenario of German passivity unfolded at a 2015 Eastern Partnership summit in Riga, which was crucial in terms of articulating the aims of EU foreign policy towards Eastern European states. The summit examined Russia's aggressive policy in the region, specifically, the pressure exerted on Armenia not to sign an Association Agreement; the invasion and annexation of Crimea; the Russo-Ukrainian war in the Donbass; and also the prevailing instability in Moldova and the new foreign-policy orientation of Belarus. It was expected of Germany – currently the strongest European economy and EU leader in sanctions policy against Russia – to take the lead at the negotiations and push new political ideas into the EU's Eastern policy (Gressel 2015, pp. 5-7).

Eastern Europe is important for the German economy, from a political perspective one may expect that the country will oppose the region's full integration into the EU (Gotkowska 2010).

On the basis of the above we note that Germany plays a specific role in Eastern Partnership policy. In certain respects it acts as a middle power, as an agenda setter – for example, in negotiating the Minsk Agreement between Ukraine and Russia in a “Normandy format”, alongside France (Record of interview with a Konrad Adenauer Stiftung expert 2017, Record of interview with a Bundeswehr University professor 2018). But Germany also acts as a trade state, pursuing its own economic interests and seeking deeper economic cooperation with Eastern partners. Germany thus seeks to maintain the status quo in European neighbourhood policy (Pond-Kundnani 2015).

In Poland a different approach can be observed, since the creation of this initiative in EU foreign policy has been a Polish priority since 2003. At that time, the EU did not have a clear policy towards its new eastern neighbours and in 2003 the European neighbourhood policy was only in the first stage of its development; hence it was apparent that by acceding to the EU Poland would be able to fill this vacuum. Poland was also aware that it could use EU foreign policy to enlarge its own influence both in the Union and among its eastern neighbours, by assuming the role of an expert on the East and a promoter of democracy. It has been able to make use of external conditions – the Orange Revolution, the war in Georgia, the conflict over gas supplies and the Ukrainian crisis – to establish closer relations with the former Soviet republics, providing support for the transformation processes unfolding in these countries with the ultimate goal of their full integration into the EU. Although Poland's engagement in Eastern policy has been undeniable, progress has been slow, for multiple reasons. First, sufficient support from other European partners, notably Germany and France, was absent; Germany emphasised the development of the “Black Sea Synergy” initiative, started in 2007, while France focused on its Union for the Mediterranean project, aiming for closer cooperation with the EU's southern neighbours. Second, pressures both internal and external to which the EU had to respond – the rejection of the Lisbon Treaty by France and the Netherlands; budget problems; efforts to maintain geopolitical stability and security on the European continent, including balancing the powers and spheres of influence of the EU and Russia; the threat of increased migration from Eastern Partnership countries; the risks of changes to borders; and increasing internal crime – all led to reticence in the EU's position towards the Eastern dimension of its neighbourhood policy. Third, Poland failed to present a clear, constructive and strategic vision of Eastern policy and of its own role in its implementation, in consequence of which the foci of such a policy were limited to its two chief aims, that is, support for democratisation and transformation of the Eastern

neighbours. Last but not least, Poland itself faced pressures; on the one side, from Russia and the latter country's rejection of European countries' engagements in Georgia and Ukraine; on the other, from its European partners, who expected Poland to act as an agenda setter for Eastern Partnership policy, to make use of its experience with democratisation and transformation processes and to apply this experience successfully in Eastern European states. Close and strong relations with Eastern partners, as well as historical and cultural links, complicated Poland's task of balancing its EU commitments with support for Eastern European countries in the process of their democratisation (Kaminska 2014, pp. 141-147).

The question today is to what extent will the changes in Poland's political direction influence its interest in supporting the Eastern Partnership project? So far it seems that Poland remains committed to the project, viewing it as a success of EU foreign policy. Warsaw has long strongly supported the democratisation and Europeanisation of Eastern European states, with the stabilisation of the region and security guarantees being the main factors of Polish engagement (Plachciak-Zielinska 2015). Taking into consideration the specific forms of Polish cooperation with Eastern European countries, we note efforts in developing bilateral relations, as well as multilateral relations within the EU, in the following areas: improvements to democracy and governance; better border management; agricultural and rural development; and entrepreneurship initiatives. Multilateral cooperation is based on joint projects, funded by international organisations which provide development grants, specialised institutions and programmes (Record of interview with a programme worker of the research institute of the German Association for International Affairs 2015).<sup>11</sup>

As far as the implementation of the Eastern Partnership policy by Poland and Germany is concerned, it is true that the two countries share an interest in developing favourable relations between the EU and Eastern European countries; but the problem remains of the degree of engagement of the two countries in Eastern policy, as well as the inability of European states hitherto to find a suitable strategy for stabilising the

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<sup>11</sup> Specific projects in Armenia and Azerbaijan are focused on supporting disadvantaged groups, environmental protection and agricultural and rural development. In Belarus, support is also given to disadvantaged groups as well as independent media, civil society initiatives, youth and education. In Georgia, the programme focuses on disadvantaged groups, regional development, strengthening of public administration and local government, while in Moldavia and Ukraine, support is focused on public safety, protection of borders, regional development, small and medium-sized enterprises, job creation and, similarly to Georgia, strengthening public administration and local government. Poland has kept its role of a leading international donor for development targets in Eastern Partnership countries (Record of an interview with a programme worker of the research institute of the German Association for International Affairs 2015).

different political systems in Eastern Europe, for their democratisation and for strengthening economic relations (Malinowski 2013, p. 92). Eastern policy is an area in which potential close and deep German-Polish cooperation ought to be realised most conspicuously and consistently. However, the present developments in relations between the two countries, as well as the presence of more serious problems at the European and international levels, does not suggest that clear-cut joint solutions will be found for Eastern Partnership policy, nor that cooperation between Germany and Poland in this area will become closer.

### **2.3 SECURITY**

Security and defence are other areas in which the differing Polish and German positions and views are apparent. This is largely linked with their differing views of what the security issues are, and a misunderstanding on the part of Germany of Poland's demands in the context of threats and hazards.

These differences are due to the two countries' geographic positions in Europe and their perception of security threats and risks. On the one hand, we have a Germany surrounded by stable, democratic states, in which the risk of major domestic political change is minimal (Malinowski 2013). Nor does Germany feel threatened by more distant influences such as Russia's aggressive policy or the unstable situations in the Middle East or Africa (Gotkowska 2018, p. 12); as such it refuses to strengthen the presence of Nato or US military units in Europe. Rather, Germany is concerned with internal threats, such as terrorism and cyber terrorism, increasing cross-border crime and uncontrollable migration flows (Malinowski 2013). On the other hand, we have a Poland surrounded by unpredictable Eastern European countries and Russia's unclear foreign-policy direction, in consequence of which Poland primarily relies on enhanced security and defence cooperation in Nato, and hence consents to a greater presence of US and Nato units. Crucial for Poland is close cooperation in Nato's Eastern Flank, seen as proof of reinforced collective defence in the East under Nato's patronage. In this context, Central European countries agreed to locate the Multinational Division North East (MNDNE) HQ in Elblag, Poland; this should improve Nato's ability to implement collective defence measures on the Eastern Flank (Visegrad Group 2017). Poland has become the main US ally on the Eastern Flank, as shown by the presence of around 5,000 US soldiers on Polish territory as part of rotating, mixed tactical units and air force units. These come under the American European Deterrence Initiative and USA-led combat group that are part of Nato's deterrence policy. Poland demonstrates its ambition to have close and strong relations with the USA by increasing its capacities and by participating in combat operations by the global anti-Islis coalition led by the USA to stabilise the Middle East (Gotkowska 2018, pp. 14-15).

These factors also influence the degree of Poland's engagement in European security and defence policy initiatives, such as the PESCO (Permanent Structured Cooperation) project, of which Germany was an initiator. PESCO is a source of contradictory Polish and German positions. Germany follows largely political aims in implementing the project, emphasising its continuous, reticent position on using military means to resolve conflicts and crises.<sup>12</sup> From Germany's viewpoint, PESCO was a success in that a relatively unambitious format was negotiated for cooperation that has political importance without entailing any agreement to fulfil strictly military commitments (Gotkowska 2018, p. 18).

Poland was very sceptical of PESCO from the very beginning; fearing Russian aggression, the country is eminently interested in strengthening collective defence and reforming Nato structures. Thus it has joined only two PESCO programmes, "Military Mobility" (in which Germany is the leading country) and "European Secure Software-defined Radio" (ESSOR), in which both countries participate. From the Polish perspective, PESCO is advantageous for developing military capacities largely within the framework of crisis management operations. It is beneficial to the defence industries of the largest participating states and focuses on threats and challenges from Europe's southern neighbours, not from the East which is what matters to Poland (Gotkowska 2018, p. 11).

Poland also has demands that diverge from Germany's views on the "Framework Nations" concept, proposed by Germany in 2013 and adopted by Nato in 2014. This concept is a pragmatic approach to cooperation on a voluntary basis, preserving full sovereignty and allowing the choice of the most suitable scenario of engagement for nations in coordination with Nato. The original German concept was based on two interlinked pillars. First, participating states can concentrate on the coordinated development of their capabilities in "capability clusters" in order to close

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<sup>12</sup> Germany's reasons for initiating PESCO were as follows: (1) it was in Germany's interests to provide a positive response to French initiatives for closer European collaboration in at least one area and hence to demonstrate the potency of the German-French tandem in the EU. (2) Germany wanted to demonstrate to the new US administration that Europe was willing to assume greater responsibility for its security and invest more in military cooperation. (3) The domestic context – specifically, German popular opinion – for which a narrative of a "European defence union" is more palatable than strengthening Nato cooperation. Also fundamental from the German perspective was reinforcing industrial cooperation within the EU defence sector to benefit Germany's arms manufacturers, but this cooperation will not exceed the permitted degree of military engagement of Germany's Bundeswehr, especially in the Middle East and in Africa. Consequently, Germany initiated projects solely in non-military domains, such as medical support and logistics, thus becoming a leading country in four projects: "EU Medical Command", "Network of Logistic Hubs in Europe and Support to Operations", "EUFOR Crisis Response Operation Core" and "EU Training Mission Competence Centre", and a participating country in seven PESCO initiatives (Gotkowska 2018, p. 8).

their “capability gaps”. Currently the Framework Nations concept includes 16 clusters and each of the participating nations freely decides on its participation in the individual clusters. The second pillar has been described by experts as the core of a “European army” – an ambitious plan for structured and collaborative planning of forces under Germany’s leadership. It is expected that close cooperation between the armed forces of the states involved in the Framework Nations concept with Germany’s Bundeswehr will improve the fundamental interoperability of the forces and harmonise the development of their capabilities. Cooperation also brings options for creating effective multinational combat divisions around a German core. Two of these divisions would be formed around German divisional headquarters. This will be a multinational air group, which will rely on Germany for more than three-quarters of its capabilities (Glatz-Zapfe 2017, pp. 2-3).

By proposing the Framework Nations concept, Germany pursued three main objectives. (1) It justified the maintaining of the spectrum of its capabilities and military structures, allowing the Bundeswehr to re-embark on a sustainability pathway in operations through cooperation with other armed forces. If Germany finds partners willing to commit to permanent and stable cooperation, it will not be able unilaterally to modify these international structures in the future. (2) Once the concept is implemented, a new level of defence planning will be achieved among states, with partners preparing their actions in more detailed, reliable and coordinated ways. In doing so they may systematically use their experience of Nato and EU operations in order to achieve long-term plans and preparations for the future development of their security-defence cooperation. (3) Germany saw the concept as an opportunity to present a conspicuously German initiative at the 2014 Nato summit, and thus deflect attention away from its reputation: that of an ally who promotes maintaining the status quo above everything else (Major-Mölling 2014, p. 2).

Several aspects of the concept remain debatable. First, we might well ask to what extent the other partners will be willing to join the German proposal, due to concerns over their possibly excessive dependence on German security policy, as well as over Germany’s reticence in using military force and approving a mandate for international operations (Major-Mölling 2014, p. 3). Germany consistently advocates the use of military force only as a last resort, something that stems from its role as a civilian power. Also, at the project’s inception opinions were voiced that the German government was seeking to support its own defence industry through this initiative; for the smaller countries this implies greater dependence of their capabilities on the defence-industrial interests of Germany. But, for Germany too, this project brings new obligations, which the country will have to fulfil during its successful implementation. Politically, Germany needs to demonstrate its readiness to assume responsibility for this close form of cooperation; it must show its reliability; be able to explain its

decision to participate or not in particular operations; and clearly define its security-policy objectives and the conditions under which it is willing to engage militarily. In legal terms, Germany must unambiguously establish whether the acceptance of such a close and in some cases irreversible dependence is compatible with the opinion of the Federal Constitutional Court with respect to the Lisbon Treaty.

In military terms, Germany's reticence in implementing its original ambitions for the project gradually has become apparent. Germany declares that this is a long-term concept, the results of which will only become apparent in the future, and hence it has focused on implementing only small steps – that is, individual bilateral projects. Germany's ability to integrate the concept into an EU framework – not to focus solely on Nato – will also prove important. Developments to date suggest that the option of defining military capabilities in the context of civilian instruments and industrial capacities in the EU goes unused. EU countries need to be ready to organise in a way that will be effective militarily and efficient economically (Major-Mölling 2014, p. 4).

Although Poland joined the German concept, it expresses different demands. Poland together with the Baltic states ask Germany as well as other Nato member states for more active support in ensuring their defence and security, which they see as under threat from Russia's foreign policy. Southern Nato states have an eminent interest in protecting their borders, which are threatened by instability and uncontrollable migration flows (Major-Mölling 2014, p. 1). Germany's response to both demands is, again, guarded, and hence it is not realistic to expect that cooperation between Poland and Germany within the Framework Nations concept will become stronger or deeper.

As noted by an expert of the Centre for Eastern Studies (OSW) in Warsaw, Poland views both Framework Nations and PESCO as disrupting the balance between Nato and the EU in their engagement in defence and security provision in Europe. It is not in Poland's interest to alter the importance of Nato's task in providing European defence and security, and Poland also does not see EU initiatives that are part of the Common Defence and Security Policy as sufficient to achieve enhanced security and defence cooperation (Record of interview at the OSW 2018).

Defence expenditure is also a disputed point in German-Polish defence and military cooperation. Whereas Poland has adopted a law on the reconstruction, technical modernisation and funding of the Polish armed forces, under which the Polish government pledged gradually to increase defence expenditure over the next 12 years (2.1% of GDP in 2019; 2.2% in 2020-2023; 2.3% in 2024-2025; 2.4% in 2026-2029; and 2.5% in 2030), which is in agreement with the Strategy for Responsible Development adopted by the Polish government (Defence24 2017), German political leaders and the expert community do not believe it is realistic to increase German defence expenditure to 2% of GDP. For Germany it is more important to support the

non-military area of defence-security cooperation than the military aspect. The popular opinion is that Germany does not need such strong armed forces and political leaders share the view that increasing German military might – making it the strongest in the EU – would contribute to political tensions between Germany and other EU members. Several security analysts note that no EU country desires a militarily strong Germany; hence the country will continue to promote the civilian character of its policy and non-military security and defence objectives (Records of interviews 2017). In the spirit of the civilian power concept, Germany prefers a comprehensive notion of security and declares that investment in development aid and environmental security should be included in overall defence and security expenditure (von der Leyen 2018).

This discrepancy in terms of complying with the commitment to give at least 2% of GDP to defence is also confirmed by the table below, which compares defence expenditure and the size of armed forces personnel of Germany and Poland; indicating also the different ranking of the two countries globally.

Despite the persistent discrepancies between Germany and Poland in the military-defence area, which are to some extent marked by the critical perceptions in Germany of Polish domestic political developments, experts agree on one thing: if Poland fulfils its obligations with respect to at least one of the EU initiatives in the defence area it has signed up to, it might become one of the key pillars of European defence and take advantage of the benefits of the projects in modernising the defence industries of member states that are worth billions of euros. Crucially for this, Poland must start seeing European defence initiatives as possibilities and not as threats (Zaborowski 2018).

## 2.4 REFUGEE CRISIS

How to deal with the refugee crisis? This has been another point of dispute between Germany and Central European countries, as Germany has failed to consider their position. However, this topic does not resonate as strongly in Polish domestic politics as it does in Czechia, Slovakia and Hungary. Therefore it is only a marginal issue in the German-Polish political dialogue (Record of interview at the OSW 2018).

In fact, during the initial discussions on how the refugee crisis ought to be resolved Poland supported Germany, voting for compulsory quotas. A change of government, however, also meant a change in the Polish position on the refugee issue. Like other Visegrád Group countries, Poland rejected compulsory quotas, maintaining the line with Prime Minister Viktor Orbán of Hungary. In the argumentation of Visegrád Group countries political leaders, the refugee crisis presents significant risks to the current relatively stable political and security situation on the European continent, specifically: the risk of a negative spill-effect and the fragmentation of key areas of integration; risks to the Schengen area, common market and free movement of

people due to reinstated border controls; and concern over the gradual re-orientation of the EU on the refugee issue and its growing engagement in the Mediterranean and the Middle East, thus minimising the importance of other domains such as Europe's Eastern policy. Visegrád Group countries see Germany's behaviour as manifestations of a new European policy assertiveness and German unilateralism, analogous to its actions during the Eurozone crisis and in European climate policy, in which it saw its partners' refusals as stubbornness and a lack of solidarity that had been repeatedly granted to them by the EU since their accession (Lang 2015).

Central European states claim that they are interested in promoting the principle of "effective solidarity", based on a readiness to participate in preparing strategies for effective and integrated development cooperation with countries of migration origin and transit, and consequently granting development and humanitarian aid to these countries. At the same time, they declare their readiness to improve the efficiency of bilateral and EU assistance for groups at risk in countries and regions threatened by conflict (Joint Communiqué of the Visegrad Group...2015). The primary areas of their engagement are the Balkan countries, protection of EU external borders, support for continuous and close dialogue with Turkey, and improving the efficiency of FRONTEX. Poland strictly rejects Germany's "willkommen" policy. Polish experts describe this as a failure of Germany's soft power and of Germany as a civilian power (Record of interview at the OSW 2018).

### **3 DISPUTED BILATERAL ISSUES: QUESTIONS OF THE PAST AND MINORITIES**

The position of national minorities in both countries, as well as questions of the past, also give rise to disputes in German-Polish cooperation. The acuteness of these issues varies depending on the political constellation in the two countries.

The minorities issue arises due to asymmetry between the positions of the German minority in Poland and the Polish minority in Germany. Supported by the Polish government, Polish public opinion is that the position of the Polish minority in Germany is much worse than that of the German minority in Poland. The Polish side expects the increased support of and closer cooperation with Germany's federal states. In connection with the issue of the positions of minorities and lacking partnership, questions of the past have re-emerged and with them also a feeling of grievance on the Polish side. Questions of the past resonated in the German-Polish dialogue even during the negotiations for Poland's accession to the EU. Poland expressed its concern over Germany's attempts at revisionism and the re-appearance of German claims. This discord between Poland and Germany then escalated, not least due to the approach taken by the then German government, which did not seek to clarify the situation. The paternalistic approach taken towards dealing with the past and multiple communication

failures were accompanied by a wave of criticism voiced by the Poles (Record of interview at the OSW 2018).

In 2005, another conflict flared up between the two partners, concerned with the planned establishment of the “Centre Against Expulsions” in Berlin. Many experts expressed the view that this conflict did not reflect the hitherto successful steps taken by both sides to mitigate the effect of negative historical experiences. In this case, the Poles criticised the plan to establish the Centre, arguing that Germany was seeking to create a new version of history, in which Germany would be depicted as victim; allegedly this was a prelude to compensation claims for property lost in Germany’s former eastern areas. In Germany, meanwhile, the impression was that Poland was not interested in dealing with the complex issue of the post-war expulsion of Germans, and that Poland even sought to prevent Germans from remembering their victims. This was purely a political problem – public opinion showed no particular interest in the expulsion question. Experts suggested that the politicising of the issue was linked with the different understandings of power by the two partners. Poland failed to find its place as a sovereign and integrated Central European country; it was unsure of its German partner, facilitating the political instrumentalisation of a history experienced by a proud but repeatedly vanquished country – the ultimate consequence of this might be that Poland will fail to fulfil its important role at the centre of an integrated Europe (Dylla-Jäger 2005).

In addition to this the issue of war reparations, which Germany has not paid to Poland, has appeared in the German-Polish dialogue. Poland claims more than 840 billion USD and does not recognise the German argument that the Polish government gave up reparations in 1953. The current Polish government claims that the decision to give up reparations in 1953 was adopted under pressure exerted by the Soviet Union (Frankfurter Allgemeine Zeitung 2017). The German government is aware of its historical responsibility – including the moral, political and financial perspectives – but relies among other things upon the fact that with the adoption of the “Two Plus Four Agreement” in 1990 any claims connected with German war crimes during World War II lost their political and legal effect (Lepiarz 2018).

Evidently, historical issues and related unbalanced relations of the past continue to be present in the German-Polish relationship and may encumber the extent and closeness of their cooperation in the coming years, unless Polish political leaders change their rhetoric and their approach to dealing with the past. At present, however, the domestic political opinion in Poland is that it is Germany’s soft power and diplomacy which has failed here; most notably that Germany has failed as a civilian power.

#### **4 CONCLUSION**

We conclude that despite close economic cooperation between Germany and Poland and the mutual economic importance of the two countries there are disputed points in German-Polish relations, and that these are linked both with the form and strength of cooperation at the European level and with their exclusively bilateral aspects. One of the reasons for the disputes and divergence that appear in German-Polish cooperation can be found in the very essence of the relationship, and in Germany's relations with Central European countries generally. Germany has important economic and trade interests in Central Europe, which bring benefits not just to the Central European countries but to Germany as well, as its trade relations with this region are stronger than those with France or the USA. Despite the evident strength and importance of these economic and trade relations, so far Germany has failed to make use of their political potential (Records of interviews at the OSW and the PISM 2018). In the political area and the related security, defence and energy areas, Germany does not consider Central European countries as strategic partners, or as equal partners, and this entails certain disputed points and unresolved issues in their bilateral cooperation.

We identified the first disputed area in energy policy, namely in the German promotion of its "*Energiewende*" project and Nord Stream 2 gas pipeline with Russia. In these cases, Germany has acted as a combined trade state and middle power. As a trade state, it pursues its economic interests and the affluence and prosperity of its population, as evident from its ambition to push through the use of renewable energy sources and abandon nuclear power at the European level. At the same time, the arguments favouring Nord Stream 2 construction are based on the premise that the interests involved are exclusively economic and not political. Thus Germany primarily pursues its economic interests and by supporting trade with Russia avoids any potential escalation of tensions in EU-Russian relations. The application of the middle power concept to Germany is justified by the fact that its "*Energiewende*" project – conceived nationally – is being promoted Europe-wide. Germany thus acts as an agenda setter in an area where other EU member states have not taken the initiative, allowing Germany to make use of its capacities and abilities.

Similarly, in terms of supporting Eastern Partnership countries Germany appears not as a civilian power but as a trade state, that is, it supports cooperation with Eastern Partnership countries only to an extent that will not threaten German economic and trade interests in the region of Eastern Europe. Eastern Partnership countries are attractive to Germany; specifically, they attract German exports and investment; there is a perspective of economic growth and growth of domestic demand, they have cheap labour and are geographically close.

As far as cooperation in the security area is concerned, Germany prefers cooperation within the framework of European foreign and security areas and European defence policy, less so within the framework of Nato. Germany emphasises non-military forms of cooperation in projects such as PESCO and Framework Nations. Both of these were initiated by Germany and we can describe the country as an agenda setter and a middle power, in the sense that it was able and ready to initiate projects that correspond to its political and security interests. On the one hand, this allows Germany to make use of its available capabilities. On the other, the country can also demonstrate its ability to take more responsibility for the domains of defence and security – domains that are not key for the country's foreign policy. The extent of German engagement takes heed of its specific requirements: it needs to win the support of its partners for implementing security and defence plans; it rejects commitments that are strictly military in character; and it advocates restraint when decisions are made about deploying armed forces in out of area operations.

In two other disputed areas of cooperation – the refugee crisis and questions of the past – Germany also does not act as a civilian power. Rather the opposite: many experts and public opinion agree that Germany's soft power has failed, that the civilian power concept is not applicable. In resolving the refugee crisis in particular, Germany acts as a middle power, as shown by its ambitions to push through a "*willkommen*" policy and compulsory quotas at the European level. This German behaviour can be seen as a manifestation of unilateralism.

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