

Diplomatic soap opera

11 czerwca 2019

In Poland we are dealing with a diplomatic soap opera, the reason for which is the adoption of Just Act 447 in the USA. For months now, we have read in the press and on the Internet this type of slogans: „a threat to the good of Poland”, „a blow to Polish sovereignty”, „robbing Poland”, „Jews want 300 billion dollars from us”. Numerous protests and marches were organized, comments and the construction of doomsday scenarios does not cease. In retaliation, Jews and Israel accuse Poles of anti-Semitism. Under these conditions anti-Semitism can be born. In short, „milk was spilled” – but is this panic justified?

A payment was already made

It is an indisputable fact that Jews lost a significant amount of property in Poland as a result of the tragic events of the last World War. Therefore, in July 1960, the Polish government signed a contract with the United States, according to which it pledged to pay 40 million US dollars at that time for total settlement and satisfaction of all claims of US citizens (of Jewish origin), both natural and legal persons due to nationalization and another type of taking over by Poland of the property of these citizens, which took place in Poland before the date of signing and entering into this agreement. The repayment of this obligation by Poland took place regularly in annual installments and was fully repaid in January 1981. After nearly 40 years, the US claims reappear, this time in the form of the JUST Act 447, which causes understandable indignation. This indignation is even greater because current claims are unjustified and primarily constructed as part of internal American law. This also begs the question: Does the „era of the Holocaust” also cover the period after 1960 ?! But, it is not a secret that Jewish

lobbying in the United States Congress is very strong – and where special interest groups have influence, it is possible to create an appropriate act.

JUST Act 447

Why does one act arouse so much emotion? This legal act is about paying compensation to Holocaust victims and their families who have not yet received compensation for war and post-war losses. The Act is quite inaccurate, because it does not define precisely and clearly neither the subject nor the time – that is, the basic elements to which it refers. In general, the term Holocaust should be understood in relation to the genocide or other type of persecution of ethnic, national and social groups and political prisoners in concentration camps. This concept is commonly associated only or primarily with the genocide of Jews during the Second World War – and this is a narrowed concept. Holocaust means, or should mean, the extermination of people of any nationality, not only Jewish. The Act time frame refers to the „era of the Holocaust“. What exactly is the „era“? Is it 1933-45 or „only“ 1939-1945? Is the „era of the Holocaust“ also the so-called Stalinist years, so post-war? These particulars are missing in the JUST Act. In any case, this legal act applies to people who survived the Holocaust and other victims of Nazi persecution – and therefore not only Jews. Perhaps Jews are considered to be a chosen people, but which nation does not have the same opinion about themselves? So we are talking about the interpretation of the law. Why is the American internal legal act interpreted only in terms of compensation for Jews? Let's assume theoretically that the „era of the Holocaust“ is the period of World War II, although this temporal definition provokes discussions. Here, one should consider how many nationalities suffered during the wartime Holocaust and who should be compensated. At the same time, the issue of compensation concerns not only the direction from Poland to the West, but also, and perhaps first and foremost,

from Poland to the East. In this context, the law is coming out against Poland, because Russia should also regulate compensation for Poland. I do not mention Poland's claims against Germany, because it is known that the authorities in Warsaw should send all claims to Berlin first, and then – or in parallel – to Moscow. The law is obviously biased, but also vaguely formulated, so any state can practically interpret it in its own favor. Therefore, there is no basis for any panic here.

What does the JUST act mean within the context of international law?

The Act obliges the US Secretary of State to report on the legal and systemic situation in 46 countries, including Poland, which in 2009 signed the so-called Terezin Declaration in the Czech Republic. This declaration is the legal and international basis for the execution of a report, including administrative and judicial procedures, regarding, in particular, the return of property where possible, payment of just compensation where the return is impossible and, finally, the allocation of property for which there are no heirs for educational and social purpose, and particularly, assistance to victims of the Holocaust. I assume that this is primarily information about the state of satisfaction of claims for US citizens, because the JUST Act falls within the scope of internal American law. In short, Israel should not have any claim to Poland. It is worth noting that the law does not have, because there can not be, any coercion to return property or payment of compensation, by citizens of 46 countries. Why? For a very simple reason. The Act, as I mentioned earlier, is an element of US internal law, and the state is sovereign and can pass any laws. But the US does not have a legal dictate over the world, nor does it enact universal/global law, although we often have such an impression. So I ask again: why all this panic? The media

exaggerate the threat to Poland from the US and Israel (what does Israel have to do with the „Polish-American“ conflict?). They report on possible repercussions: from unofficial pressures through official lobbying to sanctions, for example, boycott of Polish products, barrier duties, refusal to grant loans, etc. A relatively new media hit is the possibility of US blackmail re; the installation of anti-missile shields and the expansion of missile defense capabilities in our country. And the cost of this investment will probably be about 300 billion dollars (sic.), So the media has created the vision that Jewish claims are for such a sum. Of course, neither in the first nor in the second case the amount has the slightest *raison d'être*. Thus, the Poles themselves create unbelievable numbers that Jewish organizations can only be grateful for and bless us with. In the meantime, the missile shield is forgotten and media writes about Israel claims against Poland in the amount of 300 billion. It is even „better“ to threaten the society with the necessity of selling national assets in order to obtain funds for claims. Thus, a paranoid situation arose, into which the State of Israel was completely and unnecessarily drawn. Meanwhile, no one should currently speculate about the amount of compensation that Poland should pay to foreign nationals for the „era of the Holocaust“, because any amount has no basis. The fact is, that in reality, there do not exist any serious calculations. The act states that compensation is to be paid in accordance with global standards in the event of war and similar compensations. It is therefore fair, not full compensation, which is usually impossible. Besides, it is not yet known who should pay and to whom. Polish protests should be directed rather against the Terezin declarations (which the Polish government has voluntarily signed), because this declaration falls under the scope of international law. But as you know, no declaration is binding for the signatory state. However, under the JUST Act 447, no sanctions can be found.

Sovereignty

A necessary condition of any state to act in its own interest is its sovereignty. Therefore, let us be happy that Poland has been sovereign again for 30 years and we should guard this sovereignty like the proverbial “eye in our head” Of course, we still hear “half-baked” ideas to make a provision in the Constitution of the Republic of Poland related to Poland’s membership of the European Union and NATO and the supremacy of the law of these institutions over Polish law. However, these ideas are certainly only inappropriate “humor” of elected politicians. Because if not jokes, then what? I believe that no one takes these „jokes” seriously, otherwise it would mean limiting Polish sovereignty, and thus devoting some of the ruling prerogatives to supranational bodies, or even better – to countries that have the last vote in the EU and NATO. And that would be a definite return to the situation from the times of the Polish People’s Republic. Therefore, I believe that some Polish politicians speculations, toying with the limitation of Polish sovereignty for supranational institutions, as very dangerous and unpalatable. The current „diplomatic war”, since we can not call it differently, is an example of how important independence is, and therefore the sovereignty of Poland. I will add here that the decision taken by the Nation at the ballot box would strengthen and further confirm the sovereign character of the state – according to art. 4 of the Constitution of the Republic of Poland.

The role of the Polish government and diplomacy

What does the Polish government do in this paradoxical case? Unfortunately, we do not know what it is doing, or whether it is doing anything. The nation is highly agitated, new dynamics are created in the country and among Polonia. In this situation, the prime minister of the Polish government should

appease the agitated society, either personally or through his spokesperson. Speak on the interests of the Polish Nation and the *raison d'être* of Poland. He should inform and calm the society while updating them at all times. An important role here falls on Polish diplomacy, which should conduct semi-official post-election negotiations so that, without stirring up public opinion, bring this diplomatic insurgency to the happy end. Is Polish diplomacy able to conduct such informal conversations? This is about interfering in the internal affairs of the USA, because the JUST act 447 is an internal US law. It's a delicate matter, but diplomats are there to deal with such delicate matters. A diplomat, e.g. an ambassador, is also a lobbyist who constantly searches for contacts with other nations and should be well versed in informal negotiations. Diplomacy is not a game for polite children, relegated to visits with the Polish diaspora, but a difficult and responsible job. I'm comforted, however, that the actions of the Polish government and Polish diplomacy „are moving at full steam” behind the scenes and soon we will have positive effects of these actions (?).

Is the JUST act well thought out?

Let us return to the JUST act 447. It does not require a comment that this law is not fully thought out. There are 46 countries to pay compensation to victims of genocide (the Holocaust). In which country is the repayment to start, and in which end? Will Poles first wait for the repayment of compensation by the Germans and Russians, in order to obtain funds to pay compensation to, say, Jews? I write to Jews, not to Israel, because the Israeli state did not exist during the Jewish Holocaust. The Act is an internal legal regulation in the US – so there is a moral suggestion to resolve the so-called „Claim issues” and concerns, as I already mentioned „the era of the Holocaust”. The enforcement of these regulations, however, is entirely the responsibility and goodwill of sovereign states. By adopting the JUST Act 447

Act, the US Congress has compromised itself. No state should, directly or indirectly, interfere in the affairs of other states within framework of its internal law. For such there is international law and its institutions – in this case the UN. USA power and domination in world politics does not authorize the American authorities to suggest to other international entities what they should do.

That's why comments of USA Secretary of State Mike Pompeo make me laugh, with his overt interference in internal Polish affairs, and urging of Polish authorities to make progress in the field of comprehensive legislation regarding the restitution of private property for people who lost their property during the Holocaust era. I wonder if the American diplomat will also call on the authorities of Russia and Ukraine to make similar „progress”? The JUST Act is neither coherent nor logical, but above all it is not „translatable” in international practice. Of course, no one here denies the need to pursue a genocide reparation policy – but this should happen on the international arena and with the participation of all concerned and above all for all those affected. Let us not forget that Poland is a large democratic country, located in the center of Europe, independent, proud and above all sovereign. And this awareness should be enough for Polish women and Poles to look confidently and optimistically into the future. The Polish Government has signed Sovereign Declarations with Terezin and should also sovereignly interpret and inform Polish society on a regular basis. Whereas dramaturgy connected with the JUST Act 447 act is a diplomatic and media soap opera.

Autorship: Prof. Miroslaw Matyja

Source: WolneMedia.net

About the author

Professor Miroslaw Matyja The author is a political scientist,

economist and historian. A graduate of the University of Economics in Krakow and the University of Basel. He completed his doctorate at three universities in the fields of humanities, economics and social sciences. He is a professor at Polish University Abroad in London, where he manages the Political Culture and Democracy Research Institute. A mountaineer, he was the first Pole to reach the top of Tilicho (7200 m) in the Annapurna massif in the Himalayas. He is the author of several books and numerous publications.