

Andrea Genest

How Poland dealt with the assets of the former State Party PZPR

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Introduction

This paper focuses on the way Poland dealt with the assets of the former Polish state party, the “Polish United Workers' Party” – in the following called PZPR – in the early 1990s. The post-89 Polish government installed a commission to investigate the whereabouts of the party assets. The results were published in a report and were debated in the Polish parliament, the Sejm, in July 1992. A law about the liquidation of the party assets regulated the political procedure on how to deal with the legacy of the party. This way, the subject of the party assets became a question of public interest.

To understand the Polish way of dealing with this problem in a broader context, some details about the change of systems in Poland ought to be explained beforehand. After summarising the Polish transition into a democratic system, the question of the party assets of the former state Party will be outlined. Finally, I will discuss both aspects in a résumé.

The Polish Transition

Poland's way towards a democratic system was certainly unique within the Central European context. If we speak about a civil war in Rumania in 1989, a peaceful revolution in the GDR, we can name the changes in Poland as a negotiated compromise.

The members of the opposition were prominent figures in the county, although the political democratic opposition was a minority within the Polish society. In the history of the People's Republic Poland numerous political protests took place, in

which parts of the Polish society demanded more political liberties and better living conditions. The most important protests happened in the years 1956, 1968, 1970, 1976, and 1980. The aim of these protests was to show the state power divergent points of view, which grew in the society. That's how alternative political concepts could arise since the 50s. Reform attempts within the party became unthinkable after 1968, when the state party evoked a brutal anti-Semitic and anti-intellectual campaign against political opponents. In consequence, 15.000 people, mostly Jews, had to leave the country. Reform forces had to search for new spaces for communications outside the party and for new forms of activity. Therefore various political groups developed in the seventies and eighties. After 1976 a huge publication production emerged within the opposition, which followed the example of the Samizdat in the Soviet Union, but became a lot more professional and sophisticated than in any other communist country. A second society developed with its own infrastructure. In debates circles and underground universities, alternative political conceptions were discussed, ideas from foreign countries were published and distributed. The state power and the party tried to infiltrate these groups and fought against them. But the opposition succeeded and became even stronger. In this regard Poland was an important example for dissident groups in other communist states. In the year 1980 the state was forced to permit officially the independent trade union movement "Solidarność" (translated as Solidarity). The Solidarność could act for 13 months in open space, organizing political dialogue, mass media, and campaigns in political, social and cultural areas. These multiple actions under the collective name "Solidarność" made this movement into a strong voice and power in Poland with widespread influence on oppositional groups and movements in other Communist States in Europe. Estimations count approximately 10 Million members in "Solidarność". These 13 months of relative independence broke off when the Polish United Workers' Party imposed martial law. The leaders were imprisoned or disappeared in the underground, where

parts of the opposition managed to hold up political work by distributing underground publications and other activities. The state power was deeply weakened and the party was not able to control the political contraries anymore. Perestroika, economic disaster and political stagnation forced the PZPR to make a step towards the opposition.

The party could be convinced to a round table dialogue, negotiated by the leader of the democratic opposition, Lech Wałęsa, and the Minister of International Affairs, Czesław Kiszczak in secret talks.

In February 1989 delegates from the Polish United Workers' Party and the Solidarność-opposition met for the first time, ten months before the wall of Berlin came down, and ended in April 1989. The talks were held in the Council of the Ministers' Office and were co-chaired by Lech Wałęsa and Czesław Kiszczak.

Surely, General Jaruzelski hoped to integrate the widely supported opposition, but the contrary became reality. These talks prepared the first half-free parliamentary elections in summer 1989 and opened the state monopoly for public opinion.

The party-delegates tried to save as much power as possible for the party, while the delegates of the opposition tried to widen the possibilities to liberate the state system, especially in terms of social participation and access to communication media. The opposition got 45 minutes per week for broadcasting their own standpoints on television concerning the actual politics and could distribute their own newspaper officially. But the opposition didn't succeed in abolishing the monopoly of Polish press publishers and distributors, named "Ruch".

In terms of the elections, the round table came to the following details: the next parliament should be elected partly free; 60% of the seats were set for the PZPR, 35% should be voted freely and 5% were reserved for the catholic parliament groups, which they held traditionally, even during the People's Republic since 1956. The senate was established anew in 1989 as a second institution besides the parliament. This house was designated to be elected fully free and is not as

influential as the parliament. The senate's function is more a controlling one than a decision making one. The fully free elections of the senate were an important symbol for the success of the round table. The idea came from the former Minister for Youth, Aleksander Kwaśniewski, who made an important step towards the opposition this way. But the results of the round-table dialogue and the elections became a triumph for the Solidarność-members, who acquired all the possible 35% of the parliament seats and 99% of the seats in the senate. The way for the first non-communist government after the war was open. On the 24th of August 1989, Prime Minister Tadeusz Mazowiecki, a catholic politician out of the democratic opposition, gave his first speech in his new function, in which he tried to include the whole Polish society in the new project called democracy. To put these events into a broader frame: this happened three months before the Berlin wall came down.

In January 1990 the delegates of the Polish United Workers' Party, the former state party, liquidated their party. The very same day two new parties were constituted out of the former PZPR on the same party conference – five month after erecting the first non-communist government. The first new party, the “Polish Social democratic Union”, led by Tadeusz Fiszbach, showed a visible distance to the ideological roots of the former PZPR and therefore did not claim the PZPR assets. The party didn't last for a long time. The second one called itself “Social democracy of the Polish Republic”, shortly SdRP, under the future President Aleksander Kwaśniewski, saw itself as the legal successor of the PZPR and demanded for this reason parts of the party assets. The SdRP was erected with the majority of the party conference delegates, which became an important argument for the self-image of the party.

The SdRP claimed herself as the state party successor and was treated in the same way by the new state authorities in the early nineties. But this question became an issue at the constitutional court, which decided in February 1992, that this construction was based on a logical mistake. The party was founded

chronologically after the self-liquidation of the PZPR. Therefore the self-image as the immediate legal successor of the PZPR was problematic.

The commission on the assets of the PZPR

Almost at the same time, in January 1990, the government established a commission of inquiry to analyze the liquidation of the former states party's assets. The commission made an inventory of the assets and analyzed the real property, like buildings, shops and territory. They didn't assume the cash value of the whole assets and reached their limits by assuming the finances.

In particular they dealt with

- buildings, shops and territories, used by the party and its organisations,
- the archival sources
- the press monopoly "Ruch", which consisted of newspapers, magazines, newspaper kiosks with its colportage, printing offices and publishing houses
- the commitments with the Polish bank and the tax authorities.

After two months of investigation the commission came to following results:

- only 23 of the 1.869 real estates, which were used by the PZPR and its organizations, belonged to the party.
- 156 objects were built by the party on state property
- seven objects belonged partly to the party, partly to the state or others
- 859 objects were used on the base of contracts and agreements
- 300 objects were used on administrative decisions.
- for the remaining cases the legal base couldn't be discovered or were still topics of lawsuits.

Party organisations, like the Communist Youth Union, the Polish scouts, the Polish Students Union disposed of 1 135 objects, mostly on the base of contracts or administrative decisions.

The commission discovered that 51 objects belonged to the organisations.

The commission defined the following practice in dealing with their results, in which the legislator followed to a large extends:

- objects, built by the party's own capital on their own ground belong to the party and were given to the successor, the SdRP.
- Objects, built by party capital on the state's ground belong to the tax authorities
- in some cases the administrative decisions and lawsuits had to be awaited.
- All archival sources were transferred to the Polish State Archive, which is today an important source for researches on the history of the Peoples Republic 1944-1989.
- the SdRP received four objects on the territory of the Polish capital Warsaw.
- two buildings, built on the state's ground, were given to the SdRP, too.
- the question of the press monopoly "Ruch" was not solved.

The Sejm, the Polish parliament, passed a law on the 22nd March 1990 on the liquidation of "Ruch", which allowed to establish a press concern.

The results were given to the council of Ministers on the 2nd of April 1990, who accepted the report. Already in November 1990 the Polish parliament passed a law about the take-over of the party assets by the state. According to its first article, the available assets were taken over by the tax authorities by the 27. of February 1991. The key date was the 24th August 1989, the day, Tadeusz Mazowiecki assumed his position as new prime minister. The law included additionally means and assets, which raised criticisms from the former communists. The practical meaning of this law was small, because most of the

cash property already had disappeared into other unknown channels. The importance of the law must be seen in its political judgement about the state party and its acting. The atmosphere was tense because some more details came into public: The PZPR got still in the beginning of 1990 a credit of over a million dollars, given by the Communist Party of the Soviet Union. Further more, some million dollars were transferred into company foundations in Western Europe. They couldn't be discovered anymore.

Aleksander Kwaśniewski, party leader of the SdRP, was asked for a finance report for the former state party PZPR for the year 1989. This official information request by the Minister of Finances emphasized the self-image of the SdRP as the legal successor of the PZPR. The open debate about this topic became the topic of the constitutional court, which decided in 1992, that the decision about the succession of the PZPR was based on a logical mistake. The PZPR was already liquidated when the two new parties were built. But this was in 1992.

Base on this 1990 report the SdRP under Aleksander Kwaśniewski got the remaining 23 real estates. The rest was given as disposal to the voivodeships, the Polish administrative districts.

At the same time the SdRP as the successor of the PZPR sat on a mountain of dopt of 22 million złoty, a result of of illegitimate use of state property or business with property, which didn't belong to it. Therefore the party claimed for tax relief, since it was not able to pay them with empty bank accounts. In this situation, criticisms grew and a number of single legal proceedings against the SdRP took place, but they didn't change the general picture.

Political perspective

The Polish politics showed in this time specific orders, which is understandable out of the special situation of the Polish transformation. The negotiated transition promoted a situation, which gave the state party further possibilities to act. The party was not stopped immediately in its work in 1989, no controlling instrument was installed. Secondly, the chronological subsequent decision about the legitimacy of the role of the SdRP as the PZPR-successor gave possibilities to act in a barely regulated field. The law on the take-over of the party assets of February 1991 came in a time, in which especially the cash values were already transferred into other uses. This slow transition into democracy and justice came together with a harsh polarized political debate within the Polish public. In a situation, in which the party had still possibilities to act and without a complete documentation of the state party, open suspicions characterized the political atmosphere before knowledge.

This impression was confirmed in July 1992, when the question of the party's assets and the legitimacy of the SdRP as the legal successor of the PZPR became topic in a parliaments' debate. The national conservative party KPN felt responsible, because members of this party seized party buildings and archives to save them. The conservative politicians argued therefore in a moral manner, Poland, following their argumentation, needs money, especially the state concerns and the health care. In this perspective the demand from the SdRP lack any justification. The SdRP claimed for their right on the assets furthermore. Reacting on the criticisms from the conservative side, the SdRP leaned on the matter of fact, that they were supported by the on the party conference, when they established the new party. Seeing itself as the successor of the PZPR, the SdRP showed itself open for democracy and ready for controversies. The fact, that the tax authorities confiscated the majority of the party assets, was seen as a step towards justice, which was already done.

But nevertheless, the results were important to reduce conspiracy theories which went through the Polish society. Related questions were discussed later and

independent, f.e. Jewish property, taken without a legal base by the state authorities, was not mentioned in the report and is still a topic of Polish-Jewish debates today.

Giving a general view on the Polish transformation, the question of the assets of the party was not the dominant one. Other topics characterized the public debate a lot more, first of all the question of secret service and the secret collaboration by parts of the society. Both examples show a general tendency in Poland, to leave blank morally and socially difficult questions in behalf of the attempt to include the whole society. Meanwhile a number of scandals showed the limits of this approach.