

Canadian Delegation
to NATO



Délégation du Canada
auprès de l'OTAN

REC. P.A.
ACTION CLIF
No 13.960/82

P. A. Sub - Registry
File No 19.10.82
(Poland)

CONFIDENTIAL

Brussels,
12 October 1982

Reg PA
cc Reg / PA
Mr Cella
Mr Johnson
Mr Leuchter
Mr Oshannon
Mr Dimson

POLAND: THE REALM OF THE POSSIBLE

Dear Mr. Cella,

Further to my intervention in the Political Committee this morning, I attach as anticipated the Canadian discussion paper on what it would be realistic to expect by way of Polish compliance with the three criteria laid down in the January 11 Declaration. Needless to add, we would welcome comments on the paper.

I am circulating copies of this letter and attachment to the members of the Political Committee.

Yours sincerely,

Paul H. Chapin,
Counsellor

Mr. Glen R. Cella,
Acting Chairman, Political Committee,
NATO Headquarters, Room I-206,
Brussels.

Document NOT to be removed
from file.

DISCUSSION PAPER

POLAND - THE REALM OF THE POSSIBLE

OCTOBER 12, 1982

It is agreed that the Polish authorities have moved some distance towards meeting the three criteria contained in NATO's January 11 declaration. It is also agreed that the authorities need to go further before they can be said to have moved in a way that would come close to meeting those criteria. But it is uncertain at what point it can be concluded they will have "substantially met" the criteria. The following seeks to examine this question.

(a) Martial Law

The first of the three January 11 criteria required the Polish authorities "to end the state of martial law". On the surface, meeting such a criteria would require the termination both of the legal order established on the night of December 12, 1981 and of the implementing decisions taken subsequently, namely:

- The abolition of the Military Council for National Salvation (WRON) established under the terms of the decree,
- The withdrawal of the military plenipotentiaries and commissars charged with supervising all levels of state administration on behalf of the WRON, and
- The termination of all the emergency regulations announced by General Jaruzelski on December 13, 1981.

From the evidence available, there would seem to be a fair prospect that most of these requirements will have been met by the end of this year, barring a major deterioration in social order. For instance, Jaruzelski has spoken of the WRON applying to the supreme state authorities to suspend martial law "before the end of this year" if conditions permit. And in the meantime, a very large proportion of the restrictions on everyday life have been progressively abolished. In a technical sense, therefore, the criterion "to end the state of martial law" may well have been met by the end of 1982.

But would the spirit of the criterion also have been met, if the regime were in the meantime to replace special decree NBR 42 with other exceptional powers, if the WRON were to continue to operate under another name (e.g. the Council of Ministers), if army officers were to continue to exercise de facto supervisory powers over local enterprises, and if the regime were to continue to disperse demonstrators and incarcerate dissidents whenever it felt so inclined? Yet the prospects for just such eventualities are very strong, indeed almost certain. For instance, Jaruzelski has stated explicitly that on the abolition of martial law, "it will be necessary to guarantee the interests of the state and the nation through the temporary granting of special powers to the Council of Ministers". In addition, there are already four members of the WRON holding crucial portfolios in the Council of Ministers (General Jaruzelski, who is Chairman and Minister of Defence; General Kisjczak, who is Minister of Internal Affairs; General Piotrowski, who is Minister of Mining and Power Industry; and General Hupalowski, who is Minister of Administration and Local Economy). Further, in recent weeks military "inspection teams" have been appearing throughout Poland examining the full range of local authorities' activities and the press has suggested these inspections may become a permanent feature of local administration. Finally, while conditions have not returned to the dark days of January 1982 as a result of recent disturbances, the Government has continued to display a determination to reimpose restrictions whenever necessary to maintain its control over society. In other words, though martial law technically may have been lifted by the end of 1982, in fact it will still be there in all but name.

(b). Detainees

The second criterion required the Polish authorities "to release those arrested". From the context, it is clear that the term "arrested" referred to the "thousands of internments" which followed the imposition of martial law. Hence, according to a rigid interpretation of the criterion, Allies required the release of the estimated 6805 interned on December 13 and in the days immediately thereafter (up to January 11).

From the evidence available, more than 90% of the original number have already been "released" - conditionally or otherwise - leaving an estimated 637 still interned. By the end of the year, it is conceivable a few hundred more will also have been released, leaving a deficiency of approximately 5%. In most respects, this would represent "substantial" fulfilment of the criterion.

But would such Polish compliance be fully satisfactory if the remaining 5% included the Solidarity leaders? And would it be generally acceptable to credit the Warsaw regime with releasing approximately six thousand internees while ignoring the incarceration of several thousand

others charged with committing "crimes against the state" in the period since the imposition of martial law? Yet for the foreseeable future, it is unlikely that this situation will improve in any significant way. There is a distinct possibility that Lech Walesa and other senior Solidarity figures may not be released for a very long time, given the regime's fear of allowing them to return to positions of influence until social conditions are very much more stable than at present. In addition, while there is a possibility of amnesty for those arrested as a result of recent disturbances, there is an equal possibility of further arrests as a result of new disturbances - meaning that for many months to come there will be a significant number of "political prisoners" to be taken account of. Finally, it is to be noted that even in the high days of Solidarity there were "political prisoners" in Polish jails, and it will remain an endemic feature of communist rule for there to be people in jail for "political crimes".

(c) Dialogue

The third criterion required the Polish authorities "to restore immediately a dialogue with the Church and Solidarity". According to a strict interpretation of the term "dialogue", this criterion would require no more than that the regime agree to hold periodic discussions with the Church and Solidarity. By such a standard, the regime can be said to have fulfilled at least half of the criterion for there has been some discussion with the Church; and it has not completely closed off the possibility of fulfilling the other half of the criterion and engaging in discussions with elements of Solidarity. Putting the best light on the situation, one could conclude therefore that prospects for success in this area are not completely hopeless.

But in fact they probably are hopeless, if by the criterion one assumes a dialogue of some quality characterized by "reconciliation and genuine negotiations" and leading to the re-establishment of "civil liberties and the process of reform" (as stipulated elsewhere in the January 11 Declaration). There are two main reasons, quite apart from the recent hardening of positions on all sides.

In the first place, there are limits to what can be expected even of the limited dialogue which currently exists between the regime and the Church, for no communist regime can ever be expected to accord religious authorities an official role in the management of society while the Church, for its part, does not particularly want to be part of an official dialogue with a communist regime. Thus the most the regime can be expected to do in respect of the Church is to acknowledge publicly its existence and to accept tactily its proposals - which it has done. In other words, "dialogue" with the Church has probably already reached its limits.

Secondly, no present or future configuration of Communist Polish leaders would ever willingly be prepared to engage in dialogue of the kind which implied a genuine accommodation with popular forces and a sharing of power with them. No only would this undermine their claim to exclusive political legitimacy (the "vanguard" of the working class) and hold open the possibility of opposition forces one day overthrowing the communist system; but, more immediately, it would regenerate fears of a repetition of the circumstances of 1980-81 which brought about the collapse of the Gierek regime and the loss of position and privileges of scores of apparatchiki - an unpalatable prospect even if there were no Soviet shadow over them. Thus they would not willingly allow the re-emergence of Solidarity as a nation-wide organization able to compete with them for the allegiance of the population. Nor could they be forced into it, since their own survival would be at stake. The most they could be expected to do would be to allow the re-emergence of a limited number of docile unions exercising some degree of economic self-management in the workplace, for the purely practical benefits which would accrue - and this they seem ready to do. In other words, it would be unthinkable for the regime to allow the re-establishment of Solidarity in its old form and to engage in a dialogue with it on equal terms; while Solidarity will not engage in a dialogue with the regime unless it is re-established in its old form. So it must be concluded there will be no "genuine" dialogue (as recent reformulations of the January 11 demands have described it).

Conclusion

In conclusion:

- Martial law may technically have been lifted by the end of the year, but it is likely still to be there in all but name well beyond that date.
- It is conceivable that Polish authorities will have released by the end of the year up to 95% of those interned immediately after the imposition of martial law, but there are likely to continue to be "political prisoners" in Polish jails for the foreseeable future.
- Only the most limited dialogue will ever be conceivable between the state, the church and Solidarity respectively.