

AUSTRALIAN GERMAN ASSOCIATION
EDUCATIONAL DEVELOPMENT FELLOWSHIP 1995

FELLOWSHIP REPORT

ANNA FUNDER

CONTENTS

	Page
Overview.....	4
Glossary and Abbreviations.....	5
1. Goethe Institute Language Course.....	6
2. Reunification	
(i) <i>Reassessing history: the Stasi files</i>	
Introduction.....	10
<i>Landesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik</i> (State Authority for the Files of the State Security Service of the Former GDR) Dr. Martin Gutzeit.....	14
<i>Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik</i> (Federal Authority for the Files of the State Security Service of the Former GDR) Herr Lorenz Prell.....	18
(ii) <i>The effect on academia: Potsdam University</i>	
Professor Manfred Görtemaker, Vice Chancellor, Potsdam University.....	22
(iii) <i>The 1989 Democracy Movement Continues</i>	
<i>Bürgerkomitee Leipzig e.V. für die Auflösung der ehemaligen Staatssicherheit (MfS) (Citizens' Committee of Leipzig inc. for the Dissolution of the former State Security Service)</i> Frau Hollitzer.....	24
(iv) <i>From Communism to Capitalism - Restitution of Private Property</i>	
Dr Thomas Jürgens, of Dr Knauthe & Partner Attorneys, Potsdam.....	27

3.	Ausländerpolitik – Immigration Policy	
	<i>Bundesministerium des Innern, Bonn</i> – Ministry of the Interior, Bonn	
	Dr Jürgen Haberland Herr von Klüchtzner Herr Neuser.....	30
4.	Deutsche Akademische Austauschdienst (D.A.A.D.), Bonn	
	Herr Peter Grosscurth, responsible for Australia, New Zealand and Southeast Asian Exchange Services.....	36
5.	Consulate-General of Australia, Berlin; Australia Institute Potsdam.....	36
6.	United Nations Organisations	
	(i) United Nations Compensation Claims Commission, Geneva.....	37
	(ii) United Nations Educational, Scientific and Cultural Organisation (UNESCO), Paris.....	38
7.	The United Nations Framework Convention on Climate Change, First Meeting of States Parties, Berlin 28 March – 7 April 1995.....	39
8.	Conclusion.....	39
	List of Attachments.....	40

OVERVIEW

I first went to Berlin in 1987 for five months, studying German and Fine Art at the Free University on a DAAD Scholarship. I fell in love with the city to the point where I thought it loved me back. I loved the beautiful streets, the broad mix of people, the tough historical weight of the place.

In 1987, Berlin was unimaginable without the Wall. No-one thought it would fall. When it did at the end of 1989 I was unable to go back. So, five years later, I was interested in the more long term effects of the fall of the Wall, and the end of the nation of East Germany. I wanted to see the fault line between the countries – to see how Germany might have mended, or not.

The debate over what to do with the files of the secret police (the Stasi), and how to deal with what they revealed, raises most squarely issues of the difference between former East and West Germany. I visited the Federal and State Authorities which administer access to the files, and I spoke with Frau Hollitzer of the Citizens' Committee in Leipzig, who was deeply involved in the resistance movement in 1989. I had neither the time (nor the courage) to speak with former Stasi members, but I perhaps I will have both next time I am there. Section 2 of this Report describes some of these conversations.

The second main part of the report deals with immigration issues. I visited the Ministry of State in Bonn to talk about German immigration and citizenship policy, having been responsible for a submission to a Parliamentary inquiry on citizenship shortly before I left Australia. I knew that it takes four years from arrival in Australia to become an Australian citizen, so I was intrigued to learn that people can remain ethnic Germans despite living out of Germany for four hundred years. Learning about the German system had the curious effect of making me think: what is it to be Australian?

Finally, at the end of my stay in Berlin, I was recalled to work as a member of the Australian Government Delegation to the Climate Change Conference.

I extend my warm thanks to the AGA, the Goethe Institute and Lufthansa for sponsoring the Fellowship. I thank also the Attorney-General's Department for supporting my application and then letting me go for three months.

I am very grateful to the people mentioned in this report: they were enormously kind to spend time, in some cases considerable time, speaking with me. For all I learnt about Germany and the Germans, I hope that the exchange was not all one-sided.

GLOSSARY

<i>BRD</i>	<i>Bundesrepublik Deutschland</i> (German Federal Republic)
<i>DDR</i>	<i>Deutsche Demokratische Republik</i> (German Democratic Republic)
<i>FRG</i>	Federal Republic of Germany (West Germany)
<i>GDR</i>	German Democratic Republic (East Germany)
<i>SED</i>	<i>Sozialistische Einheitspartei Deutschlands</i> (The former ruling Communist Party in the GDR)
<i>SPD</i>	<i>Sozialdemokratische Partei Deutschlands</i> (Social Democrat Party) The main left wing political party in Germany. Originally from West Germany.
<i>CDU</i>	<i>Christliche Demokratische Union</i> (Christian Democratic Union) The main centre-right wing political party. Originally from West Germany.
<i>PDS</i>	<i>Partei des Demokratischen Sozialismus</i> (Communists). The successor party to the SED. Originally from East Germany.
<i>Mfs</i>	<i>Ministerium für Staatssicherheit</i> (Ministry for State Security) The internal secret police service of the former East Germany.
<i>Stasi</i>	As above.

1. GOETHE INSTITUTE LANGUAGE COURSE

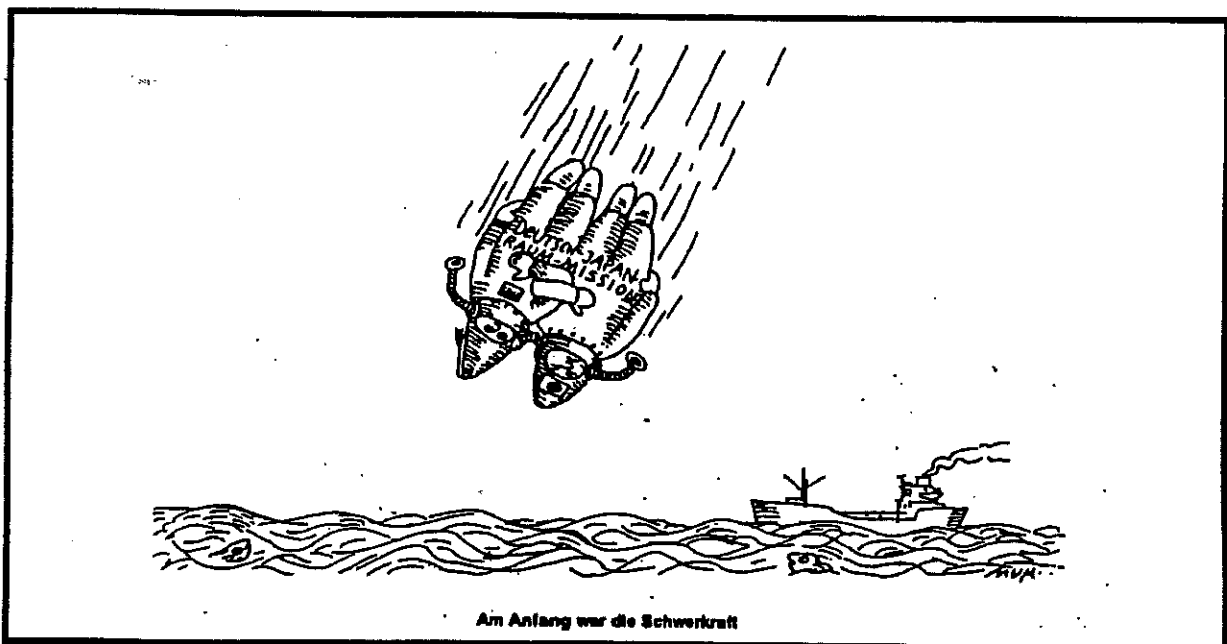
Course

I participated in the 'Oberstufe', or top level language course offered by the Goethe Institute from 3 January to 24 February 1995. I sat the written and oral examinations on 22 and 23 February respectively (statement of results attached).

The course was terrific. It was taken by Mr Frank Werner, and comprised, as stated in the attached Certificate of Participation, some 200 sessions of 45 minutes each. In other words, the course ran from 8.30 am to 1.00pm with 2 short breaks, every weekday for 8 weeks.

We studied grammar, watched films, and read Monika Maron's 1978 novel 'Flugasche' about environmental pollution in Bitterfeld in East Germany (which was published only in the West). Each day someone would prepare a 5 minute discussion of a press article, which meant the course was an excellent introduction to current issues in Berlin, and Germany.

Everyone also prepared a one hour class paper presentation. I spoke about negotiating the treaty between Germany and Australia last year for the landing of the Express Space Capsule in the Woomera area of South Australia. The legal difficulties we faced in the negotiations paled into insignificance compared with the subsequent technical hitches the mission suffered. The capsule was lost in space for two days in January 1995 before it capsized somewhere, perhaps over the Pacific Ocean. This otherwise unfortunate occurrence meant I was able to illustrate my talk with wry (and largely self-exonerating) cartoons from the German press.



An Anfang war die Schwerkraft

In the beginning there was gravity.

I found the grammar lessons particularly useful, having not practised grammatical exercises in any routine way since finishing my honours degree in 1988. Most important of all, perhaps, were the exercises in colloquial speech, sayings or *bon mots*. A grasp of this sort of language is really what distinguishes native from non-native speakers, once you have mastered grammar, accent and inflection. To be able to say, for instance, '*ich bin in der Teufels Küche geraten* (I've landed in the devil's kitchen, ie, in hot water), or '*Geh doch wo der Pfeffer wächst*' (go to where the pepper grows, ie the far east, or as we might say, go jump in the lake) is potentially useful. Fortunately, I can't recall having to say such things, but I appreciate the demystification this learning has brought with it: devils and pepper are really hot water and lakes.

Facilities

The Goethe Institute is very well equipped with a library, and '*Mediothek*', or language lab. The library has a superb reference collection, particularly with works on German language and history. It also stocks all the major daily and weekly German periodicals. The *Mediothek* has facilities for watching German films on video, and doing listening comprehension exercises and grammar exercises on computer. The computer exercises were particularly useful; you can choose to work on an area of weakness, for instance prepositions, at an advanced or intermediate level. The exercises are set out as 'fill in the gap', and let you know immediately if you are wrong, so you can access the correct answer.

The other course participants brought the four corners of the earth into the one room. At the '*Oberstufe*' level they were mainly women: a mixture of people who wanted to study at German universities, or who wanted to read Wittgenstein or Schleiermacher in the original, or who were married to German men, or who were German teachers in their home countries. It was a very polyglot class: four Brazilians (some with German names from post-war migration), three Kazakhstanis, a Mongolian Chinese, a Korean, an Italian, a Dutch woman and a Swedish man. The mixture meant that none of the language tuition could be done by translating – only by explanation in German, which I found useful. It also led to some interesting discussions about the Portugese or Mongolian equivalents for 'Go where the pepper grows', or 'Go jump in the lake'.

The January-February 1995 course was the last to be held at the premises in Hardenbergstrasse, in the heart of the former West Berlin. The Goethe Institute has now moved to a new building in the centre of unified Berlin, on Friedrichstrasse in Berlin Mitte.

Cultural Program

I attach a copy of the cultural program for January-February 1995. The program offered a range of activities, for the afternoons after class or the weekends. I took part in the tours of Berlin. We visited Berlin Mitte, the old centre of Berlin, and the old Jewish area '*Scheunenviertel*', so called because it used to be an area full of stables. The latter tour traced Jewish settlement in Berlin from the mid-seventeenth century. At the time, Friedrich Wilhelm, Grand Elector of Berlin, welcomed all settlers regardless of religious denomination, so long as they had money. (The Jews were not, however, as equal as others: they still had to enter and leave by the stock gate, the city gate designated for animal traffic).

Berlin became home to Jews from a range of traditions and cultures: from the orthodox to the more assimilated, Jews from Vienna, and Jews from Poland. We visited the assimilationist school founded by Felix Bartholdy Mendelsohn where lessons were first taught in German instead of Yiddish, and gentile children were, and still are, welcome. Unfortunately, as in other European countries, an armed guard is now considered necessary outside its doors. We passed the site of an old Jewish cemetery which was razed by Hitler, and then re-used as a mass grave during the second World War. Remarkably, the Jewish area was the only district of Berlin largely untouched by the WW II bombing. The old synagogue, renovated in the late 1980's, is crowned by a large cupola, laced in gold. It too, is fronted by an armed guard, because, apparently, social discontent and right wing malaise sometimes find expression in acts of anti-semitic aggression.

I also went on the day trip to Potsdam. I had visited Potsdam at about the same time of year in 1987, as DAAD scholar, but the whole place was much more colourful this time round. The mall was full of touristy shops, and there simply seemed to be more people about. Instead of seeing where the treaty of capitulation of the fascists was signed by the four powers and Germany at the end of the War, we learnt all about the Duchy – its imitation St Peter's Cathedral, the Dutch Quarter which looks like a picture of Amsterdam.

The Dutch Quarter was built by Friedrich Wilhelm I in the early 18th century to lure tradesmen from the Netherlands to work in Potsdam. At that time Potsdam was effectively a garrison state run by a military dictator: the Dutch, to no-one's surprise except Friedrich's, preferred the relative freedom of Holland and never came. The flat-faced red brick buildings now house art galleries or hat shops, or are being renovated. To me they still seemed what they were built as: a piece of ersatz Edam in a pretty trap.

Accommodation

The accommodation at the Goethe Institute at Hardenbergstrasse was comfortable and convenient. I had a room in the eaves of the building, equipped with a desk, bed, wardrobe, bookshelf, bedside drawers, and a small table. It was part of a wing of four rooms, which shared a fully equipped kitchen, and a bathroom.

It suited me well to be in the same building as the classes as well as the library and *Mediothek*. The building happened to be directly opposite where I had lived in student accommodation in 1987-8, so I was pleased to be returning after so much time to a familiar corner of Berlin. That area, with the shops at Savignyplatz, and its closeness to the centre of West Berlin – the Kurfürstendamm and the Zoo Station, was a charming and convenient starting point in Berlin.

2. REUNIFICATION

(i) *Reassessing history: the Stasi files*

In public discussion it is a very sensitive theme: the re-working of a past in which guilt and betrayal are interwoven with the civic courage and brave deeds of many people. The Stasi File Law gives to the Federal Office the responsibility of helping this re-working. This is an historical situation in which, on the way to internal unity, Germany has to come to terms with and relive the various experiences and mentalities, political interests and convictions which jostle one another. The old contradictions persevere in the struggle to overcome the dictatorship and the ingrained habit of subservience to authority. New contradictions emerge in the process of reunification, and the old and the new contradictions fuse in ways which do not always spell progress. Even so, everyday life shows that the aim of the Stasi File Law has rung true, and that it enjoys the people's support. Approximately 2.6 million applications lodged to view files bear witness to this interest.

- Presseinformation der Bundesbeauftragte für die Stasi-Unterlagen - *Zahlen, Fakten, Hintergründe*, Berlin, Februar 1995, Seite 1.

(Press Release of the Federal Authority for the Stasi Files - *Facts, Figures and their Background*, Berlin, February 1995, page 1 (my translation).)

Introduction

One of the major debates raging in Germany is how to dismantle and deal with the elaborate internal spy service, the *Ministerium für Staatssicherheit* (MfS, or 'Stasi' for short). Germany was divided into two countries, but East Germany was divided again: into the Stasi and its

hangers-on, and the rest of the population it spied upon. How should those who worked for the Stasi be accommodated in the newly democratic states? Were members of the Stasi (amounting to some 2% of the population), simply doing their job, like, say, Australia's ASIS operatives? Or were they, as their own motto had it, the 'Shield and Sword of the Party'? One might see them in this role as the instrument of terror by which the Party held on to power in the undemocratic regime. Among all the other things that the Stasi were, they are proof that without a separation of power between the government of the day, the public service and the parliament, representation of the people is impossible.

Some, like the redoubtable grande dame of West German journalism, Marion Gräfin von Dönhof, say an amnesty should be declared; the new Germany should be founded without unending and bitter recriminations between East German and West German cousins, or between the Stasi and their victims. According to von Dönhof and those of similar mind, a '*Schlußstrich*' should be drawn (roughly, 'a line should be drawn [under this episode]').

Others allege that this cry is both misleading and disingenuous. Misleading because it implies that recriminatory action is being taken against former Stasi agents, which by and large it isn't, and disingenuous because it implies that a healthy national psyche can emerge from forgiving and forgetting. Proponents of the latter view raise the spectre of the Nazi past, never all that far from the surface, saying that it was not adequately dealt with after the war. They say that to draw a line would amount to shoving the GDR's espionage of its own citizens under the carpet, whilst requiring them to live in uneasy harmony with their former tormentors.

Stasi methods

Torment is not too dramatic a word. The Stasi (and the Politbüro and Central Committee) aimed to discover and eliminate any elements of society which tended towards a view other than theirs. This included people who showed less than total outward allegiance to the State and those presumed '*Klassenfeinden*' or class enemies, as well as people who actually were active in a political opposition movement.

Their methods were various. Frau Hollitzer in Leipzig told me of a woman she knew, whose husband was taken in for interrogation, during the course of which he died. The authorities, predictably, pleaded suicide. The woman was unconvinced: her husband was a stalwart member of the church and a strong man. She wanted to bury her husband and have a funeral ceremony, but the authorities refused, at first citing a shortage of wood with which to make coffins (apparently

this was true). She obtained the wood herself from somewhere (one imagines the painful conversion of a piece of household furniture), but still they would not release the body. Eventually they told her to bring the coffin in, and they would arrange the funeral service. She sensed she had no choice, so she did. After the fall of the Wall, she was able to arrange the exhumation and found, as she expected, that her husband had been cremated, and the ashes placed inside the coffin. She makes the not unbelievable assumption that after suffering an official interrogation in which he sustained fatal injuries, her husband was subject to an official cremation to conceal them.

Other tales and other methods are as grim: '*Gehirnwäsche*' or brainwashing conducted during enforced stays at state psychiatry clinics and forced confessions. The new Federal Authority has a division which employs writers, journalists and historians to document and describe what they are finding. In a publication called '*Bearbeiten- Zersetzen - Liquidieren*' (roughly, 'Infiltrate - Subvert - Liquidate') case studies are presented of, for instance pastors whose reputation was cruelly undermined, or a women's peace group which would be infiltrated and then divided. There were instructions on how to spread rumours to ruin someone's standing, or divide their congregation. Careers were ruined or never begun. I even heard of West Germans who were kidnapped and brought to the East.

The Stasi methods ranged from the simply sinister, to the banal and sinister. Use of phone taps and listening devices (also 'bugs' in German: '*Wanzen*') in people's homes was common. I spoke with one man, an artist, who has found out from his file that the reason he was never able to lease an apartment with an inside toilet was Stasi meddling, not bad luck or bad management on his part. He found, for instance, that the Stasi had recruited a family he intended to swap apartments with, and instructed them to fob him off with claims of renovation, or relatives coming to stay, until he gave up trying. He was given instead an apartment next door to Stasi headquarters in a northern suburb of Berlin.

There was also, last but not least, the truly bizarre. The Stasi developed a quasi-scientific method called 'smell sampling', as an aid to identifying potential or actual lawbreakers. The theory was, that every person has their own identifying odour which they leave on everything they touch. These smells can be captured, and with the help of sniffer dogs, compared to find a match. Then, for years, it was thought these smell samples could be used to ascertain whether a particular person had been in a certain place at a certain time.

Mostly, smell samples were collected without the knowledge of the person involved. They were generally obtained by illegally breaking

into someone's house, and taking a piece of their underwear. Alternatively, a 'suspect' would be brought in on a pretext for questioning, and the seat they had sat on would be wiped afterward with a cloth. The pieces of stolen clothing, or the cloth, would then be placed in a sealed jar. The jars looked to me like Fowlers Vacola jam kit jars. I do not think I have ever seen anything so bizarre in all my life, as the smell sample jars I saw in Leipzig. A label would read: 'Name: Herr X. Time: 1 hour. Object: Worker's underpants.'

On 4 December 1989 when the citizens of Leipzig entered the Stasi headquarters at the '*Runden Ecke*' they found a large collection of these jars. Then the jars disappeared. In June 1990 they turned up in the 'smell pantry' of the Leipzig police, but empty. It seems the Leipzig police had taken them for their own uses, even in the period after the fall of the Wall. However, the jars still bore all their meticulous labels. From these it was clear that the Leipzig Stasi had a complete smell sample of the entire political opposition in Leipzig.

The files threatened

One of the controversial demands of the East German democracy movement in its negotiations with West Germany at the time of unification, was that the files of the Stasi be made available to the public. This was vital so that people would be able to read the files, to find out what records were kept about them, who informed on them, and how this information may have been used to affect their lives.

Despite concerted opposition, the files were opened, and two bodies were established to administer access to them. The Federal body (*Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik* – Federal Authority for the Files of the State Security Service of the Former GDR) controls the files, which are held in fourteen centres over the former GDR. The State body, (the *Landesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik* – State Authority for the Files of the State Security Service of the Former German Democratic Republic), deals primarily with counselling and other advice to help people when they find out who informed on them, and what decisions about their lives (for example about permission to travel, or to begin tertiary education) may have been affected.

The State Authority also advises public institutions as to whether, in its view, a person with a particular Stasi history should be sacked. This power is recommendatory only, and in the end it is for each public institution to decide itself whether someone should continue to work there or not.

End to end, there turned out to be 180 kilometres of files dating from the late 1950's onwards, when the Stasi was founded. The files are still open, but the debate over forgiving and forgetting involves frequent calls for their closure. Each time, the result is an upsurge in the number of applications lodged by people who have put off reading their files, but who bite the bullet when access is threatened.

One of the most vocal opponents of the '*Schlußstrich*' approach is Dr Martin Gutzeit.

*Landesbeauftragte für die Unterlagen des
Staatssicherheitsdienstes der ehemaligen Deutschen
Demokratischen Republik*

(State Authority for the Files of the State Security Service of the Former German Democratic Republic)

- Dr. Martin Gutzeit

Dr Gutzeit is a pastor who became one of the leaders of the democracy movement in the GDR during 1989. He was a key member of the PDS, or Social Democratic Party, the party which was elected to govern the GDR in December 1989. The government formed by the PDS has the distinction of being the first and last democratic government of East Germany. Dr Gutzeit is now the State Representative responsible for the files of the Stasi.

Dr Gutzeit is perhaps forty years old, and he looks like the East German pastor that he is: fair haired, blue eyed, a comfortable stomach and brown stained teeth. He talks like he's combusting faster than most of us - a mile a minute, almost stuttering it comes out so fast. His nails are bitten to the quick, and he looks like he does everything fast - thinks fast, talks fast, makes quick, sure decisions.

Dr Gutzeit was part of the *Runden Tisch*, or Round Table discussions between the opposition movement (the *Neues Forum* and *Aufbruch* groups) and the Communist Party Government in December 1989. These discussions paved the way for the first democratic election in the GDR, which took place on 18 March 1990. At the *Runden Tisch*, the issue of the Stasi files was debated, because it was known that Stasi agents had been burning and shredding files since the previous October, when it began to be clear that the end of the regime was near. Gutzeit argued on 18 December 1989 that it was '*dringend erforderlich*' (urgently necessary) for the files to be opened. Not least, this was so that the agents who had infiltrated the opposition movements would be unable to stand on this false premise for election in the new state.

Gutzeit says he felt all along that some of his 'colleagues' were informers. They sat alongside him at the *Runden Tisch*, ostensibly negotiating with the Communist Government, but actually, you might say, chatting with their employers.

Gutzeit was also involved in the negotiations with West Germany over the reunification of Germany, in particular the Treaty of Reunification (*Einigungsvertrag*). In the first draft of the treaty, there was no mention of the files, and West Germany wanted to send them to Koblenz for storage for 30 years. Gutzeit says this was due to the considerable concern about what the files would reveal about West German dealings with the Communist regime. The storage proposal prompted public protests and occupations. In the final version of the Treaty, there is reference to the files and to the *Stasiunterlagengesetz*, (Stasi File Law) which governs them. That law is itself was drafted later, and is contained in a separate, more detailed document.

Some West German politicians are now crying louder and louder for the closure of the files. Gutzeit says there has been a long hidden history of cooperation between West and East. He says the West Germans thought the GDR was eternal, and implies that they might have thought it would be eternally silent. Now it is revealing its secrets, like old love letters that should never have been kept. Gutzeit tells me that in 1982 Strauß, the Bjelke-Petersen-esque leader of the Christian Democrats and Premier of Bavaria, organised a private loan to the GDR of DM 10 billion. In the early 1980's it seems the GDR was on the verge of bankruptcy, but it is a mystery how it found such an unlikely saviour. On one level, it is unsurprising that neighbouring countries with everything in common except their political systems should have close relations. But the Cold War kept these relations secret, so their revelation in the thaw makes for a surprise.

There was also a debate about whether the files should be administered by a Federal or State agency. The MfS itself had had a very centralised administration, although files on regional populations were housed in all major cities. The upshot was a Federal body to administer access (colloquially called the '*Gauckbehörde*' after its head, Joachim Gauck, also a former East German pastor), and the State Body headed by Gutzeit which deals with the social side, as it were, to the revelations the files contain. Two pastors as watchdogs on the sordid truth.

Gutzeit is full of tales about colleagues of his in the peace movement who were always, and as it turned out, correctly, suspected of being Stasi plants; of a West Berlin academic sacked after it was revealed he had been passing on information about his colleagues to the East German regime, of the Secretary of the West German SPD who was a former career Stasi agent. Gutzeit is excitable, but he is not excited by these

revelations; he seems only sadly surprised that his suspicions are being confirmed. It's hard to tell whether he's surprised at human nature, or surprised that even five years on, finally, slowly, some of the truth is coming to the surface.

The *Stasiunterlagengesetz*, the Stasi File Law, is a complex piece of legislation, and Gutzeit patiently explained some of its fundamental features to me. A law like this raises almost every hoary jurisprudential question in the book: retrospectivity – should people be punished for crimes that were not crimes at the time?; conversely, if you obey a bad law, can you later be punished for having done so?; and what is the difference between the rule of law and rule by decree?; when is serving your country (for example by denouncing 'radical' activity) patriotism, but when is it a symptom of a police state; and, are there universal human rights, or at least a consciousness of universal human wrongs that people have regardless of the prevailing laws?

The Stasi File Law takes its cue from the Treaty of Reunification, which stipulated all the laws of the GDR which would continue to apply, and all the laws of West Germany which would apply in the New States (the territory of East Germany became five new states in unified Germany). The Treaty specified laws, right down to the traffic regulations. It seems one of the few legacies of the GDR is the traffic law permitting a right hand turn against a red light. Generally, West German law was adapted to apply in the New States. The criminal law (*das Strafgesetzbuch*), as all other laws of the GDR, continued to apply until 9 October 1990, the date of unification. It governs acts performed before that date. This means that the activities of the Stasi were and are, generally speaking, legal.

Although it was legal, my impression is that working for the Stasi was still considered by people generally as a betrayal because it usually involved reporting on them without their knowledge, to the State. Despite the legality of the activity, this was naturally experienced as sinister by those observed, and could have a range of consequences for them, sometimes serious ones.

There are no sanctions against former Stasi employees (*Hauptamtliche*) or the so-called 'unofficial collaborators' (*inoffizielle Mitarbeiter, or 'IMs'*). Nevertheless, some trials have taken place where the agent's action went beyond legitimate activity within the scope of their work. The trials have been of people at either end of the security service spectrum: Politburo members and border guards. The trials of some Politburo members are still pending even now. Lawyers are seeking to tie them to a standing order to shoot to kill (*Schießbefehl*) that allegedly went out to border guards. There was, however, no official law (as opposed to a political order) sanctioning killing for 'border violations'.

The former guards themselves have been tried only in cases where it could be shown that their treatment of people trying to flee the GDR was clearly excessive, for example shooting at close range.

Then there are the trials of the judges. Gutzeit says that in some cases judges would have the verdict and judgment ready and sanctioned by Party officials before the court had even convened. During my time in Germany, Helene Heymann, a former GDR judge, was sentenced to 7 years imprisonment for sentences she passed which are now deemed to be grossly in excess of the then applicable sanctions. She sentenced someone to death for passing information to a West Berlin radio station. The punishments simply did not fit the crimes.

When I ask Gutzeit for his views about the amnesty debate, he starts spitting his words across the table. Gutzeit says what is going on in Germany is *not* an exercise in victors' justice (*Siegerjustiz*). 'You'd think we were beating them with sticks,' he says. 'What was then justice and law has not been turned into *unrecht*.' Gutzeit tells me in a matter of fact way about the former architect of the Nazi concentration camps, and other former Nazis who attained powerful positions in West Germany after the war. He does not want to see the same thing happen with the former Stasi, or at least not without people knowing their past. He thinks a better job is being done this time round, especially in the trials of former judges. He says 'the world has been turned on its head' when former Stasi workers can call themselves victims of the system. 'The *Systemträger* (upholders of the system) want what they did no longer to be wrong, or no longer to be thought wrong.'

It seems to me that it won't happen. Even though they were acting within the law and for their country, they are now tagged with betraying the people because that was what people thought all along. Perhaps this sort of division is inevitable in a system where the government does not represent the people, and needs instead such a penetrative espionage apparatus to keep tabs on them.

Gutzeit says that there are certain critical standards which apply all the time, not only sometimes (*gewisser kritische Maßstäbe die nicht nur manchmal gelten*). And then, 'We shouldn't lose sight of certain rules of law, the rule of law.' Talking to Martin Gutzeit and seeing his love of the rule of law has made a greater impression on me, I think, than all the constitutional law classes and jurisprudence classes and constitutional advising work I have ever done.

Gutzeit talks not only about the Nazi past, but about the so-called 68er's (1968er's), the protest movement. In Anglo-Australian-American culture we had baby boomers deadset on consumerism and discovering themselves. On the continent they had some sort of revolution instead.

Gutzeit says that the 68er's asked their parents: 'Daddy, what did you do in the Nazi time?' They turned their unhappiness with the parental response into a protest movement, and warmed to the GDR as an alternative path of reworking the Nazi past. The GDR had always held West Germany out to be the root cause of fascism and represented it as providing a post-war sanctuary for Nazis.

Now, Gutzeit says, these same formerly left wing people are arguing for an amnesty. He says their more or less overt sympathy for the GDR is revealed to have been misguided, they had a *Mißbild* (false picture) of the whole place, and they want to stop the unravelling of the very dirty laundry that is going on, in fact just gathering momentum 5 years after the opening of the files. It seems that the more you look at recent German history, the more entangled it becomes - politically, ethnically, geographically and across the generations.

After I spoke with Gutzeit, I visited the counterpart Federal Authority for the Stasi files.

*Bundesbeauftragte für die Unterlagen des
ehemaligen Staatssicherheitsdienst der DDR*

(Federal Authority for the Files of the State Security Service
of the Former GDR)

- Mr Lorenz Prell

Lorenz Prell is the third in command at the Federal Authority for the Stasi files. The Authority is known as the '*Gauckbehörde*' after Joachim Gauck, its director. Prell, a West German lawyer, works to Mr Geiger, and in turn, to Gauck. The Authority has 3200 employees altogether at its central office in Berlin Mitte, and at the 14 offices in the former administrative districts of the GDR. Although it is sometimes alleged that the *Gauckbehörde* is a symbol of West German intervention in East Germany, 95% of its employees are Easterners. Its running costs are DM 240 million a year.

The Authority administers some 6 million files. Between 1 and 2% of the East German population of 17 million people was involved in work for the Stasi. Anywhere from 30 to 100 Stasi workers could be put onto the supervision of one individual, and not only passively. There have been discovered the instructions for '*Zersetzungsmaßnahmen*' (demoralisation measures), used in order to make someone psychologically kaputt, for example by spreading rumours or gossip in order to isolate them. Even definitions of concepts like 'hatred' differed under the Communist regime. In the East German dictionary Prell

showed me, 'hatred' is defined to have its positive uses, such as 'class hatred'. It was a system, said Prell, in which if you didn't show you were for it, in the demanded ritualised ways such as turning up on parade, or to meetings, you were presumed to be against it, and therefore a legitimate object of suspicion, observation, or persecution.

I asked what was in it for the informers? How much does it take for a husband to inform on his wife, one neighbour on another? Apparently, the financial rewards were not great – enough to buy birthday presents perhaps. Generally too, it was possible for people when approached, to refuse to cooperate. It is impossible to tell, of course, how often this happened, or what the repercussions of refusal might be. But because the information gathered from someone who was not 'willingly' cooperating was thought to be unreliable, people were not often compelled (whatever that means) into cooperating. Gauck has told of one woman who was approached by the Stasi to act as an informant. The next day in the work canteen at lunch she stood up and told her whole table, 'You wouldn't guess what happened to me. I am thought so reliable that I have been approached to work for the Stasi.' She was never bothered again.

I ask Prell how many lawyers are employed by the Authority. He is a lively, clever, cautious man. He says 'Excuse me', and makes a telephone call. 'How many Western lawyers are there here at the moment?' he asks, 'thanks'. 'There are 5 Western lawyers in the Berlin office', he says. I am stunned, my whole face a question mark. Prell smiles when I ask why he answers me only in terms of Western lawyers. 'The education of the Eastern lawyers was so different from ours, and so politically bound to the State, that I don't think about them as real lawyers'.

Later on, Prell told me that part of his work at the Authority is to represent it in employment actions brought by employees, or former employees, such as unfair dismissal claims. Prell said he hasn't lost a case, but it wasn't a boast. 'I am really sorry for them,' he said, and it wasn't condescension. He was regretful, uncomfortable, that former eastern employees, loyal to the eastern lawyers, were being doubly done over: once in a system where they could be dismissed; and twice by choosing out of loyalty a lawyer who had no idea of the new regime. 'They are such easy game', he said, as if there were no sport in it, the play was unfair. On the other hand, the fair play of a democratic legal system comes across to the Easterners as rigged or impenetrable or anti-eastern. I was told democracy seems unfair when you need money to buy the services of a Western lawyer before the system will work for you.

Prell said that of course it wasn't possible to have special laws at the time of unification to protect the East Germans from themselves, which would have amounted to giving them effectively the legal status of minors or incapacitates. For instance, Prell says, you couldn't have a law disbarring an Easterner from buying a car for five years, for fear they would be cheated by unscrupulous dealers. Interestingly, the first businesses to go into the East were life insurance and casinos: both businesses represent gambling with the odds of life, of which Easterners, cushioned by the state from cradle to grave, had no experience. Prell told me that special laws were indeed made for a 'cooling off period' to enable people to get out of certain more of outrageous contracts if they wanted.

In the *Gauckbehörde* itself, it became clear that some people who had been employed there had themselves been Stasi employees (continuing their employment under another guise, as it were). This was discovered after the file retrieval system was up and running, and the Authority was in a position to check the pasts of its own employees. Many of them were let go. However, some former Stasi employees remain deliberately on staff at the Authority, simply because, despite an ordered filing system, it is necessary to have someone who knows it to guide you around. Prell says, with some emphasis, that he admires these people. In an unusual turn of phrase he says, 'They have carried out a revolution in their thinking', (*Sie haben geistig den Wandel vollgezogen*). He cautions that they are nevertheless only employed on short term contracts, and are supervised at all times while they are in the file storage area.

Prell gave me a brief history of the Stasi. It had been founded in the 1950's as a secret service organised along military lines. Members have ranks like 'officer' or 'general'. The Stasi was subject only to the SED, and spied on not only the people, but also other arms of the government itself, including the military. Prell said its brief was to supervise the population as thoroughly as possible (*möglichst umfassend die eigene Bevölkerung zu überwachen*), in order to find the enemy within. In a uncharacteristic display of immoderateness, Prell said it was a sick organisation (*krankhaft*) with a surveillance mania (*Überwachungswahn*). I thought of the smell samples.

Prell explained that the Federal Authority manages access to the files, and the State Authority, run by Gutzeit, manages the recommendations for action to public bodies on the basis of what the files reveal. Apparently, there are no hard and fast guidelines on what it takes in someone's past to make them, 'unreliable' (*unzuverlässig*) for public service employment. Prell explained that the standards vary from institution to institution, and from State to State. For instance, in Potsdam, the standards are considerably laxer than in Saxony or

Thuringia. This is because Manfred Stolpe, the Premier of Brandenburg (Potsdam is the capital of the state of Mark Brandenburg) is himself, allegedly, a former Stasi agent. I am stunned again; surprise is becoming a habit. In Potsdam, unlike all the other New States, there is no State Authority. There has already been a State Parliamentary inquiry into Stolpe, where only the minority found that he satisfied the Brandenburg criteria for sacking. Now, there is a Church inquiry underway. Apparently, Stolpe worked as a lawyer for the Evangelical Church, which was one of the seats of the resistance movement. It is alleged that he had regular contact with the Stasi, without ever telling the Church of these activities. In addition, it is alleged that he took some commendations (*Auszeichnung*) from the Stasi in recognition of these activities. It is perhaps a sign of the considerable local loyalties in the Eastern states, as well as political deals between the revamped communist party and the SPD and the CDU, that Stolpe remains in office.

According to the unification Treaty, persons formerly employed or associated with the Stasi should not be employed in the public service. Aside from that, there is no restriction on their activities. The rationale behind this law is that the people who represented the Communist state, for instance in the police service or the military, should not simply change uniforms and represent the democratic united Germany. Those who taught in the schools and universities, if they were informing on their students, are no longer appropriate models for students in a democracy.

This has left, naturally, a considerable number of former policemen and soldiers, teachers and lawyers unemployed. Prell told me that the newly privatised security service which patrols the underground makes use of the policemen and soldiers' skills with weapons and dogs. The people you see training muzzled Alsatians on the '*Schwarzfahrer*' (people without valid tickets) on the underground, and hauling them off for a DM 60 fine, are as likely as not to be former Stasi employees, exercising their skills.

Only 0.9% of the teachers in Berlin, however, have been sacked. The recommendation depends on the length of their involvement with the Stasi, whether the information they passed on led to harming someone, and the nature of their post. As a teacher, for instance, such activities are taken more seriously than if you were not in a position of trust over other people, such as a cleaner.

I asked Prell for his views on the amnesty debate. Although he seemed a more reserved man than Gutzeit, the question got the same firecracker effect. 'That is a *bad* discussion (*schlimme Diskussion*)', he said forcefully, 'where the terms of the debate are very confused.' He said that an amnesty would only be necessary if there were punishments

being meted out, which, for the most part, there are not. To be accurate, those calling for an amnesty should be calling for a 'freedom from punishment law' (*Straffreiheitsgesetz*). This presumably reflects the fact that it is for the most part the *possibility* of punishment, rather than the reality, that is real. Prell countered the widespread perception that many people are being prosecuted, saying it simply isn't true. 'It is very hard under the rule of law (*in einem Rechtsstaat*) to judge these people. What they did at the time simply was not illegal. What's more, we should not be quick to judge whether it was immoral either.'

I asked why an international commission was not established, which could have set up human rights standards based on widely accepted international instruments, some of which had been signed by the GDR. That way, perhaps, some of Gutzeit's immutable moral principles could have found legal force, and some of the then legally sanctioned practices could be punished despite the retrospectivity problems. Prell explained that, in his view, an international commission like that at Nuremberg only really happens where a revolution gives rise to a new State, or where there is a vacuum in government, like in occupied Germany after the war. In this case, the FRG still exists, and the GDR simply annexed itself to it in the unification treaty. There was no legal vacuum making it likely for international standards to be adopted, because the treaty applied most of the FRG's laws to the territory of the former GDR.

Views differ, however, on how useful an international commission would have been. When I spoke with one of the Vice-Chancellors at Potsdam University, Professor Manfred Görtemaker, he told me that an international commission would have been a logical solution to the problem of perceived 'victors' justice' of the West Germans.

(ii) *The effect on academia: Potsdam University*

- Professor Manfred Görtemaker, Vice Chancellor,
Potsdam University

I was recommended to Professor Görtemaker by Professor Bürklin, the German Co-director of the Australia Institute whom I visited the same day at Potsdam. Professor Görtemaker is a West German historian currently writing the former Politbüro member Party Secretary Egon Krenz' biography. Professor Görtemaker meets each fortnight with Krenz, who awaits trial on charges connected with the alleged order to shoot to kill for border violations.

Professor Görtemaker had some strong and interesting views about unification, in particular about how the university system had been

affected. He also discussed the potential long term effects on society of the failure to deal adequately with its Stasi past. In Görtemaker's view, West German law can't solve the problem because it looks like victor's justice if it is used as the standard. On the other hand, GDR law for the most part either exonerates people, or lets them slip through the big holes in its net.

The University of Potsdam was founded in 1991. It comprises a series of exquisite 18th century buildings near the palace of Sans Souci. Before unification there had been on the site a teacher training college (*Pedagogische Hochschule*), an academy for diplomatic training (*Adademie für Staat und Recht*), and the law school of the Stasi (*Juristische Hochschule des Ministerium für Staatssicherheit*).

I began by asking Professor Görtemaker to respond to something I had read of Joachim Gauck's. Gauck is against an 'amnesty' so-called, for Stasi employees and collaborators, partly because of its delayed aftershock in the next generation. Gauck says that, like the repression of the National Socialist past during the Economic Miracle of the 1950's which erupted in the next generation of 68ers (a reaction which ranged from intellectual left wing protest to the Bader-Meinhof Gang's terrorism), the same phenomenon will be felt this time around. Görtemaker was emphatic. 'Absolutely. It's always one generation later. The next generation will say to us "How could you fail so?" In 2010 or 2015 we will hear heated discussion of these issues from our children.'

For the historian Görtemaker the historical parallels simmer close to the surface. He slips straight from the present to 50 years ago. He tells me that the Germans wanted Hitler in 1938 more wildly than in 1933, and that they would have voted him in again in 1945 after the war was over. Apparently, in a survey conducted in mid-1945, when asked 'Was National Socialism a good idea but simply badly executed?' 75% of respondents said 'yes'. I think Professor Görtemaker is thinking of the continuing support for the successor of the Communist Party in the East, the PDS, and of the lack of public support for a thorough examination of recent history. I think perhaps, there are some things that are hard to look in the face.

Professor Görtemaker contradicts the allegations of victor's justice. He says, heatedly, 'Not a single case has been brought to trial. Not a single Stasi officer has been tried for his general activities. There have only been trials for particular criminal acts under GDR law.'

Professor Görtemaker speaks of the broken identity of the GDR. There are four Vice-Chancellors at Potsdam University — two from the East, and two from the West. His Western colleague is a lawyer, the two

Easterners are chemistry professors. Görtemaker says this is typical — all of the Eastern professors who remain in their pre-unification jobs at the university are in the natural sciences — physics, mathematics, chemistry, biology. The political scientists, historians, journalists and lawyers were all much too close to the State and the Stasi apparatus to be kept on. There were in all at the university 200 'inoffizielle Mitarbeiter' ('lay colleagues' or collaborators), and not one was tried for anything.

All East German degrees were recognised as valid in the new Germany. This meant, for instance, that a lawyer trained in the Eastern System without a concept of private property, contract, superannuation, tax or company law can hang out a shingle and practice in the new Germany. Some are very successful, says Görtemaker, and it creates resentment. People whose families were separated, or whose relatives were killed, and who had only Stasi lawyers to represent them, see former Stasi lawyers successfully riding the new capitalism. The impression is that the winners stayed winners, and the losers, losers.

In Görtemaker's view it would have been better to have an international commission like the Vietnam Tribunal. He says that the GDR Opposition movement should have instigated something like this, that it could not have been set up by West Germany. Again, he is responding to the unsaid refrain of victor's justice, ringing around the office.

(iii) *The 1989 Democracy Movement Continues*

*Bürgerkomitee Leipzig e.v. für die Auflösung der
ehemaligen Staatssicherheit (MfS)*

(Citizens' Committee of Leipzig for the Dissolution of the
State Security Ministry, Inc.)

– Frau Hollitzer

I went to Leipzig for a day on Thursday, 9 March. It was the first time in 7 years that I had gone into East Germany, and the first time since the fall of the Wall. The other trips long ago were supervised, escorted, organised day trips. As a result, I felt like I was now let loose in the secret garden, behind The Wall. This was despite the Wall being long gone, carried off in ant size pieces by the tourist industries, or re-used, with unspoken irony, to pave freeways linking the East and West.

I took the train from Berlin, over flat flood plains with grey houses on them, and thin grey trees with no leaves. Less than a fortnight later, passing through Switzerland, I was shocked at the green of grass and

pinetrees, the steep sides of hills, and the speed of the water running between them. Like an eskimo maybe, who can distinguish 36 shades of white, my palette had shifted in northern Germany along the spectrum down the grey end. Grey buildings, grey earth, grey birds, grey trees.

The train station in Leipzig is enormous. A great, light, arched cathedral to progress. Everything else about Leipzig though, is on a human scale. The streets wind up and down gentle slopes, there are low arched passages through buildings that lead you unexpectedly into the next street, more low arches take you to bars underground. It is a town built by accretion, where my map showing the streets and squares bore no resemblance to the real lived life of Leipzig, a life of people cutting through each block, moving above and below ground.

The first pamphlet I picked up at the station was a photocopied A3 sheet advertising the Stasi Museum in the *Runden Ecke* (Round Corner) put on by the *Bürgerkomitee Leipzig e.V. für die Auflösung der ehemaligen Staatssicherheit (MfS)* (Citizens' Committee for the Dissolution of the former State Security Ministry). It is attached. It read: *STASI - Macht und Banalität: Indizien des Verbrechens* (STASI - Power and Banality: Indicators of Illegality), and further, 'The Citizens' Committee of Leipzig exhibits Stasi objects'.

The 'Round Corner' building housing the exhibition was the former Stasi headquarters for Leipzig and its surrounding area. It was just before closing time. I wandered about looking at the displays on impermanent looking particle board screens, of photographs and photocopied documentation showing the bravery of the citizens in their demonstrations at the end of 1989. There were pictures of them occupying the building, people squatting in the corridors with the surprise still on their faces, like they might be half expecting to be asked to leave. Then there were three rooms of Stasi artefacts in glass cases: including a box of fake wigs and moustaches and glue to put them on with - all the bizarre apparatus of a spy regime. It made me think of a child's dressup box, and the cheap makeshift imitations of James Bond gear it might contain.

A week later I returned to speak to Frau Hollitzer. We spoke, or she spoke, for four hours, punctuated by a visit from her daughter Constanze, and selling a book to some West German women who behaved as if they were in a church that wasn't of their own denomination - over respectful and hoping they were not inadvertently giving offence.

I was asking about the lead-up to the end of the regime, but what I got was much better: a personal timeline of events as Frau Hollitzer participated in them, punctuated by anecdotes about the Stasi. I left full

of admiration and gratitude, but very surprised. I had expected to hear a sincere but well-practiced tale, one where the teller's enjoyment is in seeing the audience respond at the anticipated moments. Frau Hollitzer's story was immediate, unrehearsed, it seemed as if she was remembering as the afternoon wore on. And she thanked *me* before leaving, for my interest. I was humbled and curious. Isn't this all old news? Hasn't everybody been curious about it over the last 5 years?

Frau Hollitzer told me how in early 1989, each Monday at 5pm there began to be regular gatherings in the Nikolaikirche to pray for peace, and to talk about the environmental degradation in the area. Frau Hollitzer's husband ran the church drama group. She and her family were involved in the Monday Demonstrations, and in the environmental movement, from the beginning.

In fact, from before the beginning. As pacifists, the Hollitzer's son refused to do military service at school. This meant that he was not allowed to enter the university. Similarly, Constanze refused to join the compulsory youth group, and she was then unable to gain admission to the Leipzig Orchestra to play the flute. Many East Germans' lives seemed to me a series of rewards and retributions by the state for loyalty or the perceived lack of it. In the Hollitzers' case, it was mostly retribution.

As 1989 wore on, the police and Stasi presence at the church meetings and the demonstrations increased, and with it the sense of danger. In June 1989 the Chinese government shot its own citizens in Tiannenmen Square, and Leipzig shuddered. Frau Hollitzer says toward the end of September the Stasi building's windows were shut over with tin, like they were barricading themselves in, bunkering down. She could see the light burning inside there though, well into the night.

Then in a demonstration on 8 October 1989, the demonstrators took the *Runden Ecke* building. Frau Hollitzer says they were surprised and amazed. Some of the Stasi officers who let them in asked them for their identity cards in a strange parody of the control they had just lost. The demonstrators, reacting automatically, politely gave it to them as they went to occupy the corridors.

Frau Hollitzer says when she was going through the building she understood why the windows had been barricaded and the Stasi officers working into the night. She found many empty file shelves, and large cartons containing only paper clips. Stasi employees had been hand removing paper clips in order to shred the files. Large mounds of dried pulp were discovered, some of which is now available to take home as a souvenir. I have put the bit of grey *papier mâché* next to my bit of grey wall.

(iv) *From Communism to Capitalism - Restitution of Private Property*

- Dr Thomas Jürgens, of Dr Knauthe & Partner Attorneys,
Potsdam

Dr Jürgens practises at the Potsdam office of Dr Knauthe & Partner. The firm has other offices in Berlin, Dresden, Paris and Washington D.C. Jürgens is a man of perhaps 40, with a handsome round face, near perfect American English and an addiction to Silk Cut cigarettes. At the end of our talk, he gave me a cardboard satchel containing two brochures on the firm. In his biographical details, it states that Dr Jürgens started off in the area of my work, international law. He published his dissertation on diplomatic protection for stateless persons, and has published other articles on the international protection of the rights of women, the legal basis for the World Bank, and, in English, 'New Governments and new Legal Pitfalls Changes in a Reshaped Eastern/Central Europe and the new Russian/CIS Nations'.

The other brochure Jürgens gave me was the kind I am familiar with from my days in commercial law. It outlines the areas of the firm's practice. What I did not expect was the quotes from Kafka and Hegel on the opening pages.

There was a puzzling, if erudite, extract from one of Kafka's epigrammatic short stories. It was about a man who goes to the gates of Justice, and asks the gatekeeper for admission. The gatekeeper says it is possible, but not now, and gives the man a stool. The man sits outside the gates of Justice all his life long, from time to time repeating his entreaties. When his time has come, he gathers all his experience before the gate into one question for the gatekeeper. He asks, 'Everyone wants access to the law, so why is it that no-one but me has come to you and asked to be let in?' The gatekeeper realises the end is near. He says, 'No-one else could have gained entry here, because this entrance was designed for you alone.' I do not entirely understand why this cryptic story of frustration is the frontispiece of the brochure of a successful law firm. It is either a sign of unprecedented honesty, or, perhaps, that Dr Knauthe & Partners are offering nothing less than a way to get around this legal Cerberus.

Dr Jürgens' practice is predominantly concerned with property restitution for Jewish clients. He outlined the restitution law. From at least the end of the 1930's, almost all Jewish property was forfeited under racial laws (*Rassegesetze*). So-called 'Ariser' ('Arianizers'), were non-Jewish persons who obtained the land, often extremely cheaply, under that law.

After the War, most property in the Federal Republic which had been so seized was either returned to its rightful owners, or, if this were not possible, they were compensated. Where no heirs could be found (because they had all perished, or any survivors could not be traced), the proceeds from sale of the property went to the Conference on Jewish Material Claims Against Germany Incorporated, which spent it on good works in Israel. Property in East Germany, however, was a different story.

The post-reunification restitution laws reflect that story. If you or your forebears were Jewish, and lost or somehow relinquished property between 30 January 1935 (when Hitler came to power) and 8 May 1945 (the end of the War), this is presumed to have been done against your will, and is *prima facie* compensable. The burden of proof is on the other party to demonstrate that the property was not obtained from the claimant against their will. They might do this, for instance, by showing that they paid full market value for it.

From 8 May 1945 to 7 October 1949, what was to become the East German State was under Russian military administration. The Russians nationalised a considerable amount of property, including property forcibly acquired from Jews under the Nazi regime. Jürgens told me that when reunification was being negotiated, Gorbachev said he would only cooperate on condition that property taken and nationalised by the Russians during these years not be the subject of restitution claims. Jürgens says he agrees with this restriction (*es trifft nicht die falschen*). After all, it would be absurd if Nazi or Nazi supported claimants could recover property they had previously taken from Jewish or other owners, simply because it had been nationalised under the Russians. As a result, the restitution provisions in the current German law do not apply to the period between 1945 and 1949.

The third category is of property nationalised under the regime of the GDR. Where the use of the property has changed substantially (for example if it has become a public park), or where, in certain cases, it was acquired in good faith, restitution is not possible. In such cases, compensation may be payable, but this can be assessed on pre-war values. In other cases, the general principles for compensation are as follows. An applicant must check that the last registered owner was their ancestor (or themselves), that the expropriation was not valid (some Communist expropriations where fair compensation was paid are now considered as valid compulsory acquisitions), and that the property was in fact expropriated (usually by statute). Where the property still stands in the name of the claimant or their ancestor, or where the property was in Jewish ownership, the claims have priority. Some 1.2 million claims have been lodged, and it is anticipated that it will take between 10 and 15 years before they are finalised.

I have been told that more than half the properties in Berlin Mitte, the centre of Berlin, either have been, or are currently, the subject of Jewish restitution claims. Jürgens told me the story of Mr Jakob Michael, one such large property owner.

In the 1930's Michael bought cheap land in Thuringia, which he mined for uranium. Despite the sale of uranium being banned by the 1918 Treaty of Versailles, Michael became vastly wealthy from the uranium trade, and invested the money in buildings in Berlin Mitte.

Michael emigrated to the United States in 1932. In 1935 moneys became due under some of the mortgages, and Michael was not there to pay them so the property was auctioned. After reunification, his heirs claimed it under the restitution laws. It was argued for the present owners that Michael left Germany before January 1933 (the cut-off date under the restitution law), and that he could have returned to Berlin to pay the mortgages in 1935. The case went to the Constitutional High Court (*Bundesverfassungsgericht*), which found that the relevant date was 1935, when Michael lost his business, and as this date was after the cut-off point in the law, his heirs were entitled to the return of the property.

3. AUSLÄNDERPOLITIK - IMMIGRATION POLICY

Bundesministerium des Innern, Bonn - Ministry of the Interior, Bonn

- Dr Jürgen Haberland
- Herr von Klüchtzner
- Herr Neuser

When I was in Germany in 1987 I remember being asked where I came from. I said Australia. My interlocutor looked at me like that was not enough of an answer. 'But where do you really come from?' he asked. I was not quite sure where the conversation was going. 'I *really* come from Australia', I said. I slowly realised that Australia was not a concept in the cartography of origins in this man's mind. 'I mean,' he said patiently, 'where did your ancestors come from?' The penny was dropping: I am obviously not Aboriginal, so I needed to be placed in a European tribe. 'They were mainly Irish, some Danish, some Scottish. I am a mongrel, a mixture.' 'Ah,' he said, pleased, as if the balls had fallen into place in the puzzle, 'That is just what you look like: Irish, Danish and Scottish'.

This conversation could have taken place anywhere in Europe. But in Australia, such direct questioning is rare. Not that these are even particularly thought of, or burning questions. What unites us, apart from the television jingles and an accent, is the sense that a past does not matter, a race does not matter, we are all the same, and all different.

When I am in Australia, it is hard to get a sense of what it is to be Australian, other than the jingoistic one of the advertisements. I think sometimes of an open, relatively informal way of life, of barbeques, of relative tolerance, sometimes of anti-intellectualism. When I am away from Australia though, I feel acutely Australian, in a blind, passionate, unthinking way. Whatever it might mean, I am Australian because everyone around me patently isn't. When I met a young Melbourne couple lost on the underground in Prague we could have been related.

Australia's citizenship laws reflect this sort of openness. If a person is born in Australia, they are automatically an Australian citizen. If not born here, a person can become an Australian citizen four years after

legally entering the country. This is quick. In Germany there is no citizenship by virtue of birth in the country (*jus soli*). German law only recognises the *jus sanguinis* model, which confers citizenship solely on the basis of blood relation.

Daniel Kanstroom, writing in the *Yale Journal of International Law*, calls the German citizenship and naturalisation regimes 'among the most restrictive in the western world'.¹ This means that, for instance, the children of the Turkish workers who were brought to Germany between 1955 and 1972, although born in Germany and educated in German schools, are not German citizens. Neither they, nor their parents, can vote in German elections. After 15 years residence, they can be naturalised, but then they automatically forfeit their Turkish nationality. Consequently, Germany has a very low naturalisation rate. Because many of the professions require German citizenship of their practitioners, this creates difficult choices for German born and educated people. I read, for instance, of a doctor who had to decide to relinquish her Turkish nationality in order to practise in Germany. For someone born and bred in Germany, but never accepted as German, relinquishing Turkish nationality is a painful choice.

Because people of Turkish origin are not thought of as German, even in the second or third generations, it seems to me that their Turkish nationality remains more important to them than perhaps the Greek or Italian or Vietnamese nationality of Australian born people might be. Once, on the underground, I sat opposite a young Turkish girl who was reading a Turkish language newspaper and listening (loudly) to traditional Turkish music on her Walkman. I have never seen any equivalent in Australia: so far as I can tell, all the kids listen to Pearl Jam and read *The Face*. I think if you are not legally equal and are consistently thought of and referred to as Turkish, you might well turn to reading 'your' own language paper, listen to 'your' own language music.

When I visited Dr Jürgen Haberland at the Ministry for the Interior (or Ministry of State - *Bundesministerium des Innern*), I was mulling over these sorts of differences. Dr Haberland is the head of a section which deals with 'Ausländerpolitik', or the politics of foreigners. In Australia we would call this 'Immigration', but, as I was repeatedly told, 'Germany is not a country of immigration'. So, the section deals with foreigners.

Dr Haberland was very generous with his time, and in giving me material. He told me how the States in Germany are responsible for

¹Kanstroom, Daniel, 'Wer Sind Wir Wieder? Laws of Asylum, Immigration, and Citizenship in the Struggle for the Soul of the New Germany', *Yale Journal of International Law*, Vol. 18: 155 (1993), 155 at page 160.

implementing Federal law on foreigners. This means that many immigration decisions, such as the housing of refugees, become local political issues, because it is the local community which has to allocate the resources to look after foreigners and refugee applicants. In Australia, by contrast, immigration is almost entirely a matter for Federal Government regulation and management.

Dr Haberland explained that the Schengen Agreement (negotiated in Schengen, Luxembourg) provides for common European borders in immigration matters. The current parties to it are the Benelux countries (Belgium, the Netherlands and Luxembourg), France, Germany, Italy, Spain, Portugal and Greece. It is designed so that if an asylum seeker or potential immigrant enters one of the countries party to the Agreement and applies for residence in that country and is refused, he or she cannot then cross the border into another West European country and apply again. The Agreement institutes a centralised data sharing mechanism so that the authorities in all the member countries can determine if an applicant has already been processed elsewhere.

Dr Haberland also explained how the generous asylum provision in the German Constitution had been changed. That provision was drafted under the auspices of the allies after the war in the aftermath of the Nazi period, and in the context of massive refugee movement from Eastern Europe to Germany. It was contained in section 16 of the Constitution and simply stated that 'persons who are politically persecuted have the right to asylum'. In 1992, Dr Haberland says that Germany received 80% of the applications for asylum lodged in the European Union, some 483,000 in all.

In Australia, to change the Constitution it is necessary to conduct a referendum and obtain not only a majority of votes in favour of the proposal over the population of Australia, but also a majority of all the States. In Germany, a 2/3 majority of Parliament can change the Constitution. In 1992, the left wing SPD gave its support to the change of the asylum provision in the Constitution to have a more restrictive effect. A provision was inserted so that where an applicant for asylum is a national of a third country (ie. not the country from which they arrived in Germany), they must apply for asylum in the country to which they first went. Section 16, paragraph 5 of the Constitution was also changed so that the German Government can enter into agreements such as Schengen, which will operate to restrict the scope of the right to asylum in the Constitution because where it has been considered by another party to the Agreement, Germany will be under no obligation (despite other provisions of the Constitution) to consider it as well.

Similarly, Germany has an Agreement with Rumania to send back to it asylum seekers. Germany also has agreements with Poland (made in

1993) and the Czech Republic (of 1994) concerning 'border protection'. According to these, Germany contributes funds (in the Czech case some DM 120 million) to enable its neighbours to the east to police their borders so as to stem the flow of asylum seekers into Germany. Whether there is a conflict between these two aspects of the Constitution is currently a matter before the Constitutional Court. Whatever the Court's decision, it is clear that the borders around Europe are tightening.

Haberland agreed with me that the panoply of measures taken to restrict immigration to Germany, and especially the Constitutional change, had effectively cauterised the far right-wing racist parties' criticism of the Government, and, importantly, had diminished their support base. The Government had moved to the right in order to garner for itself some of the anti-immigrant sentiment, and in doing so virtually pushed the far-right off the political spectrum.

Dr Haberland introduced me to Herr Neuser, and Herr von Klüchtzner, who worked in his section. Herr Neuser was about 60, and he seemed happy to have left whatever it was he was doing to come and talk. Herr von Klüchtzner was younger, curious about Australia.

Neuser and von Klüchtzner told me that from the 50's to the 70's the 'guest workers' had come to Germany to work on one year contracts, at the end of which it was expected that they would go home. The contracts, however, were extended, and now these people have had children, and grandchildren in Germany. They said that one of the problems was that these people were not adequately integrated into German life. I thought of the girl on the train, and I thought I knew why. They said to me that Australia was a continent on its own, but that Germany was in the middle of Europe, surrounded by other countries, implying that their immigration laws had to be of a stricter order.

Aussiedler - Ethnic Germans

I asked about the 'Aussiedler'. 'Aussiedeln' means to evacuate, or transfer compulsorily. It is used in the immigration sense to refer to ethnic Germans who are being returned from the countries of Eastern Europe and resettled in Germany. It would probably translate as 'Evacuees'.

There has been a long history of German settlement in Central, Eastern and Southern Europe from the Middle Ages to the present. German settlements and enclaves exist or existed in Pomerania, Silesia, East and West Prussia (now Poland), in Bohemia (now the Czech Republic), in

Siebenbürgen and Banat in what is now Rumania, and across the former Soviet Union, especially along the Volga River.

Before 1939, the German Reich's eastern provinces of Silesia, East Brandenburg, Pomerania and East Prussia had approximately 9.5 million inhabitants. According to information given me by the Ministry, at the most 0.5 million of these were non-German. Another 8.6 million Germans lived in other areas of Eastern Europe:

16 000 in Estonia
 62 000 in Latvia
 45 000 in Lithuania
 80 000 in the Memel area (north eastern Poland)
 400 000 in the Free City of Danzig
 1 150 000 in Poland
 3 480 000 in the former Czechoslovakia
 600 000 in Hungary
 750 000 in Rumania
 550 000 in the former Yugoslavia
 1 500 000 in the former Soviet Union

During the Second World War Germany entered into a series of treaties with neighbouring countries in order to resettle ethnic Germans in German territory. Most of the resettlement took place in the 'Reichsgau Wartheland', or German controlled Poland. Germany moved 389 000 ethnic Germans from Estonia, Latvia, Lithuania, Bessarabia and the North Bukovina pursuant to a resettlement treaty with the Soviet Union of 1939. Germany also had resettlement treaties with Rumania (1940), Croatia (1942) and Bulgaria (1943), pursuant to which some 145 000 Germans were moved onto German controlled territory.

In 1941 Germany attacked the Soviet Union. The Soviet Union reacted by moving numbers of its German population to Siberia and Central Asia. Some 150,000 ethnic Germans were moved from East Valhinia (an area of south eastern Poland), the Crimea and the Caucasus, and 350 000 were moved from the Volga area.

After the war, the German minorities were persecuted and discriminated against and many of the settlements were destroyed. There was a flood of some 1.5 million ethnic German refugees from Eastern and Central Europe to West Germany. The information given to me by the Ministry asserts that 'Their assimilation required a significant effort but proceeded so smoothly that it was accomplished almost unnoticed by the West German population.' To my mind, this is probably designed to ease the assimilation currently taking place.

In 1991 the ethnic Germans remaining in Eastern Europe numbered about 2 million in the former Soviet Union, between 500 000 and one million in Poland (although no reliable figures were available), in Rumania and Siebenbürgen about 80 000, and in Hungary about 200 000. Apparently the ethnic Germans in Hungary are for the most part 'magyarised' (*madyarisiert*), so they have little desire to be evacuated. Similarly, few ethnic Germans are arriving in Germany from the former Czechoslovakia and Yugoslavia.

I was amazed that these enclaves of Germans could remain German over generations, if not centuries; German enough to be accepted and assimilated into Germany. Although most, of course, do not speak German, and Germany is for them as foreign a land as Ireland or Denmark or Scotland would be for me, they are welcomed, housed and given language tuition. I was keenly aware that a fluent German speaking, German educated, German born person my own age with Turkish parents or grandparents would receive nothing like this sort of state-sanctioned help to 'assimilate'. Indeed, such a person would even have a lesser citizenship status than the 'evacuee'.

4. DEUTSCHE AKADEMISCHE AUSTAUSCHDIENST (D.A.A.D.), BONN - GERMAN ACADEMIC EXCHANGE SERVICE

**Herr Peter Grosscurth, responsible for Australia,
New Zealand and Southeast Asian Academic Exchange
Services**

I visited Herr Grosscurth on Thursday, 23 March. The visit was largely symbolic, as Herr Grosscurth has only been in his current position for a year, but I was pleased to be able to express my thanks in person to the institution which had sponsored my first sojourn in Germany in 1987.

In the course of our discussion, Herr Grosscurth told me that Chancellor Kohl and Prime Minister Keating had just declared their intention to have Germany and Australia enter into a Cultural Agreement. Happily, since my return, the Cultural Agreement between Australia and Germany has been one of the new items of my work to cross my desk.

5. CONSULATE-GENERAL OF AUSTRALIA, BERLIN; AUSTRALIA INSTITUTE POTSDAM

The Consul-General, Margaret Adamson, and the then Deputy Consul-General, Francesca Beddie were most welcoming at the beginning of my time in Berlin. I attended several concerts and functions with them, including the Australia Day celebrations at Potsdam, and an evening, also for Australia Day, for those involved in *Erlebnis Australien*. Erlebnis Australien, or 'Experience Australia' is the series of events that was planned for June 1995 to display Australian literature, music, dance and architecture in Germany.

At the Australia Day celebrations, I was particularly interested to meet the people involved in the establishment of the Australia Institute at Potsdam. I also met some of those representing Australian business in Germany, such as Boral and ADI (Australian Defence Industries).

The Australia Institute was inaugurated by Prime Minister Keating in February 1995, but is not yet up and running. It is the product of considerable work and financial support from a consortium of six leading Australian Universities, the Department of Foreign Affairs and Trade, and the Australian International Education Foundation, which is an authority under the auspices of the Department of Education,

Employment and Training. My understanding is that private sector funding has also been sought.

The Australia Institute is a terrific idea. It is intended to act as a multidisciplinary institute, which would foster exchange between Australian and German academics across a range of areas. However, importantly, it would also act as a useful focus for applied research of interest to Australian companies which use Berlin as a base for their German and/or Central European activities. Research into land rehabilitation technology, for instance, might be an area which would benefit from the nexus of public and private sector expertise which could be garnered at the Australia Institute.

I have had considerable discussions with persons involved with the establishment of the Institute in the Department of Foreign Affairs and Trade (both in Berlin and in Canberra), in the University Sector (in Berlin and Melbourne) and with Australian companies in Berlin which were interested in providing funding for specific projects which could be carried out under the auspices of the Institute. I look forward very much to when the Australia Institute provides a vital and dynamic focus for intellectual exchange, and for promoting Australian technology and expertise in Germany, and Central Europe.

6. UNITED NATIONS ORGANISATIONS

(i) *United Nations Compensation Claims Commission, Geneva*

I visited the United Nations Compensation Claims Commission on 22 March 1995. Established by resolution of the Security Council in 1991, the UNCC's function is to process the claims for compensation arising out of the Iraq/Kuwait war.

I am interested in international arbitration, so I was interested in the UNCC. I discovered, however, that it is not an arbitral body. It is not making adjudications in a judicial sense. Instead, the Security Council has already decided by vote that Iraq must pay for damage 'directly inflicted' on Kuwait. That resolution might be thought of as the political equivalent of a pronouncement of guilt.

The UNCC has been established in order to assess the damages: it is scrutinising claims submitted for compensation. Every country was distributed claims forms which were to be passed on to persons or enterprises of that country which might have suffered loss or damage as a result of the war. These forms were lodged by countries on behalf of

their citizens or enterprises, and are now being assessed by a team of lawyers. The money to pay the claims is intended to come from Iraqi oil sales. There are, however, at present no funds to pay for the claims because of a conflicting Security Council Resolution: that forbidding Iraq to sell any oil.

(ii) United Nations Educational, Scientific and Cultural Organisation (UNESCO), Paris

I met with Dr Lyndell Prott, an Australian who is Chief of the International Standards Section in the Division of Physical Heritage at UNESCO. Dr Prott is one of the leading world experts on the return of cultural property. She is involved in many international negotiations on this issue, including those for a treaty which would regulate trade in stolen artworks. In fact, Dr Prott was scheduled to travel to Guatemala for negotiations at the time of our meeting, but her trip was postponed because of the threatened outbreak of hostilities between Guatemala and Peru.

I was very interested to visit UNESCO, and to discuss with Dr Prott her work. Dr Prott told me, among other things, how it is different to be working for an international organisation when conducting treaty negotiations, from acting for a country. We discussed how when acting for a country the basis of that country's negotiating position is mostly clear to other countries. At UNESCO, by contrast, Dr Prott said one plays a much more neutral and facilitatory role.

7. FRAMEWORK CONVENTION ON CLIMATE CHANGE, FIRST MEETING OF STATES PARTIES, BERLIN 28 MARCH - 7 APRIL 1995

I was a member of the Australian delegation to the first Conference of the Parties to the Framework Convention on Climate Change. This meeting was the result of 11 preparatory meetings since mid-1992 when the Climate Change Convention was finalised at Rio de Janeiro. All the most difficult questions concerning the national limitation of greenhouse gases had been left to the Conference. During the Conference, these questions were in turn left to be resolved by a *tête-à-tête* between the Ministers of each country on the second last day of the meeting. In the end, the questions proved so intractable that they were still not solved until the morning of the last day of the meeting, after negotiations had gone on through the night.

The main issue was the terms for the negotiation of the Protocol to the Convention. As a Framework Convention, the Convention itself contains only an implied goal of the reduction of greenhouse gas emissions to 1990 levels by the year 2000. This means that a Protocol to the Convention is necessary in order to provide firm commitments by each country party to the reduction of named greenhouse gases to specified levels by a certain date. The Berlin Conference lent its name to the 'Berlin Mandate', a document which evidences intention to negotiate the Protocol. Whilst this is a considerable achievement in itself, the strenuous nature of the Berlin negotiations for the Mandate presages some of the difficulties to come in the negotiations for the Protocol. Those negotiations are to commence in late August 1995.

8. CONCLUSION

This Report describes some of the issues and stories surrounding reunification and present day Germany that I came across during the Fellowship. It is clear that they are complex, and, I hope, interesting. What is certain is that they are worthy of more detailed examination and discussion. This would enhance our understanding of present day Germany, and further, in some small way, German/Australian relations. That is a task I look forward to very much.

ATTACHMENTS

- A1 *Zeugnis - Zentrale Oberstufenprüfung*
(Statement of Results)
- A2 *Teilnahme-Bestätigung* - Certificate of
Participation
- A3 Berlin - Goethe Institute Cultural
Program
- A4 Flyer from the *Bürgerkomitee Leipzig*
for the exhibition '*Stasi: Macht und
Banalität*'
- A5 Copy of the front page of the English
translation of the Unification Treaty
- A6 Copy of the front page of the English
translation of the Stasi File Law
- A7 Map indicating ethnic German
settlements in Poland. From the
Bundeszentrale für politische Bildung
(Federal Centre for political education)
publication '*Informationen zur
politischen Bildung 222: Aussiedler*'
(1991).
- A8 Map indicating ethnic German
settlements in the then USSR. (Source,
as above)
- A9 Invitation to the Australia Day
Celebrations, Potsdam
- A10 Invitation to the Consulate to celebrate
the forthcoming *Erlebnis Australien*
cultural promotion
- A11 Department of Foreign Affairs and Trade
information sheet on the Australia
Institute at the University of Potsdam (2
December 1994)



GOETHE-INSTITUT

zur Pflege der deutschen Sprache im Ausland
und zur Förderung der internationalen kulturellen Zusammenarbeit e.V.

ZEUGNIS

Zentrale Oberstufenprüfung

Anna F U N D E R

Vorname, Name

geb. am 31.10.1966 in Melbourne

hat die Zentrale Oberstufenprüfung

am 23.02.1995 in Berlin
(Prüfungsdatum) (Prüfungsort)

mit der Gesamtnote - G U T - bestanden.

Note in der schriftlichen Teilprüfung: - Gut -

Note in der mündlichen Teilprüfung: Sehr Gut

Berlin, 23.02.1995

Ort, Datum

Prüfungskommission:

Walter Schweitzer Pav. Rapp



Teilnahme-Bestätigung

Herr/Frau **Anna Funder**

geboren am **31.10.66** in **Melbourne, Australien**

hat in der Zeit vom **02.01.95** bis **24.02.95**

an einem Lehrgang der deutschen Sprache teilgenommen.

Bezeichnung des Lehrgangs: **Oberstufe**

Dieser Lehrgang umfaßte **200** Unterrichtseinheiten zu **45** Minuten.

(Davon 25 Unterrichtseinheiten Kontakt- und Kulturprogramm)

Bemerkungen zum Lehrgang:

Kurstragendes Lehrbuch: Deutsch üben 6

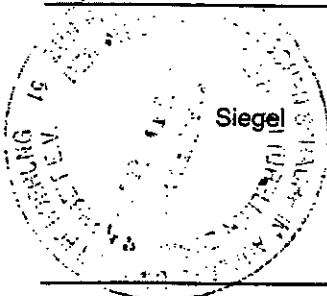
Kursbegleitende Lektüre: Monika Maron "Flugasche"

Friedrich Dürrenmatt "Das Versprechen"

Frau Funder hat den Kurs mit sehr gutem Erfolg abgeschlossen

Name des Instituts: **Berlin**

Ort **Berlin** den **24.02.95**

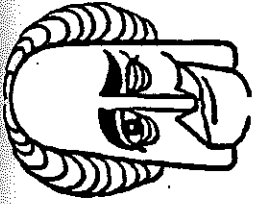


Institutsleiter

i. A. Frank Werner

Diese Bestätigung ist ein Nachweis über die Teilnahme an einem Kurs.

Sie hat keinen Zeugniswert.



Berlin KULTUR INFORMATION Programm

Goethe-Institut

JANUAR / FEBRUAR 1995

Montag 02.01.	Anreise Einstufungstest Zimmervergabe
Freitag 06.01.	BEGRÜSSUNGSPARTY Das Goethe-Institut lädt zu einem Umtrunk ein! Wir treffen uns in den Räumen 401 + 402 in der 4. Etage.
Sonabend 07.01.	* BERLIN-MITTE Ein Spaziergang durch das historische Stadtzentrum Führung: Matthias Rau / Martin Schönfeld Treffpunkt vor dem Institut
Dienstag 10.01.	GROSSE STADTRUNDFAHRT Führung: Michael Zeugner Treffpunkt vor dem Institut Teilnehmerkarten an der Telefon- zentrale am Eingang oder in Raum 204 (2. Etage). Unkostenbeitrag: DM 5.--.
Freitag 13.01.	TREFFPUNKT SPORT Wir spielen Volleyball! Begleiter: Volker Teerling. Treffpunkt vor dem Institut. Ab heute jeden Freitag um diese Zeit!

BESSETZT

15 30

LIEBE STUDENTINNEN, LIEBE STUDENTEN!
HERZLICH WILLKOMMEN IM GOETHE-INSTITUT BERLIN!

Mit diesem Kulturprogramm möchten wir Ihnen nicht nur Anregungen für Ihren Aufenthalt in Berlin vermitteln, sondern auch Ihre Fortschritte in der deutschen Sprache fördern.

Leider wird es den StudentInnen der Grundstufen noch nicht immer gelingen, an allen Programmen erfolgreich teilzunehmen. Deshalb wurden die meisten Veranstaltungen als Führung und organisiert, die das Verstehen der Sprache durch Anschauung und Betrachtung am Ort - in der Stadt oder in Ausstellungen - unterstützen sollen. Seminare im Hause werden von Videoprojektionen, Diapositiven und anderem Anschauungsmaterial begleitet.

Für die Veranstaltungen mit einem * ist eine Anmeldung erforderlich. Bitte tragen Sie sich 3 Tage vor dem jeweiligen Termin in die ausgehängten Listen in der 1. Etage vor dem Aufenthaltsraum ein.

Für Veranstaltungen mit zwei * findet dienstags, mittwochs und donnerstags IN DEN GROSSEN PAUSEN in Raum 204 (2. Etage) ein Kartenverkauf statt.

Für Veranstaltungen außerhalb des Instituts, für Stadtspaziergänge und Besichtigungen bringen Sie bitte immer Ihren BVG-FAHRAUSWEIS und Ihre STUDENTEN-KARTE mit!

Die BERLINER SCHAUSPIELBÜHNEN geben Ihnen auf Ihren Goethe-Ausweis an den Abendkassen Eintrittskarten zu einer Ermäßigung von 50%; OPERNHÄUSER geben Ihnen diese Ermäßigung bereits im Vorverkauf. PREMIEREN sind davon ausgeschlossen.

WIR WÜNSCHEN IHNEN ALLEN EINEN INTERESSANTEN UND ERFOLGREICHEN AUFENTHALT IN BERLIN!

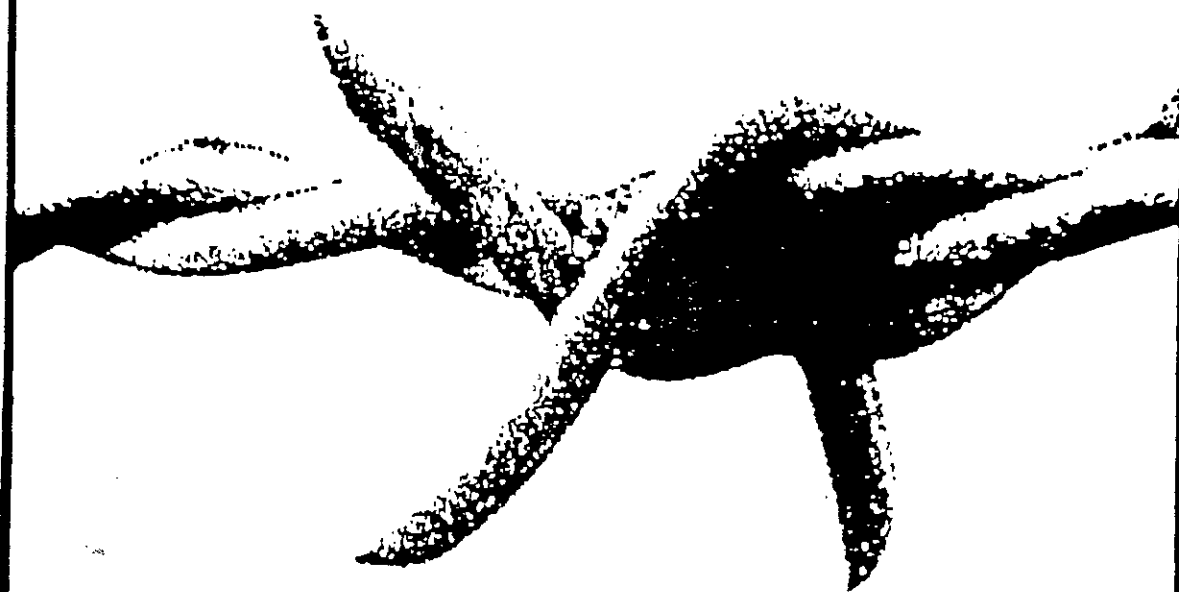
- Donnerstag 14.00** * Sonderausstellung in der Neuen Nationalgalerie
19.01. GEORGE GROSZ (1893 - 1959)
 Berlin - New York
 Vom überzeugten Kommunisten zum amerikanischen Dandy. Darstellungen des Großstadtlebens im Nebeneinander von Arm und Reich, Glanz und Elend, Fortschritt und Konvention.
 Seminaristische Führung:
 Meike Hoffmann
 Treffpunkt vor dem Institut
-
- Sonabend 10.00** * **POTS DAM**
 Tagesausflug. Anfahrt mit der S-Bahn.
21.01. Führung: Matthias Rau / Martin Schönfeld
 Treffpunkt vor dem Institut
-
- Dienstag 14.00** * **AUF DEN SPUREN JUDISCHER GESCHICHTE IM ALTEN BERLIN**
 - Stadtrundgang -
24.01. Führung: Matthias Rau
 Treffpunkt vor dem Institut
-
- Donnerstag 20.00** ** **BERLINER SINFONIE-ORCHESTER**
 Leitung: Roberto Abbado
 Werke von Edward Elgar, Joseph Haydn (Sinfonie "Mit dem Paukenschlag") und Gustav Holst
 Konzerthaus Berlin (Schauspielhaus am Gendarmenmarkt) - U-Bahn Stadtmittre; Busse 142, 147, 257.
 Eintrittskarten zu DM 11.-- (Podiums-plätze) in Raum 204. Bitte Kleingeld mitbringen!
-
- Dienstag 14.00** * **BERLIN-CHARLOTTENBURG**
 Die Stadtentwicklung nach Westen
31.01. Besuch der "Goldenen Galerie" im Schloß Charlottenburg, der ersten persönlichen Residenz Friedrichs des Großen
 Führung: Martin Schönfeld
 Treffpunkt vor dem Institut

- Donnerstag 18.15** **DIE "DEUTSCHE FRAGE" IN GESCHICHTE UND GEGENWART (1806-1990)**
02.02. Seminar zur Landeskunde
 Grundthema deutscher Politik im 19. Jahrhundert - Problem nach den Versailler Verträgen - Zwei deutsche Staaten 1945-1989 - Der Prozeß der Vereinigung 1989/90 - Die Deutschen und ihre Nation.
 Leitung: Karsten Bammel (Raum 303)
-
- Sonabend 20.00** ** **BERLINER SINFONIE-ORCHESTER**
04.02. Leitung: Michael Schönwandt
 Der Rundfunkchor Berlin,
 Einstudierung: Sigurd Brauns
 Werke von Richard Strauss, Igor Strawinsky und Johannes Brahms
 Konzerthaus Berlin (Schauspielhaus am Gendarmenmarkt) - U-Bahn Stadtmittre; Busse 142, 147, 257.
 Eintrittskarten zu DM 11.-- (Podiums-plätze) in Raum 204. Bitte Kleingeld mitbringen!
-
- Dienstag 14.00** * **BERT BRECHT IN BERLIN**
07.02. Besuch des Brecht-Zentrums und des Schiffbauerdamm-Theaters (Berliner Ensemble)
 Führung: Hans Schroeder
 Treffpunkt vor dem Institut
-
- Mittwoch 10.00** * **Für alle Kursteilnehmer die KEINE PRÜFUNGEN machen!**
22.02. **DIE ALTE NATIONALGALERIE**
 Deutsche Kunst von 1850 bis 1900 (Menzel, Anton von Werner, Liebermann, Böcklin)
 Seminaristische Führung: Meike Hoffmann
 Treffpunkt vor dem Institut
-
- Donnerstag 10.00** * **Für alle Kursteilnehmer die KEINE PRÜFUNGEN machen!**
23.02. **DAS KÄTHE-KOLLWITZ-MUSEUM**
 Die neuen sozialen Themen in der modernen Malerei
 Seminaristische Führung: Meike Hoffmann
 Treffpunkt vor dem Institut

STASI

MACHT UND BANALITÄT

INDIZIEN DES VERBRECHENS



Das Bürgerkomitee zeigt Stasi-Fundstücke

STÄNDIGE AUSSTELLUNG

in der »**RUNDEN ECKE**« Hauptportal
Dittrichring 24

Mittwoch bis Sonntag 14 - 18 Uhr geöffnet

Über die ständige zeitgeschichtliche Ausstellung:

Manch einer der Besucher der Stadt Leipzig wird die Stationen der "sanften Revolution" aufsuchen wollen, um wenigstens noch etwas von ihrer räumlichen Atmosphäre in sich aufzunehmen.

Nach einem Besuch der Stadtkirchen ist es nicht weit zum Ring, auf dem so große Hoffnungen in tausendfacher Weise erträumt wurden, deren eine von Montag zu Montag vor der "Runden Ecke" immer zwingender wurde: die Zerschlagung von Erich Mielkes Ministerium der Angst. Schließlich die Besetzung in der Nacht vom 4. zum 5. Dezember 1989 durch engagierte Bürger nach einer Montagsdemonstration. Das Bürgerkomitee bildete sich.

Inzwischen sind vier Jahre vergangen, und es gibt in eben dieser "Runden Ecke", also in den Originalräumen, eine Ausstellung des Leipziger Bürgerkomitees "STASI- Macht und Banalität". Die hier gezeigten Hinterlassenschaften geben Einblick in die Arbeitsweise des alles umfassenden Unterdrückungsapparates und zeugen von der demütigenden Einschüchterung und Verfolgung wirklicher und vermeintlicher Gegner des Regimes.

Besucher - gerade aus den alten Bundesländern - sind immer wieder erschüttert, wenn sie die Ausstellung gesehen haben: so schlimm hätten sie sich das nicht vorgestellt. Dabei kann eine Ausstellung nur einige Fakten zeigen. Nicht darstellbar sind die wirklichen Schicksale, die gelebt werden mußten. Und doch kann diese Ausstellung dazu beitragen, daß wir Deutschen aus West und Ost uns besser verstehen lernen. Vielleicht macht sie auch deutlich, warum Ex-DDR-Bürger oft anders sind: ein solches Unterdrückungs- und Überwachungssystem ^{imprisoning} prägt schließlich.

Es ist zu wünschen, daß recht viele die Gelegenheit nutzen, einmal - nun ohne Angst und Schrecken - in die "Runde Ecke" zu kommen. Das Bürgerkomitee Leipzig bietet dort auch seine Dokumentation "STASI-intern" und andere themenbezogene Publikationen an. Führungen für Gruppen ermöglichen wir nach Absprache gern. Unsere Wanderausstellung können Sie auch für Ihre Stadt anfordern.

Museum
in der →
"Runden Ecke"



Museum in der "Runden Ecke"

Bürgerkomitee Leipzig e. V. für die Auflösung der ehem. Staatssicherheit (MfS),

04003 Leipzig, Dittrichring 24, PSF 345, Tel.:(0341) 29 44 05, Fax:(0341) 2.11 74 78

Gemeinschaft

DOCUMENT 4.1.

**TREATY OF
31 AUGUST 1990
BETWEEN THE FEDERAL
REPUBLIC OF GERMANY
AND THE GERMAN
DEMOCRATIC REPUBLIC
ON THE ESTABLISHMENT OF
GERMAN UNITY
(UNIFICATION TREATY)**

*On 31 August 1990 Wolfgang Schäuble,
Federal Minister of the Interior, and
GDR State Secretary Günther Krause
signed the Unification Treaty in East Berlin.*

*The Treaty entered into force upon the
GDR's accession to the Federal Republic
on 3 October 1990.*

*This date was chosen by the GDR
Volkskammer on 23 August 1990.*

**4.1. TEXT OF THE TREATY
(WITHOUT ANNEXES)**

The Federal Republic of Germany and the German Democratic Republic.

Resolved to achieve in free self-determination the unity of Germany in peace and freedom as an equal partner in the community of nations.

Mindful of the desire of the people in both parts of Germany to live together in peace and freedom in a democratic and social federal state governed by the rule of law.

In grateful respect to those who peacefully helped freedom prevail and who have unwaveringly adhered to the task of establishing German unity and are achieving it.

Aware of the continuity of German history and bearing in mind the special responsibility arising from our past for a democratic development in Germany committed to respect for human rights and to peace.

Seeking through German unity to contribute to the unification of Europe and to the building of a peaceful European order in which borders no longer divide and which ensures that all European nations can live together in a spirit of mutual trust.

Aware that the inviolability of frontiers and of the territorial integrity and sovereignty of all states in Europe within their frontiers constitutes a fundamental condition for peace.

Have agreed to conclude a Treaty on the Establishment of German Unity, containing the following provisions:

CHAPTER I

EFFECT OF ACCESSION

**ARTICLE 1
LÄNDER**

(1) Upon the accession of the German Democratic Republic to the Federal Republic of Germany in accordance with Article 23 of the Basic Law taking effect on 3 October 1990 the Länder of Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Thuringia shall become Länder of the Federal Republic of Germany.¹ The establishment of these Länder and their boundaries shall be governed by the provisions of the Constitutional Act of 22 July 1990 on the Establishment of Länder in the German Democratic Republic (Länder Establishment Act) (Law Gazette I, No. 51, p. 955) in accordance with Annex II.

(2) The 23 boroughs of Berlin shall form Land Berlin.

**ARTICLE 2
CAPITAL CITY, DAY OF GERMAN UNITY**

(1) The capital of Germany shall be Berlin. The seat of the parliament and govern-

1. On 23 August 1990 the East German Volkskammer voted in favour of the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990. 363 of the 400 members were present. 294 voted for, 62 against, and there were 7 abstentions.

→ see previous articles in Edg. on the unification treaty.

- Not official translation
- Some changes to the law since the translation made.

ACT
REGARDING THE RECORDS OF THE
STATE SECURITY SERVICE
OF THE FORMER
GERMAN DEMOCRATIC REPUBLIC
(STASI RECORDS ACT)

of 20 December 1991

The Bundestag has passed the following Act in agreement with the Bundesrat:

TABLE OF CONTENTS

PART ONE

GENERAL PROVISIONS

- § 1 Purpose and Scope
- § 2 Custody, Safekeeping and Administration of Records
- § 3 Individual Rights
- § 4 Admissibility of Use
- § 5 Specific Prohibited Use
- § 6 Definitions

PART TWO

TAKING CUSTODY OF RECORDS

- § 7 Location of Records - Duty to Report
- § 8 Duties of Public Bodies to Relinquish Records
- § 9 Duties of Private Bodies to Relinquish Records
- § 10 Records of the German Socialist Unity Party et al
- § 11 Relinquishment and Return of Records to other Authorities

PART THREE

USE OF STATE SECURITY SERVICE RECORDS

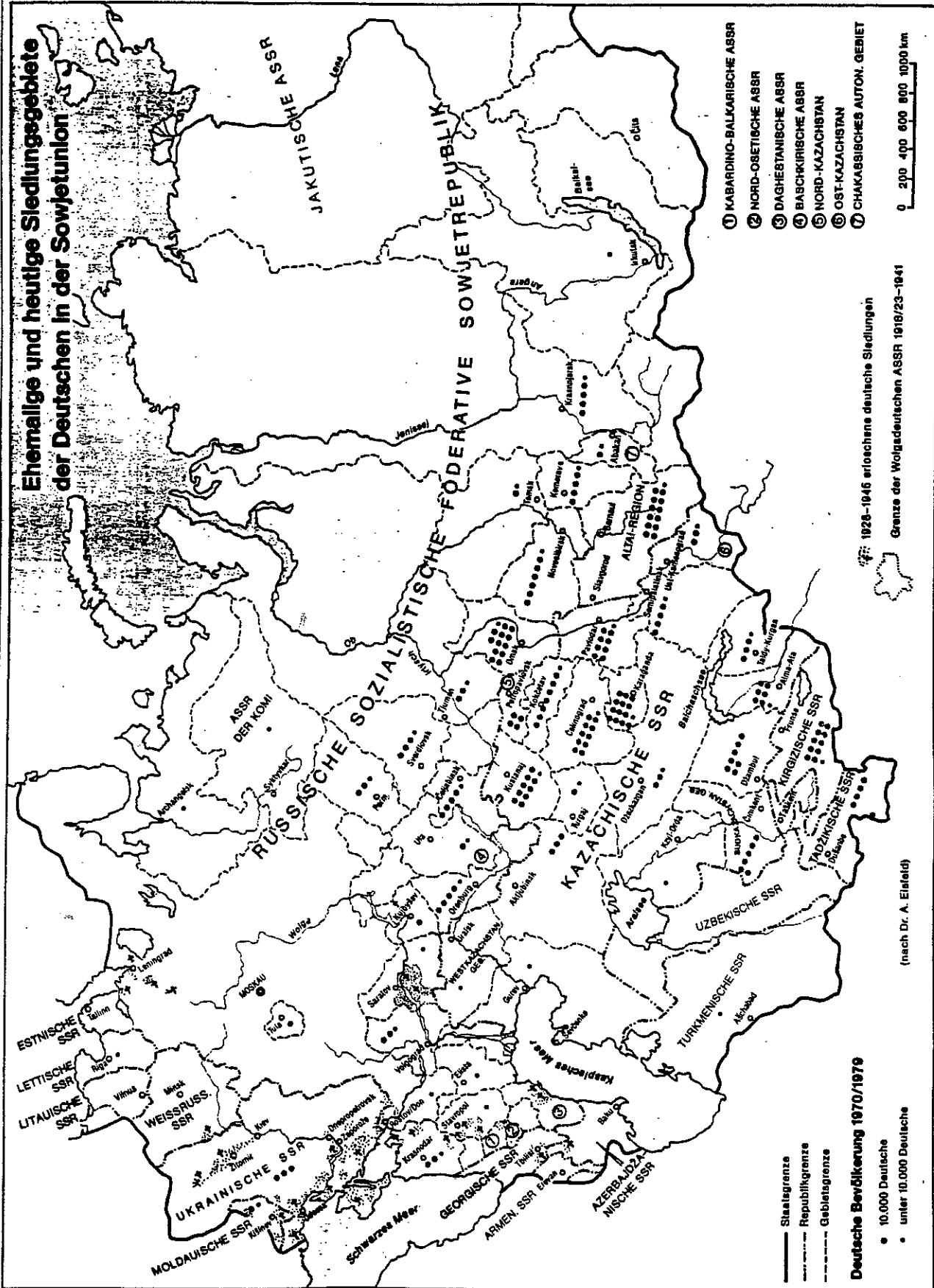
- Chapter One
- Rights of Data Subjects et al
- § 12 Procedural Provisions
- § 13 Data Subjects & Third Parties- Disclosure of Information, Inspection of Records & Obtaining Records
- § 14 Depersonalization and Erasure of Data
- § 15 Rights of Close Relatives of Missing and Deceased
- § 16 Rights of Employees of the State Security Service
- § 17 Rights of Beneficiaries
- § 18 Rights to Information - Files Submitted to the State Security Service by Courts and Public Prosecutors



Zur Ergänzung siehe auch die Karten in den Informationen zur politischen Bildung Nr. 142/143 – Deutsche und Polen (Neudruck 1985):

- Wanderungen von Germanen und Slawen bis 800 (Seite 2);
- Polen unter Mieszko I und Boleslaw Chrobry (um 1000) (Seite 3);
- Besiedlungsstand in Ostmitteleuropa um 1400 (Seite 6) und
- Die Republik Polen 1918/22–1939 (Seite 26).

Ehemalige und heutige Siedlungsgebiete der Deutschen in der Sowjetunion





Die Australische Generalkonsulin,

Frau Margaret Adamson,

**beehrt sich, Sie zu einem Empfang
anlässlich des Nationalfeiertages von Australien**

**am 27. Januar 1995 von 15.30 bis 17.00 Uhr
in Potsdam-Babelsberg, Universität Potsdam,
August-Bebel-Straße 89 einzuladen.**

**Die Universität Potsdam wird der Sitz des Interdisziplinären
Zentrums für Australienforschung sein.**

Ich nehme am Empfang am 27. Januar 1995 teil/nicht teil.

Name:

Anschrift:

U.A.w.g. an folgende Adresse:

Australisches Generalkonsulat

Uhlandstraße 181-183

10623 Berlin

oder telefonisch: 030/88008835 bzw. per Fax 030/88008899



**Margaret Adamson
Consul-General**

has the pleasure to invite you to drinks to celebrate

Australia Day

**and to inform you about the 1995 Experience Australia
cultural promotion**

**on Tuesday 31 January 1995
from 17.30 to 20.00
at the Australian Consulate-General
Uhlandstraße 181-183
10623 Berlin.**

R.S.V.P.:

**Australisches Generalkonsulat
Uhlandstraße 181-183
10623 Berlin**

oder telefonisch: 030/88008835 bzw. per Fax 030/88008899

AUSTRALIA-GERMANY: PROGRESS REPORT ON THE PROPOSED
AUSTRALIAN INSTITUTE AT POTSDAM UNIVERSITY

CH 51874/6

Preparations for the establishment of an Australian Institute at University of Potsdam in Land Brandenburg have been making steady progress.

The Senat or governing body of the University of Potsdam (UP) has agreed to establish the Institute within the Chancellery. General procedures which govern the establishment of such institutes within the German university system will apply. The preparation of a Mission Statement for the Institute and the identification of suitable Australian and German Interim Directors are well underway. An Interim German Director has been nominated. He is Professor Wolfram Wallraf, Professor of East Asian Politics, Faculty of Economic and Social Sciences at the UP. Drafting of a Constitution will commence shortly. The formation in late 1993 of a "Promotional Association" (Foerderverein) has assisted the planning process.

Planning is on schedule for the inauguration of the Institute in 1995. A public presentation is planned for March, when Australia will have a heightened profile in Germany through its status as "Partner Country" at the annual CeBIT information technology fair in Hanover. Further inaugural activities will be timed for late June to coincide with the Berlin and Potsdam week of the Australia Abroad Council's promotion "Experience Australia 95". The "Partnership 2000" trade and investment conference in Melbourne in May under the auspices of the Australian-German Association will contribute further to making 1995 a key year in Australian-German relations. *now postponed*

The idea for an Australian Institute in the Brandenburg-Berlin area was first mooted following German reunification and the decision to reinstate Berlin as capital and seat of Government of the reunited country. The future importance of Berlin in Germany and the relevance of Germany to European and global affairs made it imperative that the Australian presence in the region be strengthened. Australia and Germany have a harmonious and well-developed political and economic relationship and we frequently cooperate closely in multilateral fora such as the United Nations. Despite the framework of academic and scientific agreements between our two countries, however, awareness in Germany of modern Australia continues to be scarce. There is great scope to lift our profile in Germany as a worthwhile partner in a variety of sectors, for example, in the increasingly important Asia Pacific region.

87-12-94 11:29:21
7 DEC '94 11:22

*61-6-2613111->
FROM DFAT CANBERRA 3

+49 38 8825781 EASIFAX
TO 0*161

13

Page 007
PAGE.007/008

CH 51874 /

2

A combination of the UP's emergence as a fully fledged institute of higher learning in the "new" states of the former East Germany, its interest in developing an outward-looking focus as part of its new Charter and its proximity to Berlin (whose own Universities are undergoing major restructuring) made the University a natural partner for Australian interests.

The inauguration of the Institute will represent the culmination of three years of planning by German and Australian academics, the UP's management, the Australian and Brandenburg Governments and companies with Australian connections located in Germany.

The role of the proposed Institute

The Institute is conceived as a focal point for a broad range of activities relevant to the Australia-Germany relationship. It will be multi-disciplinary, undertaking programs of academic, trade and commercial, cultural and government policy interest. It is intended to serve as a centre for Australian studies in the region and for discussion and research in areas of mutual interest and as a seminar and conference venue.

The Institute is expected to concentrate its teaching and research activities in areas where Australia has particular expertise of interest to Germany such as Asia-Pacific studies, environmental technologies, mining industry technology, education technology, urban design, cultural diversity etc. The Institute will facilitate a program of visiting fellows in these areas from Australian academic institutions and exchanges of Australian and German academics and students. It will also serve as a source of information on study opportunities in Australia and as a repository for basic reference materials on Australia.

Organization and funding

The Institute will be located in Potsdam, about 30 minutes by car from central Berlin. It will have an Australian and a German Director as well as research and support staff.

The Institute will be centred within the Chancellery of the UP so that its activities can be linked to a variety of institutes within and outside the University, in keeping with its multidisciplinary character. It will be managed by a Directorate, which will be overseen by a Curatorium. There will be Australian participation in these bodies through the Australian Director and support of Australian universities, companies and government. It is also planned to appoint eminent Australian and German patrons for the Institute.

87-12-94 11:38:81

+61-6-2613111->

+49 38 8825781 EASIFAX

13

Page 008

7 DEC '94 11:23 FROM DFAT CANBERRA 3

TO 0*161

PAGE.008/008

CH 51874/9

Funding for the Institute will be made available from a variety of sources. Seed money amounting to \$80,000 has already been committed by the Australian Department of Foreign Affairs and Trade and further support will be sought from the newly-established Australian International Education Foundation's funding for Australian Studies Centres overseas. A broad selection of Australian Universities has indicated willingness to consider financial support and a number of Australian and German companies have also expressed interest in the Institute. The Brandenburg Government and several federal German foundations and institutes have foreshadowed the availability of project finance. Budget planning is underway for the selection of initial projects and other activities of the Institute.

Canberra, 2 December 1994

Contact point: Kate Logan, West Europe Branch,
Dept. of Foreign Affairs & Trade
Tel: +61 - 6 - 261 3668 Fax: +61 - 6 - 261 2176

END

** TOTAL PAGE.008 **