



Leonidas Chrysanthopoulos, Ambassador ad honorem

The issue of German Reparations in International Organizations and Greek-Polish cooperation - the Greek issue

Germany has an ability and methodology to avoid paying war reparations. Of the war reparations imposed on it after the First World War it finally paid 12.5% of the original debt. The 1953 London Agreement on the external debt of the FRG reduced the debt by 62.6% which was to be paid in Deutschmarks.

In brief this is what Germany owes to Greece in war reparations and the debt from the occupation loan.

1. reparations for infrastructure destruction under the Paris Conference of 1946, 6.7 billion dollars at 1938 prices or 309 billion euros (2014 estimate). Germany paid Greece only 20 million dollars.
2. Repayment of the occupation loan. The amount is estimated to be between 240.5 and 510 billion euros.
3. Compensation to the victims of war crimes and crimes against humanity. The bipartisan parliamentary committee of the Greek parliament, estimated in 2016, the compensations to be 107 billion euros without interest. With a 3% interest rate and

compound interest, the debt stands today at 1.14 trillion euros (in accordance with the 1960 agreement, Germany paid Greece 115 million DM for compensation to certain categories of victims of Nazism. In 1969 Germany paid 2,5 million DM to the Jewish community of Thessaloniki and 8.5 million DM for valuables stolen from Greek Jews.)

4. Repatriation of stolen cultural treasures (In 1946 the Greek government handed over a list to the German authorities with a description of 8,500 stolen archaeological treasures and 460 paintings. These items were never returned). Their value cannot be estimated and the damage caused by the Germans upon their removal is estimated at 15.8 billion euros.

All this amounts to a total of 1.1625 trillion euros. This amount does not include the occupation loan which is a different case.

Germany's overall attitude towards the payment of reparations and compensation can be summarized by the pursuit of non-payment or of effecting minimum payments in case it is impossible to refuse because of foreign pressure. Germany refuses to characterize the amounts to be paid as compensation or reparations and presents them as voluntary contributions. Germany's payments to the EU or NATO budget are presented as compensation for war debts. The European Commission replying to a question raised by the member of European parliament.

Alavanos in 1995 refutes the German argument as follows:

"The financial aid given to member-states within the framework of community policies come from the community budget. This budget is financed by own resources (article 201 of the EC treaty). The European Commission is not competent for financial relations between member-states."

Germany also proceeds with unilateral or bilateral schemes such as the German-Greek Future Fund and the Youth Foundation.

Let us now examine the German argumentation regarding Greece's demands.

"Over 50 years such a request would be unjust and does not correspond to the close cooperation and the quality of relations within the EU and NATO. "13.11.98 German Foreign Ministry spokesman...Of course at the same time the Germans are asking for compensation from Poland for confiscated German property in their country or offer compensation for the genocide they committed in Namibia in 1904. They falsely mention that war reparations against Greece have been terminated by the 1960 agreement under which Germany paid 115 million Deutschmarks for victims of the wars. Greece had claimed 178 million Deutschmarks and never waived its right to reparations.

Another argument used is that Greece accepted in 1953 the deferment of payment of the German debts towards Athens until the final settlement which came about with the Treaty 2+4. This Treaty was accepted with satisfaction in the Charter of Paris by the OSCE member states, however Greece simply took note of it. It should also be underlined that Germany achieved that the 2+4 Treaty not be entitled as a Peace Treaty and in this way avoid paying reparations. As Genscher mentions in his memoirs in the talks he held with Snowcroft on November 20, 1989, "Snowcroft asked me if I meant having a peace treaty or a conference of the 4 powers.

I rejected the idea of a Peace Treaty since this has been overpassed by developments since we are partners and friends with three of the four powers as well as with the majority of the states that participated in WWII."

Also in recent years, Germans have added the argument that the Greek government has not raised any claims for reparations against Berlin- a statement by the German State Secretary of Finance on 6 July 2017, which does not correspond to reality since the issue had been raised by the Greek Prime Minister and Foreign Minister in 2015.

From what has been previously said, it is clear that Germany has no intention of paying the reparations and compensations it owes to Greece and therefore Athens should follow a different policy from the one it has followed for the last 70 years, regardless of whether the new policy leads to a temporary deterioration of Greek-German relations.

Consequently, Greece has two ways to proceed, the first being the internationalization of the issue and the second being the implementation by the Minister of Justice of the Supreme Court's decision 11/2000 which provides, among other things, for the seizure of German State property in Greece.

A. Internationalization of the issue.

The aim should be first of all for Germany to acknowledge that the issue of reparations remains open and that it is willing to discuss it. This requires the cooperation of Greece and Poland. Since the end of 2022 Warsaw has taken an initiative to internationalize the issue by sending letters to the UN Secretary General, the President of the General Assembly, the President of the UN Human Rights Council, the UN High Commissioner for Human Rights and UNESCO. A letter was also sent to the Secretary General of the Council of Europe. Similar letters should also be sent by Athens with appropriate publicity and promotion in Greece and internationally. It should be noted that the decision-making procedures in these bodies are lengthy and usually without practical consequences. But they constitute a lever of pressure on Germany.

The EU and its institutions can also be used. Greece and Poland can and should raise the issue at the highest level in the European Council, while the Foreign Ministers of the two countries should raise it in the EU Foreign Affairs Councils, even in private consultation with the German Foreign Minister. The European Parliament is another forum where the issue can be raised. An attempt has already been made in the past without success. But if there is an initiative by MEPs from Greece and Poland, it will be possible for the plenary to adopt a resolution on the issue. Such action by Greece and Poland will increase the pressure on Berlin even more.

Within the EU framework and in accordance with Eurostat regulations, the Greek government can enter the corresponding German debt to Greece in the uncollectible debts to the Greek government and thus be included in the state budget, as it is a debt immediately due. This way the Greek budget becomes a surplus one. At the same time, Germany will be obliged to record the public debt to Greece in its state budget. Poland can do the same.

Greece can also stop its payments to Germany, within the framework of its memorandum obligations, until Berlin agrees to open a discussion on the issue of reparations.

A final possibility at the international level is for Greece and Poland to unilaterally appeal to the OSCE Court of Conciliation and Arbitration based in Geneva in accordance with Articles 20 and 26 of the OSCE Conciliation and Arbitration Convention.

It should be underlined is that if Berlin agrees to open diplomatic talks with Greece and Poland, these discussions will be held separately since Greece's demands differ from Poland's.

B. At the bilateral level, Greece has in its hands the decision 11/2000 of the Supreme Court regarding the lawsuits of victims and relatives who appealed to the Greek courts against the German State. This decision rejects the appeal brought by Germany against the decision 137/1197 of the Court of First Instance of Livadia, which awarded 9.5 billion drachmas (57 million German marks). The execution of the decision, which also provides for the seizure of German assets, requires the authorization of the Minister of Justice.

Germany must settle its debts for the crimes against humanity it committed during World War II, otherwise it will not have the moral authority to bring similar cases against states that may have committed such crimes. Had it also paid its war compensations fully or to a large extent it might have given a signal to the international community that war reparations have to be paid and thus it might have been possible to avoid crimes against humanity that had been committed since then in other parts of the world. The payment of war reparations contributes to the maintenance of peace since the future generations must keep in their minds that those who violated

international law were forced to compensate for the damages they did. Homer makes reference to this three thousand years ago in the Iliad, Rhapsody Γ ,verses 455-461.

The new Greek government should demonstrate firm resolve and, if required, employ persuasive measures to ensure the return to Greece what Berlin owes it.

77 years is long enough. And it is the only way to put the souls of our dead to rest.

Leonidas Chrysanthopoulos, Ambassador ad honorem 13.6.23