

*Jerzy Kranz**

SAPERE AUSO
(TO ONE WHO DARED TO BE WISE)
ON THE FIFTH ANNIVERSARY OF THE
DEATH OF KRZYSZTOF SKUBISZEWSKI

When Krzysztof Skubiszewski passed away five years ago, on 8 February 2010, Poland bid farewell to both a modest man and a great statesman and academic, to a Pole and a European, an eminent theoretician and a skilled practitioner of international law, who was also the first Minister of Foreign Affairs of newly-independent Poland and later President of the Iran-United States Claims Tribunal in The Hague.

The aim of this contribution is to outline the Foreign Minister's most important accomplishments in order to better introduce him to the reader as well as to share a handful of personal reminiscences.¹ An analysis of his scholarly work would warrant separate coverage, so in this memorial I only briefly mention its key directions. I have chosen instead to often cite the Foreign Minister from various sources, especially the collection of his speeches, statements and interviews from 1997.²

Nothing during Minister Skubiszewski's groundbreaking time in office (12 September 1989 – 25 October 1993) fell from the sky. And although many of his innovations in his foreign policy work appear obvious from today's perspective, it is worth remembering that there were no clear precedents for his work at that time. At the turn of the 1990s his job demanded wisdom, strength of character and careful diplomacy. And Krzysztof Skubiszewski was the right man in the right place at the right time – an exquisitely educated man of principle who was not afraid to stand by his beliefs and pursue his vision. This was a completely new attitude in the Polish political community at that time.

He died prematurely and it is unfortunate that his all-consuming life of public service did not allow him to write a memoir. While the unprecedented events of the turn of the 1990s cannot all be adequately recounted in written form, even worse their eye-

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¹ See my contribution in R. Kuźniar (ed.), *Krzysztof Skubiszewski – dyplomata i mąż stanu*, PISM, Warszawa: 2011.

² K. Skubiszewski, *Polityka zagraniczna i odzyskanie niepodległości. Przemówienia, oświadczenia, wywiady 1989–1993*, Interpress, Warszawa: 1997.

witnesses and participants are slowly leaving us... Having this in mind, I try to recap the importance of his life below.

1. Krzysztof Skubiszewski was born on 8 October 1926 in Poznań, western Poland, into the family of Ludwik Skubiszewski, a professor at the Poznań Medical University, and Aniela, née Leitgeber. Under German occupation he was displaced to the so-called *Generalgouvernement* area with his parents and siblings. He lived in Warsaw and Biała Podlaska throughout World War II. He took underground schooling to pass the final secondary education examinations, and after the war he began his university studies at the Faculty of Law and Economics of the University of Poznań.

Until 1973 Skubiszewski was a professor at the Law Faculty of the Adam Mickiewicz University in Poznań, lecturing on public international law. In his Master's thesis he analysed the immunities and privileges of the representatives of member states and international officials of the League of Nations and the UN. The Polish communist authorities declared that his 1950 doctoral dissertation, on the conditions of obtaining United Nations membership, contained "fallacious methodology," so it remained unpublished until 2004.³ In fact, the Faculty of International Law in Poznań was criticised at the time for a "lack of aggressive material underpinning progressive study" as well as for minimal utilisation of Soviet literature and for scientific objectivism.⁴

In 1957 and 1958 he graduated in European Affairs from the University of Nancy and was awarded the title of Master of Law by Harvard Law School. His 1960 habilitation thesis was devoted to the study of currency in occupied territory, with particular emphasis on German practice.⁵

He was an excellent and well-liked teacher whose lectures were very popular among students. He was known for "alluding to risqué subject matter for the time" which he did with great finesse. He was often dressed "in a navy blue suit with a burgundy bow-tie, which earned him a reputation for being an arbiter of elegance."⁶

Under political pressure from the Polish communist authorities, who obstructed his professorial appointment (also for his criticism of the 1968 Warsaw Pact intervention in Czechoslovakia), Skubiszewski was forced to leave the University. He went on to find employment at the Institute of Legal Sciences of the Polish Academy of Sciences in Warsaw, where he headed the Department of Public International Law.

He continued to live in his 20-square-metre studio flat in Poznań (a consequence of the communists' earlier decision to evict him from a larger apartment), which was

³ K. Skubiszewski, *Warunki uzyskania członkostwa Organizacji Narodów Zjednoczonych*, Ars boni et aequi, Poznań: 2004.

⁴ J. Sandorski, *Nie deptać prawników. Wydział Prawa Uniwersytetu im. Adama Mickiewicza w anegdocie*, Wydawnictwo Poznańskie, Poznań: 2007, p. 126 (the author cites an article by L. Gelberg, *Problematyka prawnomiędzynarodowa na łamach Przeglądu Zachodniego (1952-1953)*, 7-8 Państwo i Prawo 178 (1954).

⁵ See K. Skubiszewski, *Currency in Occupied Territory and the Law of War*, 9 Jahrbuch für internationales Recht 161 (1959-1960).

⁶ Sandorski, *supra* note 4, p. 122.

so small that it could hardly contain his spacious book collection. It was there that he wrote his works.

2. Krzysztof Skubiszewski's scholarly achievements are more than impressive.⁷ His publications are strikingly profound, precise in their arguments, thoroughly substantiated and written in superb style. His main areas of interest embraced the legal effects of World War II (including two books on Poland's western border),⁸ the law of international organisations (especially the role, significance and legal consequences of their resolutions, including the acts of institutions of the European Communities),⁹ selected aspects of the sources of international law,¹⁰ and the use of armed force.¹¹

His numerous works, many of them of a pioneering nature in Poland at the time, were dedicated to the relationship between international and domestic law, especially the application of international treaties by domestic courts.¹² Resolutions on this

⁷ For a list of publications and Professor Skubiszewski's biography see J. Makarczyk (ed.), *Theory of International Law at the Threshold of the 21st Century. Essays in Honour of Krzysztof Skubiszewski*, Kluwer law international, The Hague, London, Boston: 1996, pp. 11–58. For comments on his academic achievements see W. Rudolf, *Laudatio*, [in:] *Ehrenpromotion Krzysztof Skubiszewski*, Johannes Gutenberg-Universität, Fachbereich Rechts- und Wirtschaftswissenschaften, Mainz, 26 April 1991.

⁸ K. Skubiszewski, *Zachodnia granica Polski w świetle traktatów*, Instytut Zachodni, Poznań: 1975; *idem*, *Zachodnia granica Polski*, Wydawnicwo Morskie, Gdańsk: 1969; *idem*, *Administration of Territory and Sovereignty: A Comment on the Potsdam Agreement*, 23 *Archiv des Völkerrechts* 31 (1985); *idem*, *The Great Powers and the Settlement in Central Europe*, 18 *Jahrbuch für öffentliches Recht* 92 (1975); *idem*, *Gdańsk and the Dissolution of the Free City*, [in:] J. Delbrück, K. Ipsen, D. Rauschnig (eds.), *Recht im Dienst des Friedens. Festschrift für Eberhard Menzel zum 65. Geburtstag*, Duncker & Humblot, Berlin: 1975, pp. 469–85; *idem*, *Poland's Western Frontier and the 1970 Treaties*, 67 *American Journal of International Law* 23 (1973); *idem*, *The Western Frontier of Poland and the Treaties with Federal Germany*, 3 *Polish Yearbook of International Law* 53 (1970).

⁹ K. Skubiszewski, *Uchwały prawotwórcze organizacji międzynarodowych*, PWN, Poznań: 1965; *idem*, *Enactment of Law by International Organizations*, 41 *British Yearbook of International Law* 198 (1965–66); *idem*, *Resolutions of the General Assembly of the United Nations*, Institut de droit international, Annuaire, Paris: 1985, vol. 61, part I; *idem*, *Les techniques d'élaboration des grandes conventions multilatérales et des normes quasi-législatives internationales (en collaboration avec Hans Blix)*, Institut de droit international, Annuaire, Basel: 1978, vol. 57, part II.

¹⁰ K. Skubiszewski, *Les actes unilatéraux des Etats*, [in:] M. Bedjaoui (ed.), *Droit international. Bilan et perspectives*, Pedone, Paris: 1991, vol. 1, pp. 231–51; *idem*, *Der Rechtscharakter der KSZE-Schlussakte*, [in:] *Drittes Deutsch-Polnisches Juristen-Kolloquium*, Nomos, Baden-Baden: 1977, vol. 1, pp. 13–30.

¹¹ K. Skubiszewski, *Quelques remarques sur la notion de force dans la Charte des Nations Unies*, [in:] *Mélanges Georges Perrin*, Diffusion Payot, Lausanne: 1984, pp. 293–301; *idem*, *Use of Force by States. Collective Security. Law of War and Neutrality*, [in:] M. Soerensen, *Manual of Public International Law*, Macmillan, London–New York: 1968, pp. 739–854.

¹² K. Skubiszewski, *Prawo międzynarodowe w porządku prawnym państwa*, [in:] *Prawo międzynarodowe a prawo wewnętrzne w świetle doświadczeń państw socjalistycznych*, Wrocław-Warszawa: 1980, pp. 13–53; *idem*, *Prawo PRL a traktaty*, 3 *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 1 (1972); *idem*, *Miejsce traktatów w porządku prawnym PRL*, 1 *Sprawy Międzynarodowe* 80 (1973); *idem*, *Traktaty a prawo krajowe*, 8–9 *Państwo i Prawo* 255 (1977); *idem*, *Konflikt normy krajowej z międzynarodową*, 12 *Państwo i Prawo* 3 (1979); *idem*, *Prawa jednostki, umowy międzynarodowe i porządek prawny PRL*, 7 *Państwo i Prawo* 9 (1981); *idem*, *Stosowanie i przestrzeganie prawa międzynarodowego w państwie*, 9 *Państwo i Prawo* 18

matter, adopted at his initiative and passed on to the Polish communist authorities, are well-known in Poland. These publications constituted Professor Skubiszewski's great contribution to the struggle for human rights, playing a key role in the registration of independent trade unions and having a significant impact on future constitutional regulations, as they reflected a departure from the communist way of thinking about international law.¹³ He held to these views while serving as the Foreign Minister.

Many of his scholarly works deal with German-Polish issues. His book on Poland's western border appeared in 1969 as a manuscript only and was unavailable in bookstores. A twist of fate, however, soon brought the question of a treaty normalising relations between Poland and West Germany to the negotiating table. The document was ultimately signed in Warsaw in 1970, and the Polish negotiators were known to rely extensively on Krzysztof Skubiszewski's manuscript.

In his works Professor Skubiszewski defended the Polish national interest while avoiding nationalism.¹⁴ He was engaged in Polish-German rapprochement in the belief that focusing on a tragic past and hatred was not the best way to build the future. His task was not made easier by West German policy at the time, nor that country's legal doctrine. He was among the leading architects of regular meetings of Polish and German lawyers (since the early 1970s). In 1984 he was awarded the prestigious Humboldt Foundation Award.

He was a Visiting Professor at the School of International Affairs, Columbia University, New York, in 1963–1964, at the Department of Law at the University of Geneva in 1971 and 1979, and at All Souls College, Oxford, in 1971–1972. He was offered a position with the United Nations Secretariat in New York, but – as he observed in an interview – “the communist authorities did not agree, because I was neither with the Foreign nor the Interior Ministry and I had refused to collaborate when expected to.”¹⁵

Krzysztof Skubiszewski owed his scholarly position to hard work and diligence. He never wrote anything at somebody's political bidding. This is one of the reasons for the international renown he had achieved already at the end of the 1950s. He enjoyed the respect and trust of many of his distinguished colleagues abroad, many of whom visited him – on his invitation – in Poland. Fifty-eight authors (11 of them Polish) contributed to the *Festschrift* honouring the 70th anniversary of his birth.¹⁶

(1984); *idem*, *Wzajemny stosunek i związki pomiędzy prawem międzynarodowym i prawem krajowym*, 1 *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 1 (1986); *idem*, *Konstytucyjne ujęcie stosunku prawa polskiego do prawa międzynarodowego*, 10 *Państwo i Prawo* 138 (1987); *idem*, *Umowy międzynarodowe w porządku prawnym PRL*, 6 *Państwo i Prawo* 135 (1989).

¹³ A. Wyrozumska, funeral speech in the name of the Polish Group of the International Law Association, 18 February 2010 (unpublished, on file with the author).

¹⁴ K. Skubiszewski, *Niebezpieczeństwo nacjonalizmu w Europie*, from the inaugural lecture beginning a series of readings titled *Rozmyślania o Europie*, Frankfurt an der Oder, 21 February 1992, [in:] Skubiszewski, *supra* note 2, pp. 195–207.

¹⁵ Głos Wielkopolski, interview, 2–4 April 1994, p. 3.

¹⁶ See Makarczyk, *supra* note 7.

3. Professor Skubiszewski was not by nature a man of politics, although he never concealed his views. He summed them up as the Minister of Foreign Affairs in 1989: “The State was a tool of the Polish United Workers’ Party (PZPR). It was a contradiction of normal statehood. Today we all feel the effects of an absence of a normal state and we shall continue to feel them for a long time.”¹⁷

He was a member of the Solidarity (Independent Self-Governing Trade Union) from 1980, a member of the Primate’s Social Council in 1981–1984, a representative of the Polish Episcopate in the Steering Committee of the Polish-German Forum in 1984–1989, and a member of the Consultative Council in 1986–1989.¹⁸

Between 12 September 1989 and 26 October 1993, Professor Skubiszewski held the post of the Foreign Minister – the first in independent post-communist Poland. Premier Tadeusz Mazowiecki announced Professor Skubiszewski’s candidacy despite resistance from the Polish United Workers’ Party (PZPR).¹⁹ The circumstances at the time of his assuming office were not exactly auspicious. “At the beginning, I wasn’t sure if one day the government might not be interned and the Polish experiment would be finished. There was too much to get done, however, to worry about hypothetical actions of bygone powers.”²⁰

High-level representatives of the PZPR (Kiszczak, Ciosek) warned Solidarity and the Church of the possibility of a revolt within the army and secret service, as well as a backlash from the USSR. This is what ultimately led to General Jaruzelski becoming President.²¹ The PZPR was intent on keeping as much power as possible as well as maintaining strong ties with the USSR. This contrasted greatly with the views of Mazowiecki and Skubiszewski, who longed for an independent Poland with Western ties.

¹⁷ Rzeczpospolita, interview, 16 November 1989.

¹⁸ K. Skubiszewski, *Do niepodległości krok po kroku*, Gazeta Wyborcza, 11 September 2009: “Why did you join a Council that was formed by the Communists? – The situation in Poland seemed hopeless. I considered it pertinent to urge the Polish leaders to accept the changes happening within the country, to legalise ‘Solidarity’. In particular, the attorney Władysław Siła-Nowicki (who was sentenced to death by the Communists four times after World War II), Andrzej Świącicki (former Chairman of the Warsaw Board of the Club of Catholic Intelligentsia [KIK]) and some other members of the Council, including myself, felt that our participation in Jaruzelski’s Council hinged primarily on freeing all political prisoners, and secondly on observing the rule that the Council would not be enacting any decrees, but would function solely as a platform for dialogue.”

¹⁹ Skubiszewski, *supra* note 18: “Mazowiecki added: I am trying very hard to avoid handing this department over to the PZPR. The Communists agreed to Mazowiecki being Premier, but reserved control over four departments: defense, foreign and internal affairs, as well as transportation and communications. Mazowiecki, however, rightly deemed that his premiership brought with it complete change, initiating a new era and a new face of Poland, which needed to also be expressed in foreign policy”; A. Hall, *Rząd Mazowieckiego dokonał największych zmian*, Gazeta Wyborcza, 22 August 2009: “It was very important to Mazowiecki that the Ministry of Foreign Affairs be headed by someone outside of the PZPR. Erstwhile leader Mieczysław Rakowski opposed this idea.”

²⁰ Skubiszewski, *supra* note 18.

²¹ M. Korkuć, *Dwaj prezydenci – dwa światy*, Rzeczpospolita (Plus-Minus supplement), 17–18 July 2010.

Skubiszewski often recalled that “the so-called People’s Republic of Poland was practically devoid of foreign policy – it was merely a division of state administration governed by PZPR but subject to foreign control.”²² The Ministry of Foreign Affairs was during that time a closed structure that drew its personnel primarily from the PZPR apparatus, youth organisations, as well as the secret service; a number of these individuals graduated from Moscow’s school of diplomacy.²³

The leftover party apparatus post-communist Poland,²⁴ assisted by certain right-wing nationalists,²⁵ tried to make the life of the new Foreign Minister very difficult. He turned out, however, to be too independent, pro-European, and above all, too wise for them. Just before completing his mission, he warned: “The people of the PZPR, the organisation upholding Poland’s bygone dependence on the USSR, are still present on the political stage, some have even recently returned to it with increased confidence. They and their varied supporters, however, have paid short shrift to the debilitating past of this nation.”²⁶

Upon Skubiszewski’s departure from office an outrageous report by the Parliamentary (*Sejm*) Committee²⁷ was published (1994) on the condition of the personnel at the Ministry of Foreign Affairs.²⁸ This report attested to the fact that the mentality of the PZPR, as well as its system, had unfortunately survived the changes of 1989.

4. Here let us recall the words of French philosopher André Glucksmann: *sortir du communisme, c’est rentrer dans l’Histoire*. Implementation of the necessary and fundamental changes in Poland’s foreign orientation proved essential but difficult, not only due to opposition from Moscow and the post-communists in Poland, but also because

²² K. Skubiszewski, *Imperatyw ciągłości*, Rzeczpospolita, 29 September 1993.

²³ “Talented individuals were barred from working in the Ministry of Foreign Affairs (and not only there) for decades. (...) The Ministry became the exclusive domain of the PZPR”, *Rzeczpospolita*, *supra* note 17; “The undersecretaries, the entire team in essence, was composed of individuals from the previous era. Their loyalty to the new Minister was questionable at best. (...) In the beginning I had no advisors, but after personnel changes in the department, a small group of senior employees quickly formed and became excellent advisors. I am very indebted to them” (Skubiszewski, *supra* note 18).

²⁴ An interview conducted by Marek Siwiec and Wiesław Dębski and published in *Trybuna*, 6-7 April 1991, contains some sample arguments postulated by these journalists: “A particular type of foreign policy system was shaped over the course of 45 years embracing, among others, special relations with the Soviet Union (...). It appears to us that you are putting a lot of effort into dismantling what has been hitherto formed, (...) a great number of people do not agree with your overt anti-Sovietism nor your unfriendly policy towards the USSR, (...) In breaking off her partnership [with the USSR], Poland has found herself alone in Europe. (...) there are fears that a Poland free of dependence on the USSR, being economically weak, is throwing herself at the mercy of yet another Super Power.”

²⁵ Skubiszewski, *supra* note 2, pp. 74, 346-8, 350-1.

²⁶ See Skubiszewski, *supra* note 22.

²⁷ Its members included: Andrzej Micewski, Janusz Dobrosz, Tadeusz Iwiński, Włodzimierz Konarski, Wojciech Lamentowicz, Tadeusz Samborski.

²⁸ See K. Skubiszewski, *Lista proskrypcyjna*, *Życie Warszawy*, 9 June 1994; see also, W. Bereś, K. Burnetko, *PRL-owska miotła w MSZ?*, *Tygodnik Powszechny*, 8 July 1994.

of the play-safe approach of the West, which had no clear and firm strategy for change in Europe. By employing peaceful and skilful diplomacy, extraordinary effort, original initiatives as well as great personal style, Skubiszewski led Poland onto the international stage as an independent and meaningful partner.

He summed up the situation himself as follows:

“Mazowiecki’s foreign policy proposed a progressive distancing from the USSR, normalising relationships with neighbours, and creating ties with the West. It had to be a gradual process.”²⁹ Skubiszewski’s rationale was rooted in the sad fact that “from the partition of Poland [at the end of the 18th century, JK] to the catastrophe of 1939, Poland’s fate was a function of German-Russian relations. It was time to end this disastrous situation.”³⁰

Skubiszewski combined a vision of the future with realism and patient diplomacy. He served with a sense of far-sighted responsibility. He didn’t want “ideas like fireworks, but genuine thinking and political action. Realism combined with a vision for the future.”³¹ Since the West was unprepared for any sudden geopolitical changes, Skubiszewski was a guarantee of dependability and prudence in rebuilding the European political stage. He was neither anti-German nor anti-Russian – he was Polish and European.

Foreign Minister Skubiszewski very clearly introduced the notion of the Polish national interest, despite difficulties in defining this terminology.³² He was aware that for the past 200 years the Polish nation had been not only repeatedly attacked and its territories annexed, but its very existence threatened. He equated Poland’s *raison d’Etat* with the national interest, acknowledging, of course, all the basic tenets of international law and international morality (including human rights). He underscored that politics need not be on a collision course with morality, but that politics conflicting with international morality is, in the long run, doomed to failure. Soon after taking office as the Foreign Minister, in a speech at a United Nations General Assembly in September 1989, he reminded everyone that the Soviet-German treaties of 1939 “were contrary to international morality, to the very definition of treaties as well as to all applicable fundamental rules of international law.”³³

Foreign Minister Skubiszewski defined Poland’s *raison d’Etat*³⁴ as regaining its political independence and safeguarding its security by breaking free from Soviet domination and establishing normal (not special) relations with Russia on a new basis, as well as

²⁹ Skubiszewski, *supra* note 18.

³⁰ *Polska w Europie, Rzeczpospolita* (Plus-Minus supplement), 15-16 July 2006.

³¹ Foreign Minister Krzysztof Skubiszewski’s speech given during the VI Polish-German Forum in Poznań, 22 February 1990, [in:] W.M. Góralski (ed.), *Polska-Niemcy 1945-2007. Od konfrontacji do współpracy i partnerstwa w Europie*, PISM, Warszawa: 2007, pp. 361-64.

³² See A. Wolff-Powęska, *Polska racja stanu w procesie normalizacji stosunków z Niemcami w warunkach wolności i demokracji*, [in:] Góralski, *supra* note 31, pp. 177-79.

³³ K. Skubiszewski, from a speech given during the general debate at the 44th General Assembly Session of the United Nations, 25 September 1989, [in:] *Polityka* (*supra* note 2), pp. 15 and 21.

³⁴ See K. Skubiszewski, *Racja stanu Rzeczypospolitej Polskiej*, [in:] Skubiszewski, *supra* note 2, pp. 299-308.

Poland's inclusion in the political structures of the Western world (NATO, EU), thus overcoming the post-Yalta division of Europe into spheres of influence.³⁵ In response to President Mitterrand's comments, he stated: "Everything that distances us from Yalta fosters good international relationships and European unity."³⁶ He underlined that "our *raison d'Etat* presupposes a rejection of any politics that locate Poland (and its neighbours) in a 'grey' or buffer zone in which we are to become a subject of force, rivalry even, of more powerful nations."³⁷ He added a characteristically far-sighted commentary, in reference to Tadeusz Mazowiecki's government, that "security zones must not be (...) identified with spheres of influence."³⁸

5. In his vision of a post-communist Poland, Krzysztof Skubiszewski paid great heed to the problem of national security. He perceived this issue in the light of newly regulated relationships with neighbouring countries as well as future membership in the European Union and NATO. He longed to see Poland as strong and stable domestically (politically and economically), as well as connected to European security institutions. Furthermore, he strove to develop regional cooperation and steered Poland in the direction of becoming a role model of stabilisation in the central European region.

Though he rejected the satellite state arrangement, he was able to maintain good relations with the Soviet Union, and next with Russia, for whom Poland's independence was a bitter surprise. The chief issue was "a rebuilding and change of relations with the USSR – the abolishment of dependence on Moscow and the dissolution of the Soviet Bloc. Dissolving the Soviet Bloc could be achieved with the consent of all interested parties. In this way we avoided the conflict and destabilisation that the West was so worried about. We wanted to join with the West, and a bothersome candidate for partner would surely have been rejected, or at the very least treated with distance. Please remember that the West (including President Ronald Reagan, despite his anti-Soviet stance) continued to acknowledge the division of Europe and the Soviet sphere of influence. The West did not actively pursue any politics aimed at emancipating the nations trapped in an external and internal Moscow Imperium. The collapse of Soviet domination was not the fruit of American or – more generally – Western politics, although they did have a hand in the event."³⁹

One of the premises of his thinking was the dissolution of the Warsaw Pact (formally, the Treaty of Friendship, Co-operation, and Mutual Assistance) and Comecon (formally, the Council for Mutual Economic Assistance). In aspiring to achieve this goal he paid

³⁵ K. Skubiszewski, opening remarks to the Sejm of the Republic of Poland given on 26 April 1990 (*ibidem*, pp. 41-54); *idem*, a speech given during a joint sitting of five parliamentary commissions (of the Sejm and Senate of the Republic of Poland), 18 November 1992 (*ibidem*, pp. 269-290).

³⁶ See Skubiszewski, *supra* note 31, p. 362.

³⁷ See Skubiszewski, *supra* note 2, p. 303.

³⁸ K. Skubiszewski, from a speech given during the general debate at the 44th General Assembly of the United Nations, 25 September 1989 (*ibidem*, pp. 15 and 21).

³⁹ *Polska w Europie*, *supra* note 30.

strict attention to legal aspects, thereby avoiding nervous reactions from Moscow. There was no doubt in his mind that the “Warsaw Pact stopped being a platform for beneficial cooperation. (...) We want excellent relations with the USSR, but the Warsaw Pact is not a necessary factor in the success of these relations.”⁴⁰

In Skubiszewski’s opinion, “[w]e couldn’t join with the West and simultaneously be a part of the Warsaw Pact and Comecon. My goal was to unify all parties involved in order to dissolve these institutions, including Moscow, and not just to step away from them as a single country (with potentially Czechoslovakia or Hungary joining us), although that was a potential scenario. The West was actually interested in maintaining the Warsaw Pact at this time due to disarmament talks. This was not a decisive aspect for me, however certain realities needed to be considered. (...) The Warsaw Pact needed to, first, be weakened and only then effectively dissolved – with the consent of all sides. Which also meant convincing the USSR that the Warsaw Pact was dead.”⁴¹ Polish policy made the Russians aware that neither the Warsaw Pact nor Comecon were going to continue functioning in accordance with the hopes that Moscow had initially placed in them. The Warsaw Pact ceased to exist on 1 July 1991 by mutual consent,⁴² while the final Comecon session took place on 28 June 1991 in Budapest.

Skubiszewski was criticised for being too soft with the Soviets and in the beginning was even accused of the “Finlandization” of Poland, which was complete nonsense. His vision and goal was to create a Polish nation free from Moscow’s control and the control of the PZPR. Due to the circumstances, Mazowiecki’s government acted firmly when it came to its goals, yet with caution in terms of its implementation of gradual measures. The Foreign Minister never accepted Soviet proposals (the so-called Falin-Kwiciński Doctrine), even though other former satellite states concluded treaties with Russia which obligated them to refrain from military-political alliances.

6. In terms of national security, the Polish Foreign Minister took account of a pre-war history lesson: “In order to be secure, [Poland] had to enter into the structures created by the West after World War II that were proven in their stability. No other policy was even taken into account, not even after the unexpectedly quick collapse of the USSR, when the geopolitical and geo-strategic placement of Poland turned in our favour. In particular, the idea behind the so-called *Intermarium* policy certainly did not come into play, that is, the idea of creating a union of states to the west of Russia – a stretch from Finland to Romania under the eventual leadership of Poland (to which none of the potential nations had any heart) (...) I did not see the need for such efforts nor any chance for their success. The nations along this stretch did not wish to have any kind of outside leader.”⁴³

⁴⁰ K. Skubiszewski, *Nasz Dziennik*, 13-14 October 1990.

⁴¹ Skubiszewski, *supra* note 18.

⁴² K. Skubiszewski, from a speech during a sitting of the Political Consultative Committee of the Warsaw Pact, Budapest, 25 February 1991, [in:] Skubiszewski, *supra* note 2, pp. 117-120.

⁴³ *Polska w Europie*, *supra* note 30.

This, though, did not stop Poland from developing partnerships with nations from within this region (The Visegrad Group, Pentagonale).⁴⁴ Simultaneous to relations with Moscow, the Minister ran a parallel policy for independence for a handful of Soviet Republics (Belarus, Ukraine, and Lithuania).⁴⁵ It was an unprecedented move which showed the world that Polish diplomacy was capable of marrying ingenuity with action.⁴⁶

When it came to NATO, Skubiszewski's stance was firm. He sought partnership with NATO from the get-go, with the aim of NATO membership in the future, though he realised it would not happen overnight nor solely as a result of Polish eagerness. This political move did not enjoy popularity among the post-communists in Poland, who for years were against the idea. On the other side were critics who, seemingly ignorant of the circumstances of the time, held the idea that both NATO and the European Union couldn't wait to invite Poland into their fold.

Instead of engaging in jugglery and ideological hocus pocus, Tadeusz Mazowiecki's government continued to act in a straightforward manner. Foreign Minister Skubiszewski was always in his element when he was working towards a goal, which in this instance was Poland's membership in NATO – but this vision still needed to be defined.⁴⁷ From the time he took office the Foreign Minister initiated ties (his visit to Brussels on 21 March 1990) with Manfred Wörner, the NATO Secretary General, whom he invited to Poland and who later hosted President Lech Wałęsa in Brussels. The difficulty in realising this national security policy had peculiar sources. The evolving international situation needed time. This was not only a result of Moscow's attitude and the presence of the Russian army in Poland (which lasted until September 1993), but mostly of the resistance coming from the West, which for the long time viewed Poland as a pawn of the Soviet/Russian State. Opponents of the Foreign Minister could be found on his own soil, and not only in the ranks of the PZPR. He relied on slow and calculated movements (in which he did not immediately make public his goals in their entirety, or even at all) which eventually showcased Poland as a reliable partner and a country with an effective government and even more effective diplomacy.

⁴⁴ Skubiszewski, *supra* note 2, pp. 131-4, 309-20.

⁴⁵ K. Skubiszewski, from a speech given 18 November 1992. (Skubiszewski, *supra* note 35.)

⁴⁶ *Gazeta Wyborcza*, 8 February 2010: "Professor Henryk Szlajfer recalled Skubiszewski in this way: He was a difficult and demanding partner, but as the Russians say - he was a man who wore a top hat - in other words, very serious, and deserving of respect, who could never be underestimated in negotiations. (...) Skubiszewski knew how to talk with the USSR. He initiated a very complicated manoeuvre, which passed into history. He established a dual-track policy, which consisted of maintaining relations with the USSR while building new relations with leaders of the Soviet Republics – separately with Belarus, Ukraine and Lithuania. (...) Szlajfer declared the Polish-Russian treaty developed by Skubiszewski as the crowning glory in the art of diplomacy."

⁴⁷ For a more complete picture see K. Skubiszewski, *Polska i Sojusz Północnoatlantycki w latach 1989-1991*, 1 *Sprawy Międzynarodowe* 9 (1999); *idem*, *Stosunki między Polską i NATO w latach 1989-1993 – przyczynek do historii dyplomacji III Rzeczypospolitej*, *Wykłady Polskiej Rady Biznesu* 2005, pp. 5-41 (regarding Boris Yeltsin's visit to Warsaw in 1993); see also the Minister's speech during a North Atlantic Council meeting in London, 29 November 1990, [in:] Skubiszewski, *supra* note 2, pp. 99-106.

For the sake of keeping good relations with Moscow, the West was not exactly eager to support Poland's membership in NATO.⁴⁸ "At the beginning of my work in the government, I did not speak of Poland's eventual membership in the NATO. At the time, the Alliance remained closed to our end of Europe. I did not want Poland to receive a negative response, as in the case of Czechoslovakia and Hungary. But I did start cooperating with NATO and, what's most important, I tried to convince the North Atlantic Alliance that our security and independence should also be their concern. I had a fantastic rapport with NATO's then-Secretary General Manfred Wörner. I started talking to him about Poland's entry into NATO after the dissolution of the USSR and after Gorbachev's exit. While Gorbachev was in power, the Organisation did not see a possibility of expanding to the East."⁴⁹

Poland entered NATO (with considerable support from the USA) in 1999, when the Minister of Foreign Affairs was Bronisław Geremek.

In terms of dealing with the European Communities, in May 1990 Poland submitted a petition initiating negotiations towards an Association Agreement, which was signed in December 1991 (it entered into force on 1 February 1994, though the trade aspects of the agreement came into force two years earlier). Poland entered the European Union in May 2004. As much as had been said about the division of Europe, after 1989 her boundaries could no longer end on the Elbe or the Oder. From the Polish perspective, and presumably from the perspective of the nations of the central-eastern region, the idea of expanding the EU and NATO was not just a question of expanding into the East, but rather of unifying Europe. Krzysztof Skubiszewski saw this membership as a chance for economic growth, civilizational revival, and modernisation for the country. He wished to move on from integrating *into* Europe to a *European integration*.

7. Immediately upon assuming office, Minister Skubiszewski became engrossed in German issues.⁵⁰ He chose not to enforce the agreement between the People's Republic of Poland and East Germany concluded during the times of communism, so he resolved to grant assistance to the refugees – nearly 6,000 people travelled to West Germany from Poland at the time when East Germany was still under Erich Honecker's communist rule.

Meanwhile, the unification of Germany loomed large.⁵¹ The strategies employed by Mazowiecki's government were relatively effective, though they were being implemented

⁴⁸ With respect to German hesitation, see J. Kranz, *Germany, Quo Vadis? A View from Poland*, 10(1) German Politics 141 (2001) (Special Issue: *New Germany, New Europe, Old Foreign Policy?*, ed. by D. Webber).

⁴⁹ Skubiszewski, *supra* note 18.

⁵⁰ He presented a draft of Polish policy on this matter on 22 February 1990, Skubiszewski, *supra* note 31; see also Skubiszewski, *supra* note 2, pp. 29-34.

⁵¹ See J. Barcz, J. Sułek, W. M. Góralski, J. Kranz contributions [in:] W. M. Góralski (ed.), *Breakthrough and Challenges: 20 Years of the Polish-German Treaty on Good Neighbourliness and Friendly Relations*, Dom Wydawniczy Elipsa, Warszawa: 2011. See also C. Rice, P. Zelikow, *Germany Unified and Europe Transformed: A Study in Statecraft*, Cambridge, MA: 1995; *Dokumente zur Deutschlandpolitik. Deutsche Einheit. Sonderedition aus den Akten des Bundeskanzleramtes 1989/90*, hrsg. von Hanns Jürgen Küsters und Daniel Hofmann, Munich: 1998.

at a time of great uncertainty. In short, it was unclear how it all would end and what the consequences for Poland would be. Minister Skubiszewski supported the unification of Germany, seeing it as not just a bilateral issue but also as a prospect for Europe's unity and stability and as part of a new international order. In February 1990, before Germany's unification, he had already formulated the notion of a Polish-German community of interests.⁵² His critics saw this as delusional, but in reality it was a far-reaching challenge for both countries, having the aim of intensive growth and a future European partnership.

Against this background, Poland wanted to secure unequivocal recognition of its western border (while the Germans were ambivalent and recalled Article IV of the Treaty between West Germany and Poland of 1970⁵³ and the rights and responsibilities of the Four Powers relating to Germany as a whole). "When the possibility of a unified Germany started to take shape on the cusp of 1989/90, I was initially afraid that the price of such unification would mean a certain restoration of Soviet influence in Central Eastern Europe, especially since the West continued to acknowledge Soviet interests. At a certain point, however, though not on 12 September nor 9 November [1989], it became clear to me that US President George Bush, Sr. was determined to achieve two goals: a unified Germany and support for the emancipation of the former Soviet Bloc. Before this, we had always been considered by the West as a zone of Soviet influence. (...) During the Cold War, the governments used to say: we are open, and in the end, a great opening did finally come to fruition, but not without much hesitation, and the public opinion of the West was not exactly prepared for this great turn of events."⁵⁴

The Minister recalled that "in July 1989, when a new parliament had already been established, the chair of the Civic Parliamentary Caucus, Bronisław Geremek, met with then German Chancellor Helmut Kohl. (...) Kohl accepted that the border agreed upon in Potsdam would not be changed, because it cannot be changed. When Geremek, however, mentioned he would like to publicly announce the Chancellor's stance, Kohl told him that publicly he would deny it. In November 1989, in a 10-point plan for the unification of Germany presented by Chancellor Kohl, there was no mention of our western border. Kohl was not opposed to this border, yet for reasons unknown, he chose to dilly dally on this matter."⁵⁵

The border issue was also problematic in that West Germany did not want to negotiate the text of the Polish-German treaties before formal unification. Thanks to the Minister's stubbornness, however, many Polish-German meetings did take place prior to

⁵² From a speech given 22 February 1990 (Skubiszewski, *supra* note 31).

⁵³ Treaty between the Federal Republic of Germany and Poland Concerning the Basis for Normalizing Their Mutual Relations, Warsaw, December 7, 1970: "IV. The present Treaty shall not affect any bilateral or multilateral international arrangements previously concluded by either Contracting Party or concerning them."

⁵⁴ Skubiszewski, *supra* note 18. See also J. Kranz, *Polska i Niemcy w Europie*, 1 Sprawy Międzynarodowe 5 (1998).

⁵⁵ Skubiszewski, *supra* note 18.

unification, during which Poland submitted specific treaty proposals and the Minister finally oversaw the course of negotiations of the Four Powers and two German nations (the future Two Plus Four Treaty) securing appropriate assurances.

One of Minister Skubiszewski's achievements was assuring Poland's participation in the Two Plus Four negotiations (formally the Treaty on the Final Settlement With Respect to Germany, 12 September 1990), the outcome of which was a unified Germany. "In February 1990, in Ottawa, during a conference regarding open skies, two German nations as well as France, the United States of America, the United Kingdom and the USSR agreed that they would be the only negotiators in matters of German unification (the Two Plus Four formula). A peace conference with the participation of all World War II participants was rejected. (...) Thanks to my intervention in Ottawa, however, the final statement relating to the aims of talks of the Two Plus Four nations, which read 'a discussion of external aspects of German unification', was supplemented with the words: 'inclusive of security questions of neighbouring nations.' This opened the doors for our participation in the Two Plus Four negotiations which dealt with German borders and other vital Polish interests. This was a great success for Polish diplomacy."⁵⁶ Decisions regarding German borders were adopted on 17 July 1990 during the Paris session of the Two Plus Four negotiations (with Polish participation) and they were reiterated in principle in the Treaty on the Final Settlement With Respect to Germany signed in Moscow on 12 September 1990.

During the Paris session of the Two Plus Four negotiations, Minister Skubiszewski took care that Poland's borders were not made a subject of any of the Four Powers' guarantee.⁵⁷ This sounds like a paradox, but guarantors frequently gain the greatest – often negative – influence and they do not always meet their obligations (as the recent situation of the Ukraine perfectly illustrates).⁵⁸

"It was important that the USSR ceased to function as the guarantor of the Polish-German border. I was apprehensive of potential Western concessions to the benefit of

⁵⁶ *Ibidem.*

⁵⁷ See *Przemówienie ministra spraw zagranicznych RP Krzysztofa Skubiszewskiego na spotkaniu ministerialnym konferencji "2 + 4"*, Paris, 17 July 1990, [in:] Skubiszewski, *supra* note 2, pp. 55-67. See also *Procès-verbal de la réunion des ministres des Affaires étrangères de la France, de la Pologne, de l'Union des Républiques Socialistes Soviétiques, des Etats-Unis d'Amérique, de la Grande-Bretagne, de la République Fédérale d'Allemagne et de la République Démocratique Allemande* (point 4): "Les Quatre puissances alliées déclarent que les frontières de l'Allemagne unifiée auront un caractère définitif qui ne pourra être remis en cause par aucun événement ou circonstance extérieurs. Le Ministre des Affaires étrangères de la Pologne indique qu'aux yeux du Gouvernement Polonais, cette déclaration ne constitue pas une garantie de frontières par les Quatre puissances. Le Ministre de la République Fédérale d'Allemagne indique qu'il a pris connaissance de ce que le gouvernement polonais ne voyait pas dans cette déclaration une garantie sur les frontières. La RFA s'associe à la déclaration des Quatre puissances alliées et souligne que les événements ou circonstances auxquels cette déclaration fait référence ne se produiront pas, à savoir qu'un Traité de paix ou un règlement de paix ne sont pas envisagés. La RDA souscrit à la déclaration faite par la RFA", [in:] J. Barcz, *Udział Polski w konferencji 2 + 4. Aspekty prawne i proceduralne*, PISM, Warszawa: 1994, pp. 167-168.

⁵⁸ See Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, Budapest, 5 December 1994.

Soviet influence in Europe in exchange for Moscow's consent to losing East Germany to unification with West Germany. Moscow was ready to write-off Czechoslovakia and Hungary, but various political powers within the USSR (especially the military) saw Poland differently – Poland's location between the USSR and Germany affected this view. This was also the reason for difficulties in talks (continued with Russia after the collapse of the USSR) relating to the withdrawal of the Russian military from Poland.⁵⁹

The Minister's concerns were not unfounded, likewise with regards to concessions benefitting the USSR on the part of certain centres of power within West Germany. The treaties negotiated between Poland and a unified Germany⁶⁰ were for the most part executed and proved fruitful.⁶¹ Such was the case in settling the matter of national minority groups in Poland and Germany. In this regard, the Polish-German treaty of 17 June 1991, signed by Minister Skubiszewski, set an example for other similar regulations.

Controversy arose around the matter of reparations from Germany. Since this was a multilateral issue, it could have prolonged the date for unification of Germany, potentially even turning it into an impossibility. The Four Powers were categorically opposed to this scenario. Poland renounced reparations in 1953, and the matter of compensation for the Polish victims of National Socialist measures of persecution was closed by way of a two-step compromise: bilaterally in October 1991 as well as multi-laterally in July 2000.⁶²

Unified Germany as a NATO member posed a peculiar problem. During the Paris session of the Two Plus Four negotiations, the Minister declared: "Mazowiecki's government has never been and is not now an advocate of unified Germany's neutrality. The isolation of the political and military role of such a powerful neighbour does not, presumably, lie in anyone's interest."⁶³ Poland did not have any direct influence in this

⁵⁹ Skubiszewski, *supra* note 18.

⁶⁰ Treaty between the Federal Republic of Germany and the Republic of Poland on the confirmation of the frontier between them, Warsaw, 14 November 1990 as well as Treaty of Good Neighbourship and Friendly Cooperation, Bonn, 17 June 1991. See Informacja ministra spraw zagranicznych o traktacie polsko-niemieckim, Sejm RP, 7 June 1991, [in:] Skubiszewski, *supra* note 2, pp. 137-42; Minister Krzysztof Skubiszewski's speech during a closed sitting of the Sejm, 26 July 1990, [in:] Barcz, *supra* note 57, pp. 173-80; Skubiszewski's speech in the Senate of the Republic of Poland, 25 October 1991, with regards to the ratification debate on the Republic of Poland-West Germany Treaty, [in:] Skubiszewski, *supra* note 2, pp. 179-83.

⁶¹ See J. Kranz, *Oczekiwania i rzeczywistość: uwagi o współpracy polsko-niemieckiej*, Centre for International Relations, Raporty i Analizy, vol. 5, 2003.

⁶² Deutsch-polnischer Notenwechsel vom 16. Oktober 1991; Joint Statement on occasion of the final plenary meeting concluding international talks on the preparation of the Foundation "Remembrance, Responsibility and the Future", Berlin, 17 July 2000; more extensively J. Kranz, B. Jałowiecki, J. Barcz, *Między pamięcią a odpowiedzialnością. Rokowania w latach 1998-2000 w sprawie świadczeń za pracę przymusową*, Prawo i Praktyka Gospodarcza, Warszawa: 2004; J. Barcz, *Pomoc dla ofiar prześladowania nazistowskiego (Polsko-niemieckie porozumienie z 16 X 1991)*, 1 Państwo i Prawo 49 (1992); see also K. Ruchniewicz, *Polskie zabiegi o odszkodowania niemieckie w latach 1944/45-1977*, Wrocław 2007.

⁶³ Foreign Minister Skubiszewski's speech during the ministerial meeting of the "2+4" conference, Paris, 17 July 1990, [in:] Skubiszewski, *supra* note 2, p. 64.

matter, but with the idea of Germany as a fully-fledged member of NATO Skubiszewski saw a chance of weakening Moscow's influence in Central Europe as well as facilitating the future expansion of the NATO into this region. Without NATO on the territory of a unified Germany, any expansion of this structure to the East would be decidedly hindered, if not rendered entirely impossible. Despite Russian opposition, the matter came to a favourable end in time.

8. Foreign Minister Skubiszewski was always interested in the relationship between international and municipal law.⁶⁴ During the Communist era in Poland, the Constitution in force (personally amended by comrade Stalin), for obvious reasons excluded this aspect. The Minister was one of the individuals who, post-1989, led the way to the first, preliminary adjustment in this matter. The significance of this issue could be observed during the negotiation of a treaty with Germany aimed at regulating, among other things, the status of minority groups. In this context, there was no way to escape the question of the status of international treaties in the Polish legal system.

Minister Skubiszewski attached high importance to human rights issues. During his time in office, Poland joined the Council of Europe, signed the Convention for the Protection of Human Rights and Fundamental Freedoms, recognized the jurisdiction of the European Court of Human Rights, and joined the Optional Protocol to the International Covenant on Civil and Political Rights. Poland was also the first of the post-communist states to recognize the jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court.

9. Foreign Minister Skubiszewski left a great heritage to Poland. The transformation he initiated was carried out with the aim of establishing trust in Poland as a predictable and reliable partner. His work demanded enormous effort, great wisdom and patriotism, and is perhaps not entirely appreciated today in all its dimensions.

In summary: he ensured Poland's participation in the negotiations on Germany's unification (the July 1990 Two Plus Four negotiations in Paris, with Poland's participation); he was one of the main architects behind the new treaties with all of Poland's new neighbours, including two very important ones with Germany; in 1990 he initiated the two-way eastern policy, i.e. maintaining direct contacts, without going through the USSR authorities, with the republics of the Soviet Union aspiring to independence; he was behind the 1991 dissolution of the Council for Mutual Economic Assistance and the Warsaw Pact; he engineered the launch of the first contacts with NATO (1990) and the Western European Union (1992); he was also behind the signing of the Association Agreement between Poland and the European Communities (1991); he won German compensation for Polish forced labourers (1991); he contributed to the emergence of Central European states' regional cooperation as well as Polish-German-French cooperation within the Weimar Triangle; he re-established diplomatic relations with

⁶⁴ See Z. Kędzia, *Prawa człowieka pośród wartości polityki zagranicznej*, [in:] Kuźniar, *supra* note 1.

Israel in 1990; he prompted visa-free travel to a number of Western countries; and last but not least, he coordinated the withdrawal of Russian troops from Poland in 1993.⁶⁵ He was also the chief government negotiator in talks with the Holy See on the Concordat, concluded in 1993.

In recognition of his contribution to Polish-German relations, Minister Skubiszewski was awarded the Wartburgpreis (together with the French and German Foreign Ministers, Roland Dumas and Hans-Dietrich Genscher) in 1992, and the Pomerania Nostra Award in 2005 (awarded by the University of Greifswald and the authorities of Szczecin).

The new orientation of Polish foreign policy which he initiated bore fruit in the following years, both for Poland and for Europe. Skubiszewski's success was not limited to his competences – he was well-versed in contemporary political history as well as international law. His personality also distinguished him among his peers, especially his foreign counterparts, with whom he conversed in English, German and French with great ease.⁶⁶ He was respected for his substance and eloquent speech, for his distinguished demeanour as well as for his candour and reliability. His achievements are testimony to the fact that personal chemistry (especially in conjunction with competence) plays a fundamental role in foreign relations.

In the Ministry of Foreign Affairs he promoted quality, though not without difficulties. He was not afraid to promote brilliant individuals into diplomatic service. “He expected a lot: competence, hierarchical loyalty, punctuality, and above all, to be driven by an ethos of service to your country.”⁶⁷ When his term of office was nearing its end in 1993, his closest associates presented him with an album with the dedication: “To one who dared to be wise” (*sapere auso*). Skubiszewski's “people” were no slouches – many of them had great success in their careers, though not many of them remained with the Ministry.

10. Many of his political postulates and aims remain current today. Below are a few of the most important and prescient.

With respect to relations with Russia and Germany: “The findings from the years 1989-90 are still current in that Germany and Poland are tied in a community of interest. This doesn't mean that we must return to the politics of that time, because the

⁶⁵ For more information on the latter issue see *Gazeta Wyborcza*, 24 January 1991.

⁶⁶ J. Reiter, *Rzeczpospolita*, 10 February 2010: “He was highly educated and belonged in good company among the best of the erstwhile Polish elite. He didn't feel alienated in any western foreign country. Whether he was in France, Germany, or Great Britain, he always felt at home. His Polish patriotism and Europeanism were in perfect harmony. He was a specialist on international law and knew many languages. Poland needed people like him in 1989. (...) Hans-Dietrich Genscher, former German Minister of Foreign Affairs, often recalled, with great admiration and respect, that in the course of negotiations pertaining to the unification of Germany, three languages were used: German, Russian and English. Everyone used headphones except for Skubiszewski, because he knew all three of those languages very well. Above all, however, what he enjoyed most from his peers was trust, without which good diplomacy doesn't stand a chance.”

⁶⁷ Mazowiecki, *Przypadek Krzysztofa Skubiszewskiego* (Tadeusz Mazowiecki's speech at the funeral of Krzysztof Skubiszewski 18 February 2010), *Gazeta Wyborcza*, 22 February 2010.

politics of every age have their own dynamism. But some elements remain constant. Pragmatism, so essential in foreign policy, suggests that we must stress that which brings us together and not that which tears us apart, the latter often being something that is exaggerated. Our relationship with Russia continues to be marred. Moscow's acceptance of our independence came in stages and not without resistance, and throughout the final days of the Soviet Union much remained unclear. Despite the warming of relations with Russia that came at the start of Boris Yeltsin's term, something of that defiance remained. From time to time, Moscow would send out a signal that nations such as Poland are not on equal ground with Russia. This point of view is derived from Russia's imperialistic mind-set and weighs heavily on our relations. The task of Polish diplomacy is to overcome these difficulties using a variety of means."⁶⁸

On the EU: "I always considered it beneficial to see the European Union from our perspective as a political union serving our national security, not only our economy. The national security factor was and remains foremost, because without it our independence and national self-determination regarding our destiny and progress are illusory. At the same time, EU membership gives us a chance for economic growth and civilisational revitalisation. In other words, it gives us a chance to become wealthy and powerful nation. There is no other way if we want to modernise our country and meet the challenges of globalisation. (...) The problem is that Poland doesn't – at least at the moment – participate in the debate regarding the future of the Union. And those absent are simply of no consequence. It is imperative that Polish policy regarding the Union remain active and grounded in a pro-Union strategy."⁶⁹

On the USA: "We must maintain good relations with the USA. Polish politicians need to remember, however, that Poland will never fully be a strategic partner for the US. The strategic partner for the United States on the European continent is Germany. In order to maintain good ties with the USA, we must maintain good ties with the Germans."⁷⁰

He remained a realist in his views; one who, despite the pitfalls of politics,⁷¹ never lost hope in a better future for Europe.

⁶⁸ *Polska w Europie*, *supra* note 30.

⁶⁹ *Ibidem*.

⁷⁰ Skubiszewski, *supra* note 18.

⁷¹ Sylvie Kauffmann, *Krzysztof Skubiszewski, diplomate polonais*, *Le Monde*, 17 February 2010: "Il était surtout un Européen convaincu et n'en ressentait que plus douloureusement la frilosité des grands Etats européens à l'égard des voisins de l'Est qui, comme la Pologne, venaient d'accéder au club des démocraties libérales et se reconstruisaient au prix de lourds efforts. Peu avant de quitter son poste de ministre des affaires étrangères, en 1993, il avait confié au Monde sa frustration de voir les Douze refuser de parler ne serait-ce que 'de la date du début des négociations sur l'adhésion' des pays d'Europe centrale à la CEE, 'des critères, des conditions, des prémisses' d'une telle adhésion. Et son regret de voir 'l'Europe occidentale tourner le dos lorsqu'a surgi le problème yougoslave', laissant ce conflit devenir, au bout du compte, 'l'échec de l'Europe'."

See Czesław Miłosz, *Sarajevo*: (...) "While a country murdered and raped calls for help from the Europe which it had trusted, they yawn. / While statesmen choose villainy and no voice is raised to call it by name. (...) / Listening with indifference to the cries of those who perish because they are after all just barbarians killing each other. (...) / Let them tremble and at the last moment comprehend that the word Sarajevo will from now on mean the destruction of their sons and the debasement of their daughters. / They prepare it."

11. When his ministerial mission came to an end Professor Skubiszewski was, astoundingly, offered no position in Poland that would have enabled him to make use of his vast expertise in the performance of further public functions.

He was, however, offered a highly prestigious international judicial position that recognised his great knowledge and experience: he served as the President of the Iran-United States Claims Tribunal (the most significant international arbitration) from 16 February 1994 until his death. This position required extensive knowledge and keen diplomatic insight. He also served as an *ad hoc* judge in two cases before the International Court of Justice (East Timor⁷² and Gabčíkovo-Nagymaros⁷³) and presided over the *Netherlands vs. France* case before the Permanent Court of Arbitration in 2004.⁷⁴

Professor Skubiszewski admitted in one of his interviews that “he owed the crowning achievements of his career as an international judge solely to his upbringing in his Poznań home and to his own hard work; Polish official factors didn’t play any part there.”⁷⁵

It is worth mentioning that Skubiszewski was faced with a dramatic decision in 1993, when he withdrew at the last moment from the election of judges to the International Court of Justice. The post would have crowned his career, yet at the Prime Minister’s request he withdrew his candidacy and decided to stay with the Polish Government for the sake of preserving the government’s stability, which was threatened by his potential resignation.⁷⁶

12. In the speeches delivered at his funeral, Krzysztof Skubiszewski was depicted as a person “thoroughly devoted to his work, with a great sense of duty to the country”, “the architect of an independent foreign policy of the Third Republic of Poland”, and “one of the founding fathers of Poland’s western direction.” These were words well-grounded in substance.

The first Prime Minister of the Third Republic of Poland, Tadeusz Mazowiecki, described Krzysztof Skubiszewski as “a man of great charm, a representative of the Oxford class which he embodied here, upon the Warta and Vistula rivers. He spoke and wrote beautiful Polish. His thoughts were reasoned and clear. He avoided grandiose statements (...) He was the architect of a sovereign foreign policy. From the onset he became a pillar of might in my government. I was quickly convinced that there existed between us a convergence of views with regard to steering policy. (...) It was a gift to collaborate with him during such a momentous, difficult and uncertain time.”⁷⁷

⁷² ICJ, *Case Concerning East Timor (Portugal v. Australia)*, Judgment, 30 June 1995.

⁷³ ICJ, *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)*, Judgment, 25 September 1997.

⁷⁴ *Affaire concernant l’apurement des comptes entre le Royaume des Pays-Bas et la République française en application du Protocole du 25 septembre 1991 additionnel à la Convention relative à la Protection du Rhin contre la Pollution par les Chlorures du 3 décembre 1976 (sentence arbitrale du 12 mars 2004)*.

⁷⁵ Głos Wielkopolski, interview, 2–4 April 1994, p. 3.

⁷⁶ *Życie Warszawy*, 15 June 1993.

⁷⁷ Mazowiecki, *supra* note 67.

His closest associates stress that he taught them “to represent Poland without resorting to chauvinism and megalomania; but where necessary to be uncompromising and firm – qualities that were a function of his convictions and view of the national interest.... We will remember him as a boss we were proud of.”⁷⁸

The life of Professor Skubiszewski was laborious and full of devotion to public ideals and intellectual challenges. Despite his sometimes demanding nature he demonstrated modesty when it came to his own needs. He was a man of self-discipline, diligence and integrity. He was dignified yet easy to get on with; he praised where praise was due. He was a Polish patriot and at the same time a European, deeply rooted in the culture of the Old Continent. He was an individual of staunch beliefs and clear judgement. His propriety, composure, reasoning and comportment were all distinctive factors of his personality. At times he perhaps gave the impression of haughtiness, but that quickly dissolved in direct conversation.

He had an exceptional memory and a great gift for storytelling. He remembered his family’s displacement from Poznań in 1939 in great detail, as well as wartime Warsaw, the atmosphere during the post-war years at the University in Poznań, and the expansion of belligerent Marxism in the study of international law in the 1950s. He was an excellent speaker who loved storytelling, but he also listened with a keen ear.

Given the context of his family home and environment, there were suspicions that a nationalistic pre-war Poznań may have influenced his views. In my personal relations with the Professor, however, I can state with certainty that there was never a hint of anti-Germanic or anti-Semitic sentiment.

His personal and political convictions were moderate. He was independent and tolerant. His motto was “live and let live.”

He experienced the totalitarian regimes of his times. Together with his family he suffered distress and persecution from both the Nazis and the Communists. Yet he rarely complained about his fate or about the biased criticism levelled at him after 1989.

He was a realist, yet in matters of fundamental importance he remained uncompromising both in his scholarly and political endeavours. His independent mind relied on European and Christian values. He never sought compromise for personal gain or for illusive ideologies – he remained unaffected by Hegel.

Serving Poland was a creed he inherited from his family tradition, although Poland at the time routinely shunned people like him, pushing them onto the sidelines. In one of his last letters he wrote on communist Poland: “Those were hard times, and yet our work remained sensible despite the absurdity around us.”

It is not an overstatement to claim that his ministerial achievements laid the groundwork for a free Poland and for the new European order. Was he appreciated? Not fully, because in Polish politics personalities like Professor Skubiszewski are do not always receive their proper due.

He died following a nosocomial infection on 8 February 2010, in his 84th year.

⁷⁸ I. Byczewski, funeral speech on 18 February 2010 (unpublished, on file with the author).

13. Krzysztof Skubiszewski was awarded the Order of the White Eagle, Great Cross of Polonia Restituta, Grand Officier de la Légion d'honneur, papal Gran Croce, Ordine Piano and Großkreuz des Verdienstordens der Bundesrepublik Deutschland.

He was a member of the Polish Academy of Sciences, the Academy of Learning, Institut de droit international, Institut de France – Académie des sciences morales et politiques, the Pontifical Academy of Social Sciences, the Curatorium of the Hague Academy of International Law, and many other Polish and international scholarly associations, including, since 1991, an honorary membership in the American Society of International Law.

He was awarded honorary doctorates by the universities of Ghent, Liège, Turin, Mainz, Geneva and the Cardinal Stefan Wyszyński University in Warsaw.

The Book of Ecclesiastes asks: "What does man gain from all his labour at which he toils under the sun?" (1:3, New International Version). If we were to ask Professor Skubiszewski if it was all worth his labour, he would in all likelihood have said yes, in spite of the high price he had to pay, more than once, for his resolute actions.

He took little rest in life but was able to leave this world a much better place, in accordance with the words *non omnis moriar*.