

A PROPER U.S. RESPONSE TO POLAND'S AMNESTY

With extraordinary fanfare, Polish strongman Wojciech Jaruzelski announced last month the amnesty of 652 political prisoners and up to 35,000 common criminals charged with minor offenses. This was to mark the 40th anniversary of Communist rule. It was also aimed at prodding the Reagan Administration to lift the sanctions imposed by the President in 1981 to retaliate against the imposition of martial law in Poland and the crushing of the Solidarity movement for democratic reforms. The White House and State Department have responded precisely in the appropriate manner. They have decided to resume scientific and cultural exchanges with Poland and to allow the country's airline LOT to resume scheduled flights to the United States. While the recent amnesty is to be welcomed as a positive step toward normalization of political conditions, it does not justify a wholesale lifting of the U.S. economic sanctions. The amnesty fails to fulfill the conditions set by the U.S. government. It is premature, moreover, to judge the amnesty's actual scope. There are legitimate doubts that it is truly unconditional.

The economic sanctions imposed by the U.S. and its NATO allies included a freeze on government to government lending, cancellation of Export-Import Bank credits to curb trade, suspension of landing rights of the Polish airline LOT, suspension of Polish fishing rights in U.S. waters, tighter restrictions on high technology trade, restrictions of scientific exchanges, suspension of most-favored nation status to curtail Polish exports to the U.S., and U.S. opposition to Polish membership in the International Monetary Fund (IMF). Western allies also suspended negotiations on rescheduling of \$15 billion government-backed loans of Poland's almost \$27 billion foreign debt.

At the time, Washington announced three specific conditions that would bring about normalization of commercial relations: the freeing of all political prisoners, an end to martial law, and the resumption of a dialogue with the Catholic Church and the now outlawed Solidarity movement. Over the past two years, the Polish government has met some of these demands and, each time, the U.S. responded favorably. In the aftermath of Pope John Paul II's visit to Poland in June 1983 and the subsequent partial amnesty of political prisoners and termination of martial law in July, the U.S. reinstated some Polish fishing rights, agreed to reopen negotiations of the country's debt together with some Western governments and opened U.S. airports to some 88 charter flights of Poland's airline. This step-by-step approach to lifting economic

sanctions thus has been vindicated by the recent amnesty legislation. While the Polish government's claim that the sanctions cost the country some \$13 billion in export revenue is clearly inflated and was meant to divert domestic attention from regime's inept economic policies, the sanctions had a significant impact on Poland's economy. As such, the case for further relaxing of the repressive measures became more compelling. Despite official denials that economic considerations figured in the recent amnesty, the continuing costs of the economic sanctions were a powerful incentive.

The full scope of the amnesty is yet unclear because the crimes of treason, sabotage, and espionage with which numerous political prisoners are charged are explicitly excluded. Furthermore, when martial law was rescinded, the Polish parliament passed very restrictive laws on "anti-state" activities which can be invoked to stifle political expression and pluralism. Finally, the amnesty appears more like a release on probation as the political prisoners are being freed on the tough condition that they desist from future political activities. Existing charges, moreover, can be reopened for up to two years. Rather than being a genuine amnesty, the legislation can thus be used to muzzle political activists.

More importantly, the Polish government has not yet fulfilled the crucial U.S. demand that the regime open a dialogue with Solidarity. The regime thus remains unwilling to allow political liberalization to resume. Since it was the purpose of the sanctions to bring about the restoration of the status quo ante, to lift the sanctions entirely now would be tantamount to countenancing continued repression in Poland.

The present situation called for the measured response that the White House in fact announced. But the White House prudently recognized that it is premature to lift all sanctions. By maintaining in place the most important sanctions--the denial of most-favored nation status and Ex-Im Bank credits as well as U.S. opposition to Poland's membership in the IMF--the Administration signals continued U.S. displeasure with domestic repression and encourages lasting political change. Any future steps toward removing sanctions must await further internal reforms in Poland.

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