Vortrag Direktor Altendorf in Sofia, 26. 11. 2013

“The transition in Eastern Europe throughout the documents of the communist secret services”

Speech Title:

The BStU in Germany as an Example of the Development, Significance and Perspectives of Agencies Working to Come to Terms with the Past

Dear Mr. Kostadinov,

Members of the Commission,

Ladies and Gentlemen,

Honourable Colleagues,

In my speech I would like to address a few important aspects of the founding history of the Agency of the Commissioner for Stasi Records (BStU). After the revolutions of 1989/90 and the fall of the communist dictatorship, the BStU was the first agency established to take charge of the documents left behind by the secret police to ensure that they be dealt with in a constitutional manner. At that time nothing was certain and it was not yet clear how things would develop in the future. Nevertheless, standards were set for the agency’s further development. Standards that were important in the years to follow and which continue to be important in many countries in the EU today.

The political foundations of the BStU agency were laid exactly 24 years ago, in the fall of 1989, when hundreds of thousands of citizens of the German Democratic Republic took to the streets and brought down the dictatorship in a peaceful revolution. This was a first in the history of Germany!

In late November/early December 1989, plumes of smoke rising from the offices of the Ministry for State Security (MfS) signalled that its employees had begun destroying documents. Citizens responded by occupying the Stasi offices in the East German districts. Their aim was to secure the files. In the offices they found large heaps of paper and endless shelves full of archival material. The SED government – the GDR still existed! – was meanwhile trying to reduce and rename its institutions in an effort to retain the structures of the secret service. But at the Round Table, opposition groups were successful in achieving a resolution that called for the complete dissolution of the Ministry for State Security. To see this demand implemented, a large demonstration took place in Berlin on January 15, 1990 that ended with citizens occupying the central headquarters of the Ministry for State Security.

The Agency of the Commissioner for Stasi Records has been in existence since December 29, 1991 when the Stasi Records Act came into effect. It was preceded by the Agency of the Special Federal Commissioner for the Personal Data Records of the Former State Security Service that had been established on October 3, 1990, the Day of German Unity.

All federal parliaments (Deutsche Bundestag) and federal governments elected since 1990 have expressed clearly that coming to terms with the SED dictatorship is desired politically and that access to the Stasi records plays an important role in this. Joachim Gauck, the current President of the Federal Republic of Germany, was the “founding father” of the agency. He was succeeded by Marianne Birthler and Roland Jahn, both of whom were elected by parliament with an overwhelming majority. There has never really been a major political dispute about this in Germany – a very meaningful “grand coalition” that has lasted more than 20 years.

The Stasi Records Act combines the political demands of the GDR opposition for the files to be opened (“freedom for my file”) with the constitutional principles developed in the Federal Republic, especially with regard to data protection. That was the prerequisite for the success of an act that guaranteed both the public’s right to information about state action in the dictatorship and the individual’s right to privacy.

The BStU’s task is to store, manage and file the Stasi records according to archival principles and to make them accessible to citizens, researchers and the media so that they can be used for the historical, political, legal and personal reappraisal of the past. During the first 15 years of the agency’s existence, the records were used for the important task of vetting, meaning examining whether public service employees and employees serving public functions had worked for the MfS in the past. The records continue to be used for this purpose, although to a lesser extent.

The Ministry for State Security, which produced and collected these documents, operated for forty years. Although many of the files, indexes and electromagnetic data storage devices were destroyed in 1989 and 1990, the civil rights activists were able to save a large amount of material. In total, the documents contained in our archives make up approximately 111 kilometres. If we add the calculated paper dimensions of filmed documents to the equation, then we have the equivalent of 158 kilometres. In addition there are about 15,500 containers filled with torn-up documents, more than 1.7 million photographs and about 30,000 film and audio recordings.

Since a large amount of the documents were haphazardly removed and secured from the MfS offices immediately following the occupation of the headquarters in 1989/90, they were in a state of total disarray. Consequently, extensive and in-depth archival indexing was necessary. This is the only way to meet the demands of our legal mandate to provide citizens, inquiring agencies, researchers and media representatives a comprehensive view of the information compiled by the MfS on people and specific topics.

Naturally, the question of how we in Germany should go about coming to terms with the SED dictatorship was controversial.

For example there were and still are organisations and associations that call for “drawing a line” and putting this part of history behind us, who eschew any examination of the past events of the GDR. The active core of these groups consists mostly of former MfS officers and high-level party cadres.

Other people, including leading politicians from West Germany, initially feared that getting too intensively involved in the past might be detrimental to Germany; that looking back would divide society, endanger domestic peace and needlessly use up large amounts of energy that could be better invested in the reunification of the country.

We are familiar with similar arguments from the post-war era after 1945. In the end the last freely-elected parliament of the GDR -- with an overwhelming majority -- saw to it that the opening of the files and their constitutional use were part of the founding consensus of German reunification.

The Stasi Records Act makes it possible to counter spin doctors and draw-the-line advocates with many different arguments. The civil rights activists also fought for the Stasi Records Act so that it could be used to achieve a “change of elite” both peacefully and legally: the secret employees of the MfS should be prevented from regaining influence, or at least not without being identified as former employees of the Stasi. Hence, in Germany, past affiliation with the State Security Service does not automatically lead to exclusion from public office. Every biography is to be evaluated on an individual basis – that is the responsibility of the agency, city administration or ministry in charge of hiring the person in question. Our agency does not have this authority. Our job is to reliably provide the information available in the files to the responsible offices so that they are able to make an informed decision.

Despite eight amendments, the Stasi Records Act with its fundamental principles has remained intact for almost 23 years now. The number of personnel checks being carried out is much less than in the first 15 years, but access granted to researchers has been notably expanded. The Act continues to serve the personal, historical, political and legal reappraisal of the activities of the State Security Service and the power mechanisms of the former GDR, thus promoting an examination of Germany’s second dictatorship in the 20th century.

In summary, the act stipulates the following rights that were used and continue to be used today to an extremely high and unanticipated degree.

* The right of every individual to know whether and how his personal life was influenced by the MfS, be it through surveillance or other measures;
* The right of all people to be protected against abuse of data concerning them that was collected and retained by the MfS;
* The right of public and private institutions to use the documents to check whether members of their staff were employed officially by the MfS or served as unofficial collaborators;
* The right of the general public to use the documents for purposes of rehabilitation and criminal prosecution;
* The right of the agency to inform the public through civic education, research and media about the operations of the MfS on the basis of the Stasi records.

In Germany, the BStU works closely with various civic groups, memorials, and public institutions such as the Federal Foundation for the Reappraisal of the SED Dictatorship and the Federal Agency for Civic Education. The German federal government’s memorial concept provides the framework for this cooperation. This concept forms a broad political basis that the federal government and parliament have agreed upon. The demand for collaboration helps reinforce the task of coming to terms with the SED dictatorship. The Commissioner is guided by the principle of serving society, which means providing as much support as possible to social initiatives – including victim associations.

It is our duty to serve society’s transformation process, to support the interests of the victims of the dictatorship and promote civic education. But our role is not a passive one. In the reappraisal and social structure networks, we are actively involved in shaping commemorative culture and contributing to the efforts being made on many different levels to come to terms with the SED dictatorship. By spreading knowledge about how dictatorships function, we convey the importance of democracy, especially to younger generations.

In conclusion I would like to make some remarks about the national, European and international perspectives:

* Following the parliamentary elections in Germany, negotiations are currently underway for the so-called Grand Coalition, a government coalition between the Christian Democratic and Social Democratic parties. A point of issue in these negotiations is the future of the BStU after 2019 – that is 30 years after the Peaceful Revolution and almost as many years that the agency will have been working. It is expected that a parliamentary commission of experts will be appointed to address this question. The BStU is part of the legacy of the Peaceful Revolution in the GDR. But this should not mean that it remain tied to this historical era. The agency has to fulfil the mandate that it was given and to do this in the future, it will have to adapt to changing conditions. Although no decision on this has been publicly announced as of yet, I am quite certain that the following premises will continue to be valid in the future, even beyond 2019.
* Access of each individual to his files, at the very least to the degree that has existed until now;
* Access of the media and researchers to files on the basis of standards that have been developed over the last decades;
* Access for purposes of criminal prosecution and rehabilitation, should this still be necessary;
* Continuation of educational work and international cooperation.

In stating this I am addressing an anticipated concern: there will be no “line drawn” under this history; the examination of the dictatorship and access to the files will not cease. But there will be discussions about the institutions which shall permanently administer these tasks, while maintaining the guarantee of file access.

That’s enough for now on the national perspective.

On the European level, the seven institutions that were established in Poland, Hungary, the Czech Republic, Slovakia, Rumania, Bulgaria and Germany to ensure that the files of the secret police be dealt with in a constitutional manner, have set standards. In the founding statement of the joint network established in 2008 and signed in Berlin, we expressed our commitment to the following four principles:

1. to provide those persons affected by the activities of the secret police access to the available documents that concern them
2. to guarantee a comprehensive examination and research of the activities of the secret police agencies on the basis of scientific findings and to promote social and political reappraisal work
3. To ensure that the files are handled according to the rule of the law, to make them accessible and, as institutions with this legal mandate, to speak out jointly and in agreement in the European Union in regard to these issues
4. To pay special attention to the professional and independent exercise of these functions so that political instrumentalisation can be prevented.

With this European network we want to make clear that this is not an isolated national issue and that the efforts being made to come to terms with the past are integrated within a European, international context. The joint aim of the network is to mutually support one another in managing these tasks. We want to guarantee the independence of archival research. We want to prevent any form of political instrumentalisation. We want to stand up for these issues publicly.

Despite all the national problems, differences, and non-synchronisms, this combined effort and connection is an asset that we, as part of the European commemorative culture, should value.

* During the more than twenty years in which the legacy of the communist dictatorships in Europe has been addressed, international standards were also set. Not in the sense of a specific model that could be transposed onto other situations, but as an important learning experience in the transformation process from a dictatorship to a democracy. There is a strong demand for this in our country: from the Arab Spring democracy movements, to the countries of South America that are still struggling with the burden of past military dictatorships, all the way to states such as Burma where cautious steps are being taken towards democracy. But we don’t have to look so far away. Not all of the states of the former Soviet sphere of influence have yet achieved democratic structures and they are far from dealing openly with their secret service files. Federal Commissioner Roland Jahn discovered this just a few days ago during a visit to “Memorial” in Moscow.

To summarise: Despite distinctive national characteristics qualities and differences, we are operating on a basis of European minimum standards of remembrance that have to be ensured for the future as well. We will be carefully watching and commenting on the developments in this area in the EU countries. And we know about the international impact of these democratic transformation processes – regardless of the origins of the dictatorship that was brought down. Our institutions within Europe and also those farther away can show that successful methods exist to deal with the legacy of dictatorships without following a “draw-the-line” policy that aims to put the past behind us.