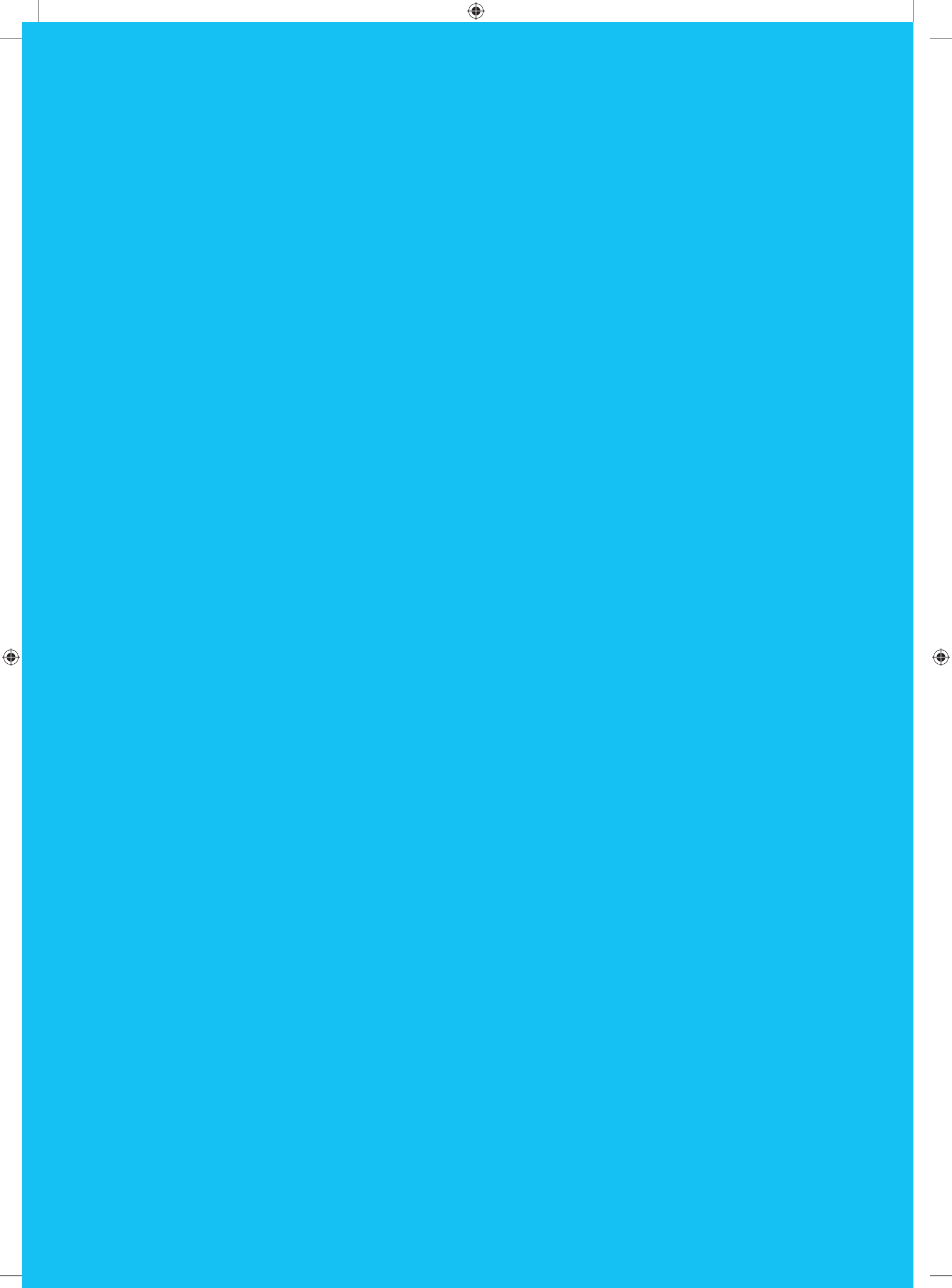


The early activities of the Polish government of Law and Justice formed after the October 2015 parliamentary elections causes concerns in the West about complying the rule of law and democratic standards. This resulted in implementation of the so-called rule of law mechanism by the European Commission and a discussion about the situation in Poland in the European Parliament. Concerns about the situation in Poland are related not only to the state of democracy, but also to the question of whether Poland ruled by the populist nationalists will remain a reliable partner committed to European integration. This paper attempts to address these last concerns. We try to foresee what changes in Polish foreign and European policies can be expected under the new government on the basis of the electoral campaign, the new government's first decisions and the party's strategic programming documents. The paper addresses the new government's position towards the main issues on the EU agenda and the future of cooperation with EU partners.

At this stage, there are still more questions than answers and the first activities of the new government in foreign affairs to some extent seems contradictory. On the one hand, we can observe a radical change in rhetoric in comparison to the previous government, but an answer to the question whether it will be followed by a real change or continuation in policy, is uncertain.

Contradictions can be seen in personalities. On the one hand, a new minister for foreign affairs, Witold Waszczykowski, although controversial, has many years' diplomatic experience, and the new minister for European issues, Konrad Szymański, is an expert in international issues and has been a well-recognised and appreciated member of the European Parliament for 10 years. On the other hand, there is a new minister of defence, Antoni Macierewicz, an unpredictable, radical politician, predicating conspiracy theories about the Polish president's plane crashed at Smolensk in 2010.

This last nomination should not underestimated. One priority (actually, the only one relating to foreign policy, mentioned by Prime Minister Beata Szydło in her expose), is a struggle for establishing permanent NATO bases in Poland (or "strengthening the NATO Eastern flank"), in relation to the NATO summit in Poland in July 2016. A minister mainly interested in conspiracy theories may not be a reliable partner for the West.



## THE RETURN OF THE PROBLEM CHILD: THE NEW GOVERNMENT AND THE EU

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Poland under the rule of Law and Justice will no longer be a favourite of Brussels but will Polish European policy really change?

Foreign policy, with the exception of the refugee crisis, was not a significant topic in the electoral campaign. This reservation has to be made, as the victory of Eurosceptic forces in the elections may suggest a shift in Polish society towards a more sceptical approach towards the European Union. This is not the case.

The shift, however, has been done in the governmental approach to the EU. One can surely expect different rhetoric than the one of the previous Euro-enthusiastic government of current European Council president Donald Tusk and more slogans about “defending national interests”. A first symbol of the change was the removal of the EU flag from Prime Minister Beata Szydło’s press conferences room. One can expect a return to 2005-2007 period, when Law and Justice government was not a constructive partner in EU negotiations.

On the other hand, although Poles remains sceptical towards adopting the euro in their country, the general support for the EU remains high, one of the highest in the EU. According to the most recent poll, 84% of Poles support Poland’s membership of the EU. The level of membership acceptance is nearing last year’s result and is higher than in 2012 and 2013. Even within Law and Justice electorate the vast majority (78%) support EU membership. Moreover, 39% of Poles think, that the EU should integrate even more, comparing to 25% saying that the integration has gone too far. Within Law and Justice electorate these number are 35% and 32% respectively.<sup>1</sup> This shows that European issues were of secondary importance compared to domestic matters, but also signals that Law and Justice, if following its electorate, should be rather moderate in its Euroscepticism. A real change in Polish activity within the EU is not certain.<sup>2</sup>

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<sup>1</sup> CBOS, *Opinie o funkcjonowaniu Unii Europejskiej* [Opinions about functioning of the European Union], Research Biuletyn 169/2015.

<sup>2</sup> Openly anti-EU forces are stronger than in the previous parliament with a few nationalistic MPs elected from the Kukiz-15 party, but weaker than in the 2014 European Parliamentary elections when Janusz Korwin-Mikke party won four seats. In the last elections his party did not cross the electoral threshold.

Polish voters stay pro-European. European and foreign policy issues were not the reasons for PiS’ victory

### One shouldn't expect any steps towards Poland's eurozone membership

### The Polish government will oppose the EU climate policy and emission targets

Law and Justice firmly opposes the federalisation of the EU. Its programme for the 2014 European Parliament election stated: "The EU is – and must remain – an international organisation." It is, therefore, a Eurosceptic party if defining Euroscepticism as opposition to further integration, but it does not oppose integration as such. Instead, Law and Justice demands the return to economic integration and limiting political integration. The party declared: "We will not lead Poland into any voluntary arrangements increasing the extent of European integration which do not meet the criterion of being clearly beneficial for Polish interests and we will withdraw from the objectively disadvantageous solutions of enhanced cooperation in which Poland has already been included." Law and Justice further declared: "We propose a Euro-realistic community of nations and states to replace the European fantasies or a vision of Euro-domination of the strongest." Following this logic, Law and Justice is against introducing the euro. Therefore, one shouldn't expect any steps towards Poland's eurozone membership. However, this is not a radical change in comparison with the former government, which did not move this issue forward either.

Law and Justice also wants to defend Polish identity in the EU. "We will effectively defend Polish national identity, tradition, culture, and the Polish model of life and customs against the emerging tendencies to introduce, in a supranational manner, some risky cultural experiments that are not accepted by the majority of society. Every nation and every state, within the European community, must preserve its sovereign right to shape its own model of social order and not to be subjected to some specific 'cultural re-education' from the outside." The "Polish model of life" means, in that respect, the conservative-catholic model of life.

The clash with Brussels is expected in sectoral policies. The Polish government will oppose the EU climate policy and emission targets and defending the interests of Polish industry and coal sector. In Law and Justice programme documents for the party "Programme Convention" in July 2015, the current minister of environment assessed that the EU Climate and Energy Package "in its current form is not a struggle of the European Union with possible climate change, due to its insignificant carbon dioxide emissions in the global scale. It is a struggle with Polish coal, a struggle with Polish state through damaging its energy security."

This is not a rhetoric the former government would use, but the approach is similar. Civic Platform in its electoral programme wrote the following: "We will seek balance between all EU policies (...), between industrial and climate policy, so that the activities within these policies does not lower the competitiveness of the Polish economy."

## THE NEW GOVERNMENT AND REFUGEES

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In a paper about the Polish electoral campaign after the 2014 European Parliamentary election, we had doubts whether Law and Justice can cooperate with Western Eurosceptical movements, which “may be surprised by the fact that Prawo i Sprawiedliwość (Law and Justice), which often emphasises that European integration has gone too far, at the same time supports the creation of a European army and the quick accession of Ukraine into the EU. The situation is similar as far as the internal market is concerned; while in the West questioning of the internal market’s very principles, and especially of the opening of the labour markets to the citizens of the ‘new’ EU member states, is the main element of the Eurosceptics’ campaign, Polish Eurosceptics are advocates of the internal market, in particular, the free movement of people.”<sup>3</sup> However, a new factor has appeared. This is the refugee crisis, which unites right-wing parties Europe-wide.

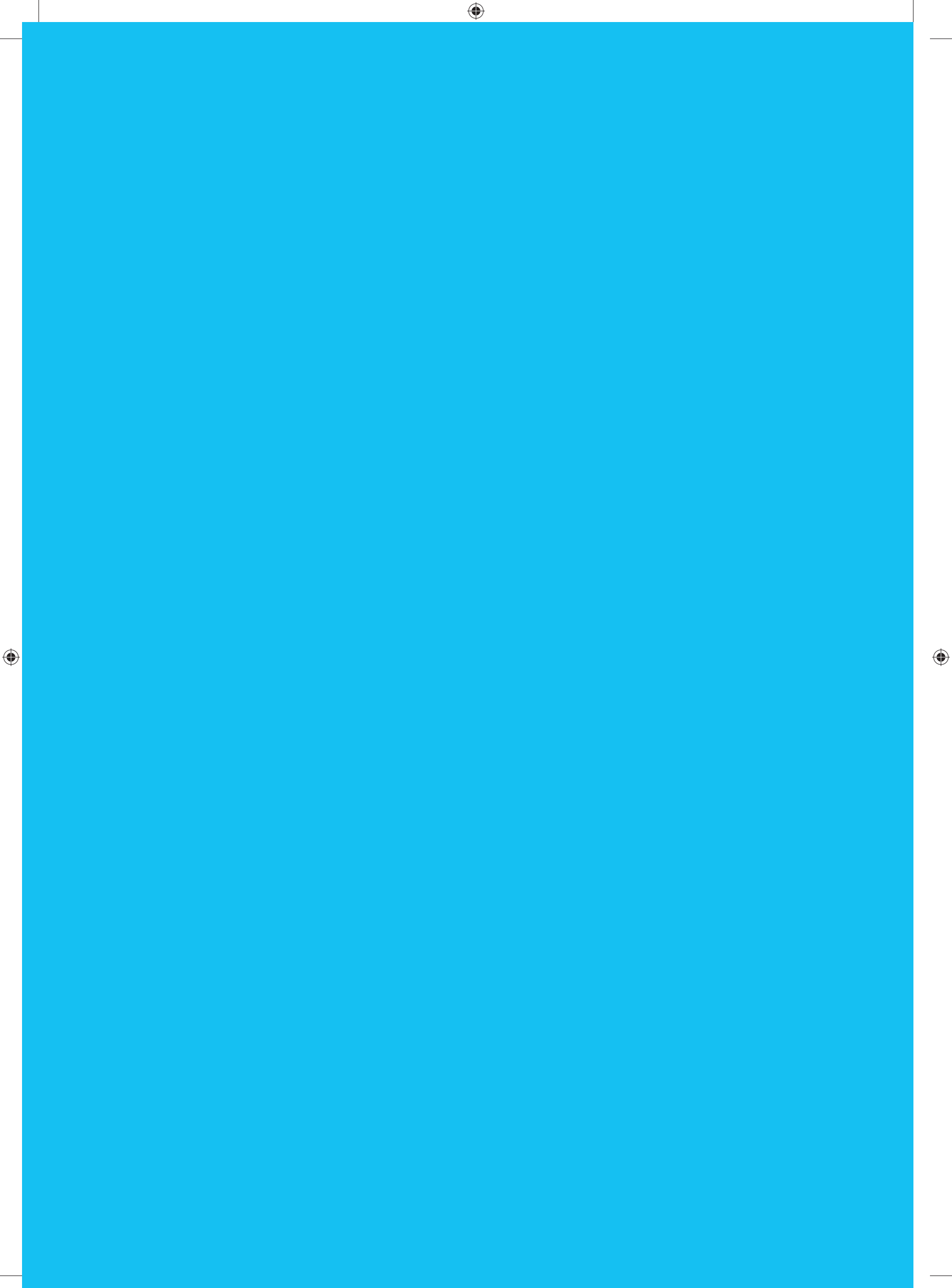
Also Law and Justice is against accepting refugees, but its position was modified after the elections. After the statement of the Minister of European Affairs that after the Paris attacks Poland will not accept refugees, the Minister of Foreign Affairs has adopted a more moderate approach, probably realizing, that international commitment have to be fulfilled. In an interview he said that refugees who are able to confirm that they are “real” refugees and who are willing to come to Poland will be accepted. “Poland respects international law and gives refugees a possibility to obtain asylum, if they document their status and are really fleeing persecution,” he said.<sup>4</sup>

The refugee crisis, or the public resistance towards accepting refugees in Poland is also believed to be one on the main factors behind Law and Justice’s electoral success. Therefore, this creates a kind of commitment for the party to reverse the former government’s decision of accepting refugees allocated within the EU, or at least block any such allocations in the future.

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<sup>3</sup> See: A. Fuksiewicz, J. Klein, *Euroscepticism in the Polish and German 2014 European election campaign*, 2014, Institute of Public Affairs, <http://www.isp.org.pl/publikacje,25,839.html>.

<sup>4</sup> Interview with Witold Waszczykowski: <http://www.berliner-zeitung.de/politik/interview-mit-witold-waszczykowski-polens-aussenminister-uebt-harsche-kritik-an-deutschland,10808018,32928230.html#plx1059333485>



## THE NEW GOVERNMENT AND GERMANY

A big shift is expected – and already happening - in Polish-German relations – a priority for the previous government, strengthened by close personal relations between former Prime Minister Donald Tusk and Chancellor Angela Merkel. There are several important issues antagonising Warsaw under the new regime and Berlin, and therefore, the maintenance of good relations depends on a constructive approach on both sides. One can hardly expect this kind of approach from a political circle with strongly ingrained anti-German phobias in its historical background.

First, the list of discrepancies include Polish scepticism towards the allocation of refugees. Berlin's refugee policy has been strongly criticised in Poland and the agreement of the previous government to accept 7,000 refugees to be relocated to Poland by many is perceived as compliance towards Germany. The argument of a lack of Polish solidarity at the time of the refugee crisis is refuted by Law and Justice, with the argument of the lack of Germany's solidarity in energy policy, while supporting the Nord Stream 2 Baltic pipeline. In addition, other energy and climate EU policies as well as German unacceptance towards establishing permanent NATO bases in Poland (or the region) will divide Polish and German positions in the future. Moreover, Law and Justice politicians sometimes refer to the disadvantageous situation of Poles living in Germany and claim they should be given national minority status.<sup>5</sup>

Minister Waszczykowski criticises his predecessor Radosław Sikorski for his well-known speech in Berlin, including the words: "I fear German power less than I am beginning to fear German inactivity"<sup>6</sup> and the government for "adopting the concept being as close to Germany as possible, instead of building regional alliances". Furthermore, he claims: "Sikorski kept saying for years that close cooperation with Germany will bring us closer to the centre of EU decision-making. So what are we deciding about now? Where are we in the case of solving the Russia-Ukraine conflict, which is so

<sup>5</sup> There are approximately 1,617 million persons currently or formerly holding Polish citizenship living in Germany, according to the German Statistical Office, although the German authorities denies them minority status: <https://www.destatis.de/EN/FactsFigures/SocietyState/Population/MigrationIntegration/PersonsMigrationBackground/Tables/MigrantStatusFormerCitizenhip.html>

<sup>6</sup> Speech of November 28, 2011.

Government wants to maintain good relations and friendship with Germany, but Berlin is no more called the most important partner

important for us? Instead of being an important partner, we have become a vassal.”<sup>7</sup> It is unclear, however, to what extent these changes in rhetoric will be followed by a change in policy towards Germany, as through his first visit in Berlin as well during his speech in the Polish parliament, Waszczykowski admitted Poland would like to maintain “good cooperation and friendship with Germany”.

The real state of relations and attitudes of the new government towards them will be tested in 2016, the year of the anniversary of the Polish-German Treaty of Good Neighbourhood and Friendly Cooperation.<sup>8</sup> The jubilee was planned by the previous government and included intergovernmental consultations of both cabinets in their entirety in Berlin, a common logo, and many events on different levels. The new government seems not to be as devoted to this anniversary as its predecessors. Waszczykowski claims that it is a good opportunity to have a positive reflection on the shared interests in Europe, but also to take stock of issues between neighbours. Nevertheless, the network of Polish-German ties between civil society organisations, companies, towns’ partnerships, and exchange programmes is so solid that its state will not be influenced by the potential deterioration of relations between governments.

United Kingdom and Visegrad countries are called the most important allies

Poland with Law and Justice government will no longer be a driver of European integration, and this is another reason why Polish-German cooperation will be less intensive. A more natural partner will be another, more Eurosceptic, EU superpower – the United Kingdom. However, the quality of the cooperation with London is also unclear. On the one hand, Law and Justice’s vision of EU development and possibilities of future integration is close to the one presented by the British conservatives. Both parties are in the same political group in the European Parliament (European Conservatives and Reformists) and form a majority of its EP members. On the other hand, the UK’s demands for EU reforms prior to the forthcoming British referendum over EU membership, which could result in the limitation of the freedom of movement of people or social rights of Poles living in the UK, may lead to confrontation with the current government, which wants to defend their labour and social rights.

Although Law and Justice is a member of the third political group in the European Parliament – European Conservatives and Reformists (ECR), it is rather an outsider in the EU political parties’ scene. Therefore, its conservative government is expected to seek cooperation with other conservative forces in the EU, mainly in Central-Eastern Europe, such as Hungary and Slovakia. Cooperation with the largest EU members may be problematic unless, for instance, forces such as the National Front comes to power in France.

<sup>7</sup> Interview in *Rzeczpospolita* November 15, 2015.

<sup>8</sup> Signed June 17, 1991.



## A CENTRAL EUROPEAN AXIS: A CHIMERA OR A REAL OPPORTUNITY?

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What is the alternative to Polish-German cooperation? An “*idée fixe*” of the foreign policy of the new government is the creation of a coherent alliance in the Central and Eastern Europe. This is where the new government will seek more cooperation as an alternative to close ties with Germany and the other biggest EU members.

“I am thinking about the creation of a partnership bloc, from the Baltic Sea to the Black Sea, to the Adriatic Sea. A state is strong when it is surrounded by allies,” President Andrzej Duda told the Polish Press Agency PAP when still the president-elect. This was emphasised by his first international visit to Estonia.

The new government will seek closer cooperation with countries of Central Eastern Europe, in particular Visegrad Group (V4) members, i.e., the Czech Republic, Hungary, and Slovakia. In particular, Viktor Orbán’s Hungary is often referred to by Law and Justice politicians. As far back as 2011, Jarosław Kaczyński used the following words: “I am deeply convinced that a day will come when we manage, when we will have Budapest in Warsaw.” The new Polish government, unlike the previous one, joined Hungary and Slovakia in the struggle against the agreed allocation of refugees within the EU.<sup>9</sup> Alliances in other cooperation areas are less promising. First and foremost, the Russia-Ukraine conflict (or the policy towards Russia) is an issue dividing Visegrad countries – the new Polish government being rather anti-Russian in comparison to their predecessors.<sup>10</sup>

A binder for V4 could be the authoritarian tendencies of its leaders and their harsh opposition to the EU and its most influential member states. However, it is doubtful whether such a “coalition of dictators” would be interesting for others in the region, for instance the Baltic states or Romania.

The new government is expected to continue its predecessors’ policy towards Lithuania and the dispute over the rights of the Polish minority there.

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<sup>9</sup> Slovakia submitted a lawsuit to the European Court of Justice against the deployment of refugees in the EU on the basis of mandatory quotas.

<sup>10</sup> Besides other reasons, this is a question of emotions, because many Law and Justice party voters, as well as its leaders (at least officially) believe that the Polish President’s plane crashed in Smolensk in 2010 due to a Russian attack.

Ukraine remains a priority for the Polish government. One might have doubts whether this will be the case, as right politicians in Poland often criticise nationalistic tendencies in Western Ukraine, and Law and Justice's historic policy often refers to the Massacres of Poles in Volhynia during the Second World War, which divides Polish and Ukrainian historiography. Nevertheless, in Kyiv, Andrzej Duda confirmed Polish engagement in supporting Ukraine in internal reform and towards the EU, but will not seek participation in the Normandy format.

## DOMESTIC SHAPING FOREIGN

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It is clear that the key for the current government, and its factual leader Jarosław Kaczyński, are domestic politics, and the aim is a profound change in political life, even on a constitutional level. Foreign policy is definitely not a priority on the agenda. However, it is domestic politics that will have a decisive influence on Poland's position in international affairs in the new future. Even if the Polish minister for European Affairs says that the European Commission is hypersensitive over the situation in Poland, the fact is that the position of a government, whose prime minister has to explain (excuse?) itself in the European Parliament for breaking the rule of law and democracy, and is put in the same row as Hungary's Victor Orban, will not have a good position in Brussels. This also puts in question the idea of a new Poland-led Central European coalition within the EU. For smaller EU member states from the region that seek the support of more influential members to promote their interests in Brussels, the leadership of the main European trouble-maker is not an option.

