

The End of an Era: Poland turns back to the EU

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In what has been dubbed both the most “normal” and the most awkward Presidential election in recent Polish history, Bronislaw Komorowski came out the victor on 4 July 2010. Jaroslaw Kaczynski put in a surprisingly good performance, gaining nearly 47% of the vote despite initial polls suggesting he would get closer to 30%, even with sympathy votes following the death of his brother, the late President Lech Kaczynski. Thus, the outcome has been seen as a victory both for the runner-up and for Mr. Komorowski’s pragmatic pro-European Civic Platform (PO).

This election marks the end of a cumbersome cohabitation between the PO-Peasants’ Party (PSL) coalition Government led by Donald Tusk and the militantly pro-Polish President Lech Kaczynski from the rival Law and Justice (PiS) Party. Although the role of the Presidency has been somewhat curtailed by the Constitutional Court,¹ the election of this particular President has important ramifications for Poland’s domestic and foreign policies alike. The latter, unfortunately, is likely to become hostage to domestic developments and an increased focus on EU-centric issues, sidelining both Poland’s eastern policy and the Eastern Partnership.

Breaking the mold

Poland’s latest Presidential election broke the mold in a number of ways. In the past, campaigns have been too focused on personal attacks, such as a notorious—and untrue—claim that Mr. Tusk’s

¹ In 2009, the Court declared that the Head of State, that is, the President, can decide about participation at high-level events but foreign policy lies fundamentally in the hands of the Cabinet of Ministers.

grandfather fought for Germany’s Wehrmacht, farcical campaign spots and the shenanigans of Janusz Palikot, the PO’s resident clown. Whether marked civility was the result of growing maturity among Poland’s political elite or—more realistically—the consequence of a campaign begun during a period of national mourning, remains open to debate. Still, this election demonstrated some clear shifts in Poland’s young political culture.

The first of these is the stabilization of the political spectrum. In what seems to contradict Duverger’s law,² Polish political forces have been increasingly consolidated around the liberal-conservative center-right PO and the national-patriotic right-wing PiS, despite the country’s proportional electoral system. The remainder of the political spectrum previously consisted of now all-but defunct fringe parties and the perennial PSL and Left Democratic Alliance (SLD), whose popularity fluctuates between 5% and 15%.³ Perhaps even more indicative of the long-term stability of the two big parties is their ability to rejuvenate their top line-up—one of the reasons for Mr. Kaczynski’s impressive score—and to avoid significant splintering from the top.

One feature that appears to have emerged on the Polish political scene is a shift from party competi-

² The principle, attributed to Maurice Duverger, claims that majoritarian elections favor a two-party system, while proportional elections favor a multi-party system.

³ Tellingly, the number of effective parties has fallen from a staggering 13.9 in 1991, to 2.8 in 2007, using methodology proposed by R. Taagepera and M. Shugart in *Seats and Votes: The Effects and Determinants of Electoral Systems*, New Haven, Yale University Press (1989).

tion based on directional voting,⁴ towards a more traditional form of competition based on the proximity model. Indeed, repeated attempts to soften the image of the previously belligerent Jaroslaw Kaczynski, including addresses both to German leaders and the Russian people, and the pursuit of moderate policy statements by both candidates, suggest that the recent campaign was a classic case of the "central location battle."⁵ The success of Mr. Kaczynski's strategy also suggests a one-dimensional bell-shaped curve of voter preferences, rather than the polarized version more typical of Polish politics. Indeed, it would be unlikely that a politician so thoroughly disliked—62% of Poles distrusted him according to a 2008 CBOS survey⁶ and support rarely exceeded 30%—would otherwise have been able to win nearly 47% of the vote.

These trends could yet be reversed in local elections, planned for this autumn, and parliamentary elections, tentatively scheduled for between June and November 2011—during the Polish EU presidency. Having "warmed up" in the Presidential campaign, Grzegorz Napieralski and Waldemar Pawlak, top politicians in the SLD and PSL, continue to tour the country as part of their local election campaigns. Campaigning for next year's Sejm elections will also soon begin.

Still, the actual date of the parliamentary elections has not been set. While there may not be sufficient support in the Sejm for early elections, the PO could dissolve the legislature with the help of President Komorowski. The possibility of a snap election this autumn can be justified in order to avoid a "Czech

scenario⁷" during the EU presidency and a risky period of procrastination. It could even give PO the opportunity to form the first-ever single-party Government in modern Polish history, given the historical surge in popularity Poland's ruling party tends to enjoy every fall.

It seems, then, that this shift in political trends will prevail in the next parliamentary elections. Although there will surely be a renewal of the mudslinging that characterized the 2007 elections, such as questioning whether certain candidates are "Polish enough"—meaning anti-German and anti-Russian—it is unlikely to be as divisive. The recent Presidential election at least partly mitigated the impression of a deeply polarized Poland. The country continues to be strongly divided along a number of lines, including former borders, age, education, and, of course, the rural-urban divide. Moreover, it is clear that voters at the various extremes harbor virtually irreconcilable ideas of Poland, its economy, its politics, and its place in the world.

Still, it would be inconceivable for Jaroslaw Kaczynski to receive such strong support without a significant center-leaning electorate that agrees with one or the other side on certain issues, does not want to see too strong a shift either way, and approves of moderate change, such as a President from the opposition with veto powers. It is this center that is likely to be the main locus of power in Polish politics for the next few years.

Dangerous waters: Reforms and more

PO has found itself in the desirable yet perilous position of nearly full power. With Mr. Komorowski as President and a fairly stable coalition Government, it can finally embark on long-awaited and long-promised reforms that had previously been vetoed by President Kaczynski.⁸ This carries two separate dangers. First, with parliamentary elections to be scheduled for some time in the autumn of 2011, Premier

⁴ As defined by G. Rabinowitz and S.E. MacDonald in "A Directional Theory of Issue Voting," *American Political Science Review*, # 83 (1), pp 93-121. The concept is based on politicians indicating the direction of change by taking on radical positions rather than the expected ones. According to this model, those who take on too radical a stance are punished by voters for coming out of the voter "comfort zone," a fate shared by many of Poland's minor parties. Conversely, the proximity model is based on voters' choosing the party whose position is closest to their own.

⁵ Depicted in *An Economic Theory of Democracy* by A. Downs, Harper & Row, New York, 1957.

⁶ Ranking nieufnosc: bracia Kaczynscy na czele. Retrieved on July 4, 2010, from <http://wiadomosci.onet.pl/1885996,11,item.html>.

⁷ During the Czech EU Presidency, a tumultuous domestic election aggravated an already poor performance.

⁸ A total of 18 major pieces of legislation were turned down by the late President.

Tusk knows that radical reforms, such as raising the retirement age and reforming social security—not to mention health care, education, and defense—are likely to create a sizable group of unhappy voters. Many analysts now believe that PO now has 500 days to prove its worth. If it stalls further, it will alienate a sizeable share of voters who are keen on reforms. Unless the Party moves elections forward to this autumn, it will be left to walk a tightrope between excessive and inevitable reforms.

The second danger comes from within the PO itself. With its archenemies in PiS on the defensive, it will now lack a common foe against which to unite its conservative and liberal factions. With Mr. Komorowski hailing from its conservatives and other top official posts also in the hands of conservatives, some liberals have fretted over their lack of influence in the political formation. However, a second fault-line appears more serious: one between supporters of Mr. Tusk and supporters of now-Party Leader Grzegorz Schetyna, a former Minister of Internal Affairs and the new Marshall of the Sejm. The first group is a more tightly-knit clique of generally younger, more media-friendly party members, especially those from the Gdansk branch, such as Agnieszka Pomaska, who ran the internet campaign, and Slawomir Nowak, long-time trusted aide to Mr. Tusk. Schetyna followers, by contrast, are more loosely organized and mainly from the capital and Silesia. Mr. Schetyna himself is one of the party hardliners, highly distrustful of PiS, with a reputation for being tough towards followers and opponents alike. However, he has demonstrated his loyalty to both PO and Tusk on numerous occasions—sacrificing both business interests and political positions—and is unlikely to split on a whim.

One of the most anticipated and fundamental reforms is a change in the role and powers of the Presidency. Removing the veto would prevent the type of stalemate seen during much of the Lech Kaczynski era. There could also be some further curtailing of the Presidential powers in the foreign policy arena, where the President remains Head of State and Commander-in-Chief. Existing ambiguities, partly addressed by a recent Constitutional Court deci-

sion, had earlier led to such embarrassing situations as Messrs. Tusk and Kaczynski showing up simultaneously at European Council meetings.

Other expected reforms include raising the retirement age, especially for job categories that currently benefit from special regimes, and restructuring social security. Measures to curb the deficit are also anticipated, in the form of an institutional limit on spending increases to 1% above inflation. Some of Mr. Komorowski's campaign promises could also pose problems: although he has firmly spoken out against it, a partial privatization of healthcare could be in store for Poland. Other promises are likely to remain at best partly fulfilled, notably a controversial refund of *in vitro* impregnation and keeping the retirement age—leaving a loophole for current workers.

A new team, a new approach

In terms of appointments, Poland's future President has announced his plan to nominate specialists rather than political figures, partly so as not to stir up antagonism between the Tusk and Schetyna groups. Stanislaw Koziej, one of Poland's most qualified military experts, with a respectable record in both academia and the military, and in favor of bringing Ukraine into NATO, is set to replace Aleksander Szczyglo⁹ as head of the National Security Bureau, which provides support to the National Security Council and influences both foreign and domestic policy. Mr. Schetyna himself has been nominated by PO leadership for the position of Marshall of the Sejm.¹⁰ Jacek Michalowski, current director of the Polish-American Freedom Foundation, is set to be the Chief of the Chancellery, a post he held under Premier Jerzy Buzek. This assortment of loyal co-workers in lieu of inside supporters—of whom there are very few—suggests the isolation that the future President is likely to face. The only major supporter Mr. Komorowski can boast is Jaromir Sokolowski, his chief-of-staff when he was Marshall of the Sejm, who will now be undersecretary of his Chancellery.

⁹ Mr. Szczyglo died in the Smolensk air crash.

¹⁰ Speaker of the parliament, Mr. Komorowski's previous post.

One of the big winners in the election and a potential kingmaker is the SLD's Grzegorz Napieralski. His 13% score in the first round and refusal to support either candidate in the second round¹¹ potentially give him the key to a future coalition. Moreover, some analysts expect the left to want to cash in on the support according to others than Mr. Napieralski. He is also seen as a potential candidate for Deputy Premier in a coalition Government. However, PO has already announced its plans to go for younger voters—those aged 18-24, who constitute the socialists' main power base. It is also possible that many of those who voted for Mr. Napieralski in the first round did so more in protest against the PO-PiS hegemony than out of genuine support for his policies.

A future PiS-SLD coalition is also possible. Such a deal would probably be brokered by Marek Dubniecki, Lech Kaczynski's son-in-law and a former SLD member. Contacts between him and Jaroslaw Kaczynski have steadily become closer, especially following the Smolensk tragedy, and he is seen as a potential deputy premier in a PiS-SLD Government.

Reviving the EU Presidency

The biggest arena for Poland to prove itself in the upcoming year is the EU. Having manifested both economic stability during the financial crisis—especially compared to its Central European neighbors—and political stability following the death of a key part of the country's senior leadership, Poland is now ready to pull its weight. However, the fading importance of the Presidency, now largely limited to hosting meetings, as well as the numerous gaffes of the new Hungarian government—initially expected to partner Polish proposals—could limit the substance of this endeavor.

In terms of organization and presentation, Poland is likely to fare well. A colorful, user-friendly website has been prepared for the occasion, and the Polish representation in Brussels is planned to be restored. Piotr Kaczynski,¹² an analyst at the Center for European Policy Studies, has stated that the Polish presi-

¹¹ 69% of his electorate chose Mr. Komorowski anyway.

¹² No relation to the Kaczynski twins.

dency will do good or much good. Given the failures of Spain and the Czech Republic, as well as the expected feeble performance of a divided Belgium and an economically battered Hungary, it would indeed be hard to do worse.

According to the Polish Ministry of Foreign Affairs, the most important issue that the Polish-Danish-Cypriot presidency will deal with is the EU Budget for 2014-2020. A second essential reform set to take place in during this EU presidency is a revamp of the contentious Common Agricultural Policy (CAP). This issue is likely to be divisive within the ranks of the PO Government, as Poland's farm sector employs close to 17% of workers, while the Party's liberal wing sees the CAP as an economic aberration.

Pushing the Eastern Partnership forward remains a top priority for the Tusk Government, particularly for its foreign policy star, the Oxford-educated¹³ Radoslaw Sikorski. A total of 10 ministerial meetings are planned for the period of the EU presidency, covering everything from infrastructure to education. One of the main threats highlighted by experts is if Poland were to try to force the hand of Vice President of the European Commission Catherine Ashton and embark on an overly ambitious project. This does not seem to be the case for the moment, as the Ministry of Foreign Affairs has made an effort to stay focused on key issues and to cooperate tactfully with European institutions. However, the success of the Eastern Partnership nations also depends on the efforts of partner countries, all of which have recently either stagnated or backslid in terms of democratic development and institutional reform.

Foreign policy: Turning West

The debates prior to the Presidential campaign clearly highlighted Poland's chief foreign policy concerns: Afghanistan, the EU and relations with Russia. Tellingly, the only reference to Ukraine and the Eastern Partnership was to "continue doing what we are doing, despite any improvement of relations with Russia." The only exception was Belarus, where

¹³ Mr. Sikorski is one of the few Poles in government to speak fluent English.

Mr. Kaczynski overplayed his hand, stating that the problem—particularly the situation with the significant Polish minority—should be “discussed with Russia.” Mr. Komorowski scored points by claiming that it would be like Germany and Russia discussing “the Polish issue.” Overall, a focus on the nature of EU cooperation, the US’s missile defense system, and the fate of the Polish mission in Afghanistan indicated a strong turn West in Poland’s foreign policy.

Both Jaroslaw Kaczynski and his late brother, as well as many in their entourage, belong to the Prometheist school of political thought. The theory, created by the national hero, Marshall Jozef Pilsudski, was based on weakening Imperialist Russia—be it soviet, Tsarist, or KGBist “managed democracy”—by supporting the establishment of the independent ethnic states on its territory. Ukraine holds a special place in this vision, as losing the country to the gravitational pull of Moscow was seen as both one of the greatest historical errors of Polish policy and the greatest threat to that country’s independence. Indeed, this is one of the reasons why Poland so eagerly recognized independent Ukraine, the first country to do so in 1991. Pilsudski saw an alliance among many of Russia’s successor states, possibly in the form of an “*intermarum* federation”—a grouping states between the Baltic, Black and Adriatic Seas—, as a guarantee of security.

It is this philosophy that motivated the late President to travel to the war zone in Georgia, express wholehearted support for the Yushchenko Administration, and constantly stir up mayhem in relations with Russia. While his blunders in foreign policy, his euro-skepticism and pernicious manner badly damaged Poland’s relations with its neighbors—Germany in particular—, Lech Kaczynski gained a fair share of recognition in Georgia: he became a close friend of the President and following his death several streets were named after him. His circle of anti-Russian politicians, including the Lithuanian and Georgian Presidents Valdas Adamkus and Mikhail Saakashvili, were responsible for a great deal of the uproar in the East Europe. The current Polish government is likely to be much more discreet: perhaps the down-

to-earth attitude of PO politicians will prove to be more effective than the hardball approach of the last President.

Indeed, being more Europe-orientated and set on improving the quality of life of Poles rather than rebuilding Poland as a military power, the current government will not likely engage in any activist policy in the East. While generally receptive to appeals from pro-Western politicians in the region, and far from being pro-Russian, the Komorowski Administration will probably steer clear of political quagmires in the East where it will be unable to score easy points with its electorate and can only highlight the shortcomings of previous policies.

The one possible exception may be relations with Russia, where normalization is favored by Polish voters and the polite yet firm diplomacy that PO politicians have previously demonstrated could bring significant gains. Moreover, while anti-Russian sentiment is prevalent among Mr. Kaczynski’s more radical supporters, many of the younger PO and SLD voters favor a more pragmatic approach, leaving the PO Government with little to lose.

One interesting recent development has been the partial revival of the Warsaw-based Community of Democracies. Founded in 2000 following a ministerial conference in Warsaw, this organization is committed to spreading democratic values, eradicating poverty, and supporting non-state actors (NSAs). A high-profile meeting organized for the CoD’s tenth anniversary brought together Foreign Ministers and other top officials from dozens of countries around the world. The US representative, Secretary of State Hilary Clinton, pledged US \$2 million to provide civic organizations with legal and technical assistance.

Polish-Ukrainian relations: In jeopardy

Ukraine has the opportunity right now to take advantage of the delicate situation of the present Polish Government. Eager to show itself as maintaining and continuing engagement with Poland’s eastern neighbors and not forfeiting the region in exchange

for better relations with Russia, the PO Government is prepared to promote any marketable achievements—as long as there is little risk involved. In this regard, three broad areas in Polish-Ukrainian relations can be identified: historical, economic and political.

The *historical dimension* is centered on settling a number of property-related conflicts and difficult issues in the countries' common past. Among the latter, the most touchy one is the question of crimes perpetuated by partisan forces on both sides, particularly those linked to the infamous Operation Wistula and the Volyn Massacres. Given President Yanukovych's disregard for the sensitivities of Western Ukrainians and his willingness to compromise on such important historical events as the Holodomor, it is surprising that he has not offered a condemnation of the UPA-instigated massacres in exchange for deals with Poland—in line with his general stance, which has utterly ignored Poland so far. However, any possible stance by Mr. Yanukovych on the matter will look highly disingenuous, considering his disregard for the role of the UPA in general, and would only come across as a cheap shot at Western Ukrainians.

Further problems concern compensation for property lost by citizens on both sides of the border. This issue could be particularly interesting for Ukrainian citizens, given the reversal of Polish policy over the past few years and the commitment of the current Government to proceed with compensation and re-privatization. In particular, recent years have seen the restitution of property confiscated by the Communist government, notably the headquarters of a Ukrainian Association in the southeastern Polish city of Przemysl. While many complaints have been expressed over the process, a lobby of former owners providing assistance has stepped up pressure on the Polish Government in recent years. Joint cooperation with Ukrainian organizations and the Ukrainian Government could significantly advance this process.

Minor *economic issues* between Poland and Ukraine can also be resolved fairly easily. Much of the busi-

ness lobby that supports the PO Government is in favor of easing work-visa procedures for Ukrainian, Belarusian, and Russian citizens. Moreover, it has successfully pushed for an easier procedure for short-term work permits. Still, the ultimate success of this issue is likely to depend on Kyiv's efforts to remove red tape and administrative hurdles for Polish investors in Ukraine, notably problems with the enforcement of court decisions regarding contractual obligations by companies linked to Ukrainian oligarchs. Any major economic deal, such as the deep free-trade area stipulated in the Eastern Partnership documents, must wait for a general EU-led initiative.

Broader *political rapprochement* between the two countries is also looking to go on hold for the time being. While the Eastern Partnership remains a top priority on the to-do list of the Polish EU presidency, effective action depends on the domestic situation within Poland and the general atmosphere in EU institutions. The presence of such figures as military specialist Stanislaw Koziej in the Presidential entourage is unlikely to have any effect on contacts between the two countries, especially after Ukraine's recent commitment to non-bloc status and the Black Sea Fleet deal, both of which prevent Ukraine from joining NATO any time soon. Moreover, without a substantial show of goodwill on behalf of the Yanukovych Administration—especially in regard to freedom of the press—Poland and Ukraine are unlikely to embark on any serious cooperation on any matters not pertaining to energy.

Conclusions: Mission not impossible

Although Poland has demonstrated institutional stability following the Smolensk tragedy, economic stability in the middle of the financial crisis, and growing consistency in its foreign policy, the upcoming period promises to be challenging. At the same time, the political and economic chaos that has engulfed the European Union, uncertainties regarding the war in Afghanistan following the resignation of General McChrystal, and the shift in relations with Russia, both bilateral and within the EU, ensure that the Government will remain busy on the foreign

policy front. Without a doubt, this will limit the time and energy available for strengthening the Eastern Partnership. Nevertheless, the current Government is in a much better position than previously, both within the EU and domestically, suggesting that it can accomplish more. Furthermore, given its need to demonstrate its ability to get results, it should be highly inclined to make deals fast, especially if presented with symbolic successes.

Ukraine can use this situation to push for issues in all areas of bilateral and multilateral relations. However, this will require public gestures, particu-

larly on the Ukrainian side. Otherwise, it is unlikely that even the incoming Polish President will do much to develop the Eastern Partnership, which is anyway at risk of being sidelined by more burning issues, such as the EU budget. Still, non-state actors have an opportunity to take advantage of the momentum gained by the Community of Democracies to find funding and technical support. Poland is not set to backtrack on its commitment to support democratic and economic development among its eastern neighbors. But, for the next while at least, domestic and EU-related issues look set to hold the limelight.

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