

Power Changes Hands in Warsaw, Change of Course in Foreign Policy?

Kai-Olaf Lang

The traditionalist-patriotic Law and Justice Party (PiS) emerged as the winner of the Polish parliamentary and presidential elections. Its Kazimierz Marcinkiewicz now heads the ruling minority government, and at the year's end Lech Kaczyński, a PiS leader, will take over as head of state. Since it was founded in 2001, the PiS has gone in for Euro-sceptical, national rhetoric critical of Germany that has raised doubts about the parties predictability and reliability. In stark contrast to the strong-arm overtone of recent years and the electoral campaign, for the time being, the Marcinkiewicz government and the PiS leadership have indicated to their EU partners flexibility and readiness to cooperate. And they have expressed the will to intensify relations with Germany. As long as the new political team in Warsaw remains pragmatic in its foreign and European policy and does not build a formal coalition with radical groups, Poland should be involved by its European partners rather than isolated.

As expected, the previous ruling party, the totally discredited post-communist Democratic Left Alliance (SLD) lost the 25 September parliamentary elections. No less predictably, two right-wing or centre-right parties, the Law and Justice Party (PiS) and the Civic Platform (PO), emerged as the strongest forces from the polls. What came as a surprise, however, was that the national-conservative PiS, led by twin brothers Lech and Jarosław Kaczyński, polled 26.99% and outperformed the more moderate, liberal-conservative PO, which polled 24.1%.

Although the two parties had agreed before the elections to form a coalition,

with the winner to provide the prime minister, Kazimierz Marcinkiewicz, the economist and PiS politician entrusted with forming a government, failed to forge an alliance with the PO. The main reason for this was the presidential election campaign, in which the two parties' candidates, Lech Kaczyński (PiS) and Donald Tusk (PO), were at daggers drawn. The winner of the presidential election rounds on 9 and 23 October was Law and Justice's Lech Kaczyński.

Once it was clear there was not going to be a PiS-PO coalition, Marcinkiewicz formed a minority government that won a vote of confidence in the Sejm on 10 November.

The Marcinkiewicz cabinet was backed by PiS deputies and the national-Catholic League of Polish Families (LPR), the agrarian-populist Samoobrona and the Polish Peasants' Party (PSL).

Conservative Revolutionaries the Winners?

Statements by some PiS politicians and individual measures undertaken by Lech Kaczyński as mayor of Warsaw have given the party a negative image, especially abroad. More important than to analyse this image is to assure oneself of the programmatic cornerstones that are the hallmark of the party's world view. They include:

▶ A marked *anti-communism*. Back in the early 1990s the Kaczyński brothers and their followers nailed to their mast calls for the liquidation of communist coteries of old and for a process of coming to terms with the past that amounted to more than mere lip service. Scandals of the post-communist Left in power after 2001 made this issue even more explosive. The call for decommunisation and lustration was anchored prominently in the PiS party programme.

▶ "*Streamlining*" the Polish state. "Overhauling" (*naprawa*) the state is said in the party's programme to be the overriding precondition "for achieving all other PiS objectives." PiS leader Jarosław Kaczyński summarized the guidelines for reform of the state in the slogan "Clean up, Toughen, Reorganize!"

▶ "*Moral revolution*." Postulating social justice, accentuating Christian values (the "axiological bedrock of our cultural area") and emphasizing common national bonds make up the threefold standard that enabled the party to penetrate the reservoir of national Catholicism. Jarosław Kurski, commenting in the daily *Gazeta Wyborcza*, noted accurately that the PiS had succeeded with its patriotic and Catholic phraseology in "breaking the monopoly of 'God, Honour

and Fatherland' previously held by the LPR."

▶ *National interests*. The party's fundamental foreign and European policy objectives are outlined in its 2005 Programme. The long-term PiS aim is to "build a strong republic taking up a position in the international arena that is worthy of a great European nation." The vision of the EU projected by the PiS is that of a "Europe of nations bound by solidarity" and a "league of nation-states." The sovereignty-conscious Euro-scepticism that lies behind formulas of this kind is accompanied by strong suspicions of Germany. It is highly significant that Germany was not even mentioned in the PiS election manifesto.

▶ "*Social Poland*." The call for societal cohesion and for a state that pursues active economic, social and employment policies, the demand for "poorer Poles also to benefit from economic growth" and the rejection of a linear income tax derive from a party programme that is centre-left on economic and social affairs. The successful polarisation of the party-political spectrum into a "social" camp (represented by the PiS) and a liberal pole (the PO) is likely to have made a decisive contribution toward Law and Justice's electoral victory.

All in all, the PiS is neither nationalist nor "reactionary," neither integrationist nor anti-European, neither anti-Semitic nor anti-German. These attributes apply more to the LPR. The PiS in contrast embodies a *social-patriotic traditionalism* with a strong element of statism. The strategic project envisaged by the party is that of setting up a Fourth Republic – a morally renewed and internally consolidated "state of national solidarity" (Jarosław Kaczyński). Yet the PiS is by no means "backward-oriented." It would like to see Poland modernised, albeit a Poland bound by Christian values, a Polish concept of the state and the principle of social balance. It is in favour of Polish membership of the EU, albeit an EU that is not being further consolidated, that is open to further enlargement and is,

Results of the 25.9.2005 Sejm Elections

	Share of vote (%)	Number of seats
PiS	26.99	155
PO	24.14	133
Samoobrona	11.41	56
SLD	11.31	55
LPR	7.97	34
PSL	6.96	25
MN	0.29	2
Others	10.93	–
Total	100.00	460

above all, closely linked with the United States.

Claim and Reality

How is the PiS world view, which is not radical yet is nonetheless rough-hewn, to be translated into legislative and government activity? The party's core competence lies in the wider bounds of justice, internal security and combating crime, so it is hardly surprising that the Marcinkiewicz government's first measures came in this category and that leading PiS politicians hold key portfolios such as home affairs and administration, justice and secret service coordination. One of its showcase projects is the creation of a new "central anti-corruption agency" to report directly to the prime minister that is to combine competences of the police, the domestic intelligence agency, the Audit Office and the tax police. Marcinkiewicz also plans a fundamental reconstruction of the secret services and, especially, the dissolution of the controversial military intelligence service, the WSI.

A second focus is on economic and social policy. The PiS team with its slogan of a "social Poland" must set social, family and welfare policy keynotes. But the Marcinkiewicz government's welfare package, which is geared to the socially weak (improvement of children's nutrition) and to families (billions to be invested in housing, children's allowances and one-off payments for new-borns), will be expensive and is unlikely to be financed, as initially planned, solely by savings in the public sector. To make matters even more difficult, the government must see costly demands by its nationalist and agrarian partners through parliament.

Culture and education constitute a further action priority. The Patriotism for Tomorrow action plan announced just days after the government was formed promises a "systematic patriotic education" and support for initiatives aimed at "patriotic and civic activation of young people."

Announcements made so far and the first specific moves by the Marcinkiewicz government provide two pointers. For one, the PiS agenda concentrates on domestic, economic and social policy issues. In foreign policy there are few signs of spectacular innovations. The focus here is on endeavours to concentrate on continuity and a professional approach (see below, p. 5). Meanwhile, one can but agree with a Polish commentator's succinct remark that "the PiS is not enthusiastic about 'abroad'" (Jacek Pawlicki).

For another, there are signs of a realism that differs significantly from the wild election campaign rhetoric, a realism that is due to wide-ranging economic, financial, personnel and institutional restrictions. The government will probably seek to fade out these limitations by means of symbolic projects or individual measures that are given extensive media coverage (such as the patriotism programme or meals for hungry children). The fresh start in the form of a new republic as advocated by the PiS is an unlikely prospect. That said, the assumption of office by Lech Kaczyński might at least lead to stronger ideologisation, at least verbally, given that the future head of state could see himself as remote from the day-to-day business of government, a champion of moral change and a motivating force behind a Fourth Republic.

The Marcinkiewicz government is seated fairly firmly in the saddle. The Opposition is unlikely to be in a position to topple it by means of a constructive vote of no-confidence. Lech Kaczyński will be a head of state who is interested in the well-being of the government or the ruling party. He is unlikely to block legislation, and even if difficulties arise in passing the budget he will consider whether a possible dissolution of parliament might then be opportune from the PiS's point of view. What is more, Premier Marcinkiewicz could well work his way through parliament by means of shrewd tactics and alternating majorities. He would thereby free himself from one-sided reliance on Samoobrona, the LPR and

the PSL while at the same time cooperating on specific issues with the Civic Platform. In the medium term, that could pave the way for a coalition with the PO.

Consequences for Foreign Policy: East ...

The “active foreign and defence policy” heralded by Premier Marcinkiewicz contrasts sharply, at least at first glance, with the harsher note he sounded toward Brussels, Berlin and Moscow before the elections. This impression is underscored by the appointment of Poland’s previous ambassador to Moscow, Stefan Meller, as Foreign Minister, by the language of the programmatic statements made by the new government and by the travelling undertaken by members of the government.

The new government aims to handle relations with Russia “mainly by means of EU structures, with a view to focussing its Common Foreign and Security Policy more toward Eastern Europe,” to use the wording of the government’s programme called “Solidary State”. At the Polish Foreign Ministry a permanent body is to be set up to analyse internal developments in Russia and Russian foreign policy and to draw up a strategy toward Russia for Poland “as a member of the EU and Nato.” The new Foreign Minister dealt soberly and professionally with the ban on imports of agricultural products that Russia imposed in November. Calm was first restored at a swiftly arranged meeting in Moscow with his Russian opposite number Sergei Lavrov, with Foreign Minister Meller not only admitting that irregularities had occurred in Poland in connection with the issuing of veterinary documents but also and above all seeking to depoliticise matters. Agreement was also reached in Moscow on holding meetings of the bilateral government commission on economic affairs and the joint “Difficult Issues Group” as soon as possible and on arranging a meeting of the two heads of government soon. This is all in keeping with Meller’s stated policy of “calm

objectivity” toward Russia. This emotion-free course may, however, be overlaid by the new head of state’s policy of “greater self-assurance” and his desire for more symmetry in travel diplomacy. It is doubtful whether a qualitative change in reciprocal relations will come about. Issues that gave rise to Polish-Russian irritation in recent years – tricky historical subjects, energy, conflicts of interest in the post-Soviet region, etc. – will persist. Russia even saw Polish Defence Minister Sikorski’s stated intention of opening Warsaw Pact archives as a “provocation.”

Continuity will be the hallmark of relations with the Ukraine and the new Polish government will consistently support Kiev’s European and Atlantic ambitions, including membership of the EU and Nato. In implementing the EU-Ukraine action plan Poland will aim in particular for swift progress in talks on visa easements and for recognition by the EU of the Ukraine’s market economy status. The new Polish executive is likely to continue the commitment to sub-regional forms of cooperation in the post-Soviet region (Community of Democratic Choice), especially with other or future EU members.

No realignment of Poland’s position on Belarus is to be expected either. The government in Warsaw plans to devise an “appropriate formula” to reconcile its attitude toward the regime in Minsk with its attitude toward society and the Polish minority in Belarus, bearing in mind “that our relations with Belarus [are] an elementary dimension of our relations with Russia.” The new Polish government is clearly determined to support the activities of non-governmental organisations in Belarus more than in the past – including “with our partners in the EU.” Setting up an independent radio station to transmit from Polish territory is to be given a boost.

... and West

Intensive reference to the United States and to the supremacy of transatlantic relations

for Polish security continues, after the changeover of power, to be a constant in Warsaw's system of foreign policy coordinates. Regardless of growing dissatisfaction with restrictive regulations on entry to the United States and the decline in acceptance of Poland's commitment in Iraq, the PiS will want to maintain close ties with Washington. The readiness shown by Premier Marcinkiewicz to station in Poland parts of a future US missile defence system has been criticised in his own ranks, however. Depending on the shape the overall anti-missile shield concept takes, the installation of components of this kind could trigger tension with Moscow.

Of its EU partners Warsaw especially underscores relations with Germany and France. Criticism of Germany voiced by PiS politicians during the election campaign (Germany was even described, in connection with the proposed Baltic pipeline, as a security risk for Poland) has been replaced by expressions of interest in cooperation with Germany, especially now that the new government in Berlin favours "more balanced" relations with Washington and Moscow.

The newly confirmed Polish government's stated intention is to lend "fresh impetus" to cooperation with France. On the face of it that comes as a surprise from a Law and Justice party that is considered to be sceptical about France. On closer scrutiny it is understandable, however. The PiS preference for an efficient and economically active state or the desire for a new republic can at least be interpreted as a structural affinity to Gaullism. In this connection it is interesting from the German viewpoint that the PiS chairman Jarosław Kaczyński forecast an improvement in French relations with Poland last spring, given that Franco-German cooperation was running out of steam and thereby "increasing our leeway." It is not just that Jacques Chirac was ostentatiously quick to congratulate the newly elected Lech Kaczyński or that Foreign Minister Meller, who grew up in France and once served as

Polish ambassador there, has close personal ties with France. There are also many points of mutual contact on issues such as the long-term alignment of the Common Agricultural Policy and of EU finances in general. The Kaczyński brothers seem to be sympathetic toward the enlargement of the group of five major EU countries (for the time being cooperating in the sphere of internal security) into a G-6 format mooted by French Interior Minister Sarkozy during his visit to Poland in August. At a meeting with Lech Kaczyński, Sarkozy assured the PiS leader of support for his European policy plans, given that he, Sarkozy, also envisaged a Europe of fatherlands. Due in part to the backdrop of growing dissatisfaction in Warsaw with the UK or, to be more precise, with the British position in the EU's financial dispute, a rapprochement between Warsaw and Paris took place. Even if fundamental disagreement on security issues continues to overshadow Polish-French relations they will merit special attention in the near future.

Since taking office Warsaw's new government has appeared to be tame on foreign policy issues. Little remains of the ambitious and self-assured language of the previous months. The government at least is interested primarily in demonstrating continuity, professionalism and pragmatism and dispelling advance suspicions of it being sceptical about Europe, hostile toward Germany and Russophobic. Before his first foreign visit to Brussels Premier Marcinkiewicz promised yet again to pursue an "active policy in the EU" and assured the Commission of Poland's full support.

Yet the new government's unexpected cooperativeness and flexibility must not be allowed to hide the fact that the PiS continues to pursue a defensive European policy. Its aim is to nip in the bud supposed German strivings for hegemony in Europe and to fence in an alleged Russian drive for expansion in the East. That is why Poland plans to integrate as a member of the group of six large EU states and to be one of those "with whom one reckons in the EU." Only

in this constellation is Poland in a position “to dismantle the Soviet empire definitively” (J. Kaczyński).

Moreover, the Polish government is unlikely to abandon its negative attitude toward the EU’s Constitutional Treaty. Some days after the new government had taken office Marcinkiewicz’s chief foreign policy adviser enigmatically announced that the new administration would submit proposals to modify the constitution. In the meantime, Marcinkiewicz on various occasions did not show special enthusiasm about coming back to the treaty. In any case, the Polish government does not seem much interested in additional attempts to reactivate the ratification process. Warsaw is unlikely to stall on financial negotiations, however, given that the prevailing view in the new administration is clearly that a compromise must above all be reached *soon*. Despite evident problems with absorption Poland is anxious in any event to prevent a reduction in the funding that will potentially be available. For the PiS, the EU is not least a transfer community.

Implications or Complications?

In foreign policy the PiS is keen on close ties between the EU and the United States. It calls for policy toward Russia to be pursued primarily via the EU and not via the capitals of EU member-states, and it plans to champion the Ukrainian cause or the “eastern dimension” in the EU. There is nothing new in all this. Unlike its predecessors, however, the new Polish government disapproves decisively of a number of core features of the Constitutional Treaty in its present form (lack of reference to God, decision-making system), generally objects to any further consolidation of the EU and tends to view foreign policy in historic contexts. Beyond these basic positions PiS foreign and European policy is not very detailed and the party has very little foreign policy expertise at its disposal. The Foreign Ministry, headed by the

realistic diplomat Meller and even more important now that it incorporates the UKIE agency entrusted with coordinating European policy, will ensure consistency. That said, the Foreign Minister is not a party member and may lack the political support that is needed to launch energetic initiatives. The head of state’s role is unclear for the time being. In foreign policy, as in other areas, there could be a division of roles between a government committed to *realpolitik* and a more emotional head of state who is more strongly influenced by historical positions and regional power considerations.

For the foreseeable future the Marcinkiewicz government will be mainly preoccupied with itself and foreign policy may as a result tend to be neglected. What is more, foreign policy could be instrumentalised for domestic political purposes. A problem from the PiS’s viewpoint is that its informal allies LPR and Samoobrona are more or less critical of America, pro-Russian on certain issues and, not least, anti-German.

Lastly, the Marcinkiewicz government’s economic policy could have repercussions on European policy or on Poland’s position in the EU in general. Marcinkiewicz’s *big government* policy is not intrinsically negative, but delaying the adoption of the euro, opposing the privatisation of “strategic” enterprises or pursuing a solidary economic policy could brake the dynamism of growth and reform. If growth were to slow down, Poland would be sure to urge even more strongly an externalisation of labour market problems (and oppose comprehensive modification of the Services Directive), to demand even more vociferously an opening of German and other labour markets before 2011 and in the final analysis even to adopt low-tax policies along the lines of other countries in Central Eastern Europe. If budget problems were to get out of hand, domestic upsets might be expected – and maybe even wind in the sails of radical political parties.

All told, then, internal, domestic, economic and social policy imponderables are likelier than the PiS's foreign policy concept to lead to European policy difficulties.

Germany and Poland: Give PiS a Chance!

In the first post-election phase, leading PiS politicians have also shown an open-minded attitude toward Germany. This openness should not be misinterpreted as a sudden goodwill toward Germany, however, especially as controversial bilateral issues such as the Baltic pipeline, the project to set up a Centre against Expulsions or possible activities by the Prussian Treuhand agency, might well come to a head once more in some form or other. As long as PiS politicians do not purport to be totally opposed to a policy on Germany and as long as they affirm an interest in German-Polish cooperation within the European framework, as long as they are prepared to decouple controversial historical issues from cooperation within the EU and as long as they do not make formal alliances with nationalist groups, Germany should be guided by the maxim "involve, not isolate." This motto includes the requirement to continue to seek common issues and forms of dialogue.

► The EU's "eastern flank," relations with its neighbours and with Russia in particular, continue to pose a central challenge for German-Polish relations. It is basically a matter of how the two countries can contribute toward the consolidation of cooperation relations with the Ukraine in the context of the European Neighbourhood Policy, toward the further development of relations between the EU and Russia in the Four Areas context and toward the quest for new forms of dealing with the special case of Belarus. The central feature is Poland's primal fear of being bypassed by a German-Russian understanding on which, from Warsaw's point of view, the construction of a bypass pipeline across the Baltic is based. To allay Polish fears of

being marginalized the establishment of a trilateral consultation framework between Germany, Poland and Russia should be considered. A "Warsaw Triangle" of this kind could concentrate on specific aspects of, for instance, economic cooperation, infrastructure coordination or environmental protection. A possible focal point could be cooperation between the three countries in the Baltic region, especially with regard to Kaliningrad. A further opportunity for this forum could be to help stabilise fragile Polish-Russian relations.

► Energy issues would also definitely form part of any such tripartite connection. They will also play a major role in bilateral dialogue between Poland and Germany. If the Baltic pipeline makes headway, the two countries should keep an eye open for new cooperation projects to safeguard and diversify their long-term energy supplies. The benefits of extending the Ukrainian Odessa-Brody oil pipeline to Poland from there to the West might, for example, be considered.

► The PiS focus on issues of internal security and justice could permit an intensification of German-Polish cooperation on appropriate issues. It would be in Germany's interest too if the new Polish government were to succeed in eliminating such as corruption and to make headway in combating crime. The PiS would be unlikely to rule out a dialogue if only because the new Polish Interior Minister has reaffirmed his country's wish to join the Schengen Treaty area in 2007. At the same time Poland is interested in making the border regime on its eastern flank more flexible. Neither objective can be achieved if Germany is opposed to it.

► Considering the self-definition of PiS as a party representing the idea of "social Poland" it would also be conceivable to kick-start a dialogue with the PiS on the European economic and social model and the prospects for the welfare state.

► The dialogue with Poland should be incorporated into sub-regional or multi-lateral EU structures. One option to be

considered might be a dialogue between Baltic coastline countries in a 3+3+2 format (Scandinavia, the Baltic states, Germany and Poland) on regional policy issues such as the environment, regional economic cooperation, innovation and infrastructure. This would have the further advantage of Germany being able to join the alliance between the Baltic states, Poland and the Scandinavian countries in connection with Russia. The Weimar Triangle should not be overestimated even in the present situation. That said, accentuating its symbolic function, especially where issues of Ostpolitik are concerned, could have a positive effect on Warsaw. If ties between Poland and France were to be intensified, it would be beneficial from the German viewpoint to incorporate relations between Paris and Warsaw more firmly in the tripartite Weimar context.

► The PiS and its leaders have hitherto maintained only limited foreign relations, mainly with its partners in the “Union for Europe of the Nations” group in the European Parliament and sporadic contacts with conservative and Christian parties. It would be important for the PiS to hold talks with German partners. Leaving aside the Euroscepticism of PiS, the CSU is probably the German party that is likeliest, given its profile, to be able to engage in discussions with Poland’s new ruling party. That, however, would first presuppose ruling out controversial issues rooted in the past such as the problem of Germans expelled at the end of World War II.

© Stiftung Wissenschaft und Politik, 2005
All rights reserved

SWP
Stiftung Wissenschaft und Politik
German Institute for International and Security Affairs

Ludwigkirchplatz 3-4
10719 Berlin
Telephone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

ISSN 1861-1761