

CFSP WATCH 2005 – Poland – by Olaf Osica, dr Rafal Trzaskowski

Since September 2005 Poland has a new, minority government formed by a conservative Law and Justice party, and a new president-elect, Lech Kaczynski, who will be sworn in as a president on December, 23 2005. During the election campaign leaders of L&J indicated a need for significant changes in foreign policy with regard to EU policy. Emphasis was put on defence of Polish national interests and necessity to focus on on-going EU problems (budget, eastern dimension, energy policy) at the expense of future, political projects, EU constitution in particular. However, the appointment of Stefan Meller as new Foreign Minister – a career diplomat and Polish ambassador to Russia until September this year – suggests a continuity of Polish foreign policy. The record of last two months seems to prove that no major change will occur. Yet, as the new president-elect Lech Kaczynski – also from Law and Justice – will take his office, he may have an impact on the nature of foreign policy. Therefore, it remains to be seen which direction Polish foreign policy will develop.

Following analysis is based on the Law and Justice election programme and from first statements of either the Foreign Minister or the Prime Minister, Kazimierz Marcinkiewicz, and his closest collaborators.

1. What are the priorities for your government in CFSP in 2005? What are the key issues for your country in 2005 (especially with regard to the negative referenda on the Constitutional Treaty in France and the Netherlands; after the recent EU enlargement and on behalf of the perspective of the upcoming accession round(s))?

All three major CFSP refer to Eastern dimension. By and large Poland stresses the need for a common EU approach to Russia, Ukraine and Belarus.¹

As far as Russia is concerned, especially in the area of energy policy, Poland wants to project its bilateral relations on EU common policy (e.g. on gas-pipeline issue). As stated by Marcinkiewicz: "We shall press for a common EU energy policy whilst at the same time defending Poland's energy security."² Warsaw also seeks EU support in trade disputes (access of Polish meat and vegetables to Russian market) which Russia traditionally uses as a tool of its foreign policy in relations with Poland, and other CEE nations.

Ukraine: the main issue is to endorse Ukrainian transformation and its eventual EU membership by giving Ukraine a status of a free-market economy (which happened in November 2005) and abandoning the visa regime.

Belarus: Poland is committed to keep Belarus high on EU agenda due to human rights violations among democratic opposition and Polish diaspora in the country.

2. Does your country adopt a more pessimistic or optimistic stance regarding the ratification crisis of the Constitutional Treaty? How might the rejection of the Constitutional Treaty in France and the Netherlands influence the ratification debate in your country and also have an impact on the outcome of the referendum?

The parties which got the biggest amount of votes in the September elections the conservative Law and Justice – PIS - (27%)³ and the liberal Civic Platform – PO - (24%) agree that the EU can function on the basis of the current treaties. Such point of view is shared by all other political forces. The opposition social-democrats, although they were the ones supporting the solutions introduced by the constitutional treaty most strongly, also came to terms with fact that it would be very difficult to revive the treaty in its present form. The decision of the European Council concerning the reflection period stopped the ratification process of the Constitutional Treaty in

¹ Solidarne Państwo (A reliable state. Government's Programme)

² Exposé Of Prime Minister Kazimierz Marcinkiewicz in Sejm, 10.11.2005 , http://www.kprm.gov.pl/english/402_7626.htm

³ Both parties were to create a coalition government, the talks between them failed however and Law and Justice was forced into forming a minority government, the investiture of which was supported of populist, peasant Self-Defence and ultra-right League of Polish Families.

Poland in its tracks. The prospects of the ratification by the new Parliament would be very slim, as the majority is against it (both Law and Justice, as well as the populist Peasant Party – Samoobrona and the ultra-conservative League of Polish Families). Most political parties do agree, however, that a referendum on the matter should be held if the issue necessitated resolution. It should be stressed, however, that many politicians claim that the treaty is dead and that the referendum will not be necessary anyhow. Last available opinion polls (June 2005) show that if the referendum were to take place 43% of the respondents would vote yes, 24 % would vote no and 33% were undecided. The support for the constitutional treaty is dwindling, in September 2004 it was 68%, in February 2005 – 64% and in May 2005 – 60%. There is also a sharp rise of the undecided voters up to 33% from 21% in September 2004.⁴ The rejection of the constitutional treaty would not have a great impact on the referendum debate in Poland as the arguments used both in the French and Dutch debate (Polish plumber, fear of uncontrolled immigration, social model, liberal plot) are not very relevant for the Polish public opinion. The arguments used against the treaty by the majority of the political parties are very different (both Law and Justice and the League of Polish Families would rather stress the fact that there is too much Europe not too little). The fact that the treaty was rejected in two founding member states, however, has a great significance in Poland. It is a sign that, in the eyes of the public opinion, the solutions contained in the treaty are far from perfect.

3. National Perceptions and Positions with regard to CFSP/ESDP Issues in 2005

Please describe key positions and perceptions in your country with regard to EU foreign policy, taking into account:

- The perceived success and/or failure of CFSP/ESDP (e.g. taking into account current developments like the current ratification crisis of the Constitutional Treaty);
- The role of the EU in crisis management e.g. in Congo, Georgia, Darfur;
- The perceived impact of EU enlargement on CFSP/ESDP;
- The view of the European Security Strategy (ESS) as an instrument for enhancing coherence in the EU's security policy; how does your country view the ESS and which issues are of particular importance?
- European Neighbourhood Policy and its implications;
- The creation of battle groups and their role for ESDP.

There is a mixed feeling over CFSP/CESDP. On the one hand, Polish approach is not distinct from that of most EU members who say that Union acts too slow and too late when there is a need for European engagement. On the other hand, however, Polish experience in mobilizing EU for the sake of defending democracy in Ukraine in November 2004 (Solana went to Kiev, Dutch presidency was supportive, and European Parliament too) improved CFSP image among public opinion and politicians. Yet, there seems to be a tacit agreement among most political parties that the Constitution is actually not so important for CFSP/CESDP to work; e.g. CFSP lacks common political will and not a Foreign Minister, and CESDP does not suffer from the constitutional crisis as main changes (EDA, BG) are being implemented anyway. This approach does not preclude further institutional build-up (see below).

Poland fully supports EU commitment to crisis management as it indicates that EU members are serious about CESDP, and they envisage need to go beyond diplomacy and economic pressure. There is no doubt that Poland is first and foremost interested in extending EU activities over the area of the former USSR: Georgia, Moldova, Armenia. The Middle East is another area where Poland – due to its Iraqi commitment and very good relations with Israel – finds EU as a necessary actor.

By and large ESS did not make a significant impact upon Polish approach to CFSP/CESDP. What was important for Poland was maintaining a definition of threats that included also classical crisis-management and was not 'hi-jacked' entirely by terrorism and WMD. Few believe that ESS may improve political coherence of European policy in the field, but the fact

⁴ http://www.cbos.com.pl/SPISKOM.POL/2005/K_105_05.PDF

that ESS was adopted was met with satisfaction. Solana's document rightly identified Europe's situation and challenges ahead.⁵

No one really knows what ENP is about. Whatever it becomes, however, Poland will approach ENP as a vehicle for EU enlargement eastwards (Ukraine, Moldova).

Poland declared its access to 'permanent structured co-operation' in Naples (Nov 2003). As consequence it participates in BG and EDA, Poland became a lead nation in a BG composed with Germany, Slovakia and Latvia. Polish attitude is positive for two reasons: experience gathered by Polish army in Iraq convinced military to undertake a more demanding out-of-area missions, Polish politicians see CESDP and Polish contribution as an important tool of political influence in the EU. The new Defence Minister, Radek Sikorski, officially confirmed that Polish Armed Forces are about to be fully professional in years to come.

4. **The Constitutional Treaty and its future – National perceptions concerning a 'plan B'? Official positions on the Constitutional Treaty provisions on CFSP / ESDP and external relations?**

Constitutional Treaty or some version of 'Nice Treaty Plus'?

Describe (briefly) the position of your country on the following key issues and the possibility of their realisation without a Constitutional Treaty as a 'plan B', 'C' or 'D':

There is a overwhelming sense in Poland, and certainly in majority of political parties, including Law and Justice, that EU constitution project is politically dead, at least for a foreseeable future. Yet, both the Prime Minister⁶ and the Foreign Minister alluded to a possibility of a Polish initiative/proposal in this regard, without, however, giving any details. In an interview for "Rzeczpospolita" Meller said that: "This issue is not over yet. I think we in Europe are going to get back to that. I can't set any time perspective, but we have to decide: do we need the constitution, or not. An if the answer is 'yes' we should begin our conversation from the scratch. The constitution should be a result of a similar approach of European nations. It has to appear naturally, it must not be a consequence of behind-the-scenes deals. It should be a natural result of Europe's evolution."⁷

- **External Representation: What is the final position of your country on the European foreign minister and the President of the European Council? Will / should there be a post resembling that of the Foreign Minister based on the Nice Treaty (something like an enhanced High Representative)? How could this be realised?**

The leader of the ruling Law and Justice party Jaroslaw Kaczynski is of the opinion that the Constitutional Treaty is dead: "We should accept that the constitutional treaty was rejected, the Nice Treaty is in force and if we were to discuss a long term solution of the institutional problems we should start from the scratch".⁸ Both Law and Justice and Civic Platform agree that if member states were to decide somewhere in the future that the reform of the EU constitutional set-up should come back on the EU's agenda - the debate and the negotiations should be started anew

Law and Justice does not condone any moves aimed at increased supranationalism. It instinctively supports the strengthening of the intergovernmental mode of decision-making and thus all the steps aimed at raising the profile of the European Council. Consequently, Law and Justice is of the opinion that foreign minister of the EU should be responsible solely before the Council.⁹ Safeguarding Poland's sovereignty in foreign policy constitutes one of the cornerstones of the Law and Justice political programme. The Civic Platform was much more open to the

⁵ More on this point see: Osica, A Secure Poland in a Better Union? The ESS as Seen from Warsaw's Perspective, in: The European Security Strategy – Paper Tiger or Catalyst for Joint Action? (Part II), ed. by M. Overhaus <http://www.deutsche-aussenpolitik.de/newsletter/issue14.pdf>

⁶ Cf. Neuer Schub für die EU-Verfassung? Polens Regierungschef Marcinkiewicz deutet Initiative in Brüssel an von Gerhard Gnauck, Die Welt, 24.11.2005

⁷ Rzeczpospolita, 19.11.2005.

⁸ <http://euro.pap.com.pl>, 17.06.2005.

⁹ http://www.pis.org.pl/dokumenty/europa_solidarnych_narodow.pdf

formula negotiated in the Convention. When it comes to the President of the European Council PO is worried whether the creation of such post would not tip the EU institutional balance in favour of the intergovernmental mode of decision-making. The social-democrats in general support the solutions contained in the constitutional treaty.

- Basic structures of the European External Action Service have already been developed. Now that the Constitutional Treaty might not enter into force, is your government in favour of developing such a body in order to support the High Representative?

As far as the idea of EEAS is concerned Poland voices no objection to that. Poland wants EU and CFSP to become a genuine instrument of foreign policy making and this calls for more institutional cohesion. However, the problem with EEAS is of practical nature: due to under-representation of Polish nationals in EU bodies (Commission, Council) there is a concern that EEAS might be composed of staff recruited mainly from the 'old' members. Hence, Poland may not be able to influence CFSP the way 'old' members will.

- Decision-making: Does your country opt for an extension of qualified majority voting in the field of CFSP? Will the Nice provisions be sufficient for an efficient CFSP/ESDP decision-making within the enlarged EU?

All of the Polish political parties oppose the double majority formula introduced by the constitutional treaty, they all support the weighted-votes system introduced in Nice and point to the fact that, contrary to initial fears, there is no paralysis in decision-making after enlargement. Such position, however, does not have great relevance to the question of CFSP where most decisions are still taken by unanimity. The ruling Law and Justice is against any further extension of qualified majority voting, especially in field of CFSP which, according to the philosophy they share, should remain the preserve of national governments. Such views would be shared by the two populist parties. Civic Platform would be much more open when it comes to the extension of QMV in CFSP. It supported the solutions agreed in the Convention (and then rejected by the IGC) such as extension of QMV to the decisions taken on the initiative of the Union's Minister of Foreign Affairs.

- Crisis management: What is the official position on expanding the Petersberg tasks and making reference to tasks that involve military resources? Which regions does your country consider as particularly promising for EU crisis management?

No official has been established on the issue.

As for crisis management the area of the former USSR appears particularly promising due to Polish security concerns.

- Defence: What is your country's position towards the establishment of the civilian-military cell at the EUMS? Was your government in favour of creating a full-fledged operational EU headquarters?

As a rule Poland endorses the build up of ESDP provided that it does not complicate transatlantic relations and does not impede NATO's efficiency and cohesion. Therefore, Poland stresses the need to keep military planning – both strategic and operational - under one roof; i.e. SHAPE.

- Is your country in favour of realising provisions such as the permanent structured cooperation even without the Constitutional Treaty? What measures would be preferred?

As stated in the previous edition of the CFSP Watch, Poland initially had an existential problem with all kinds of flexibility, as it feared it might lead to exclusion. Consistently Warsaw voiced certain reservations about the idea of closer co-operation in ESDP, especially amid fears that it might lead to collective defence. Poland's position changed somewhat only after the IGC negotiations the concept of structural cooperation became more inclusive

and NATO-friendly. The fact that the criteria which had to be met in order to participate in structured cooperation were not set on an unattainable level was instrumental for the change of Poland's position. As to confirm its more positive attitude towards the whole concept Warsaw got involved in the creation of the Armaments Agency from the very outset. Although Poland reversed its position on structured cooperation it should not be assumed that it has dropped all its reservation concerning flexibility as such. As the new government is cautious when it comes to deepening of the European integration it remains to be seen whether it will uphold the positive position concerning the issue.

- Would your country support the creation of core groups inside or outside the EU in CFSP/ESDP if the Constitutional Treaty finally failed?

Certain French (Sarkozy) and German (most recently Verheugen) politicians supported an idea to create a core group within the EU that should include Poland. Warsaw has a problem with such concept mainly because of the fears described above but also because the participation in the group of the six biggest member states would undermine the role it wants to play in the region – by unnecessarily antagonizing some of its smaller partners. The outgoing President Aleksander Kwaśniewski in an interview to Frankfurter Allgemeine Zeitung voiced his opposition to the concept of a 'core group' as such because according to him it could undermine the cohesion and the solidarity of the European Union¹⁰.

5. Mapping of Activities in CFSP-related Research

- Please indicate major experts, universities and research institutions working in the CFSP field in your country.

The list of experts and institutions in the field did not change since last year. European Centre in Natolin remains one of the leading institutes. This year ECN began publishing a new internet series of commentaries (Komentarze Natolińskie) and analyses (Analizy natolińskie). Analyses appears also in English and are available under http://www.natolin.edu.pl/publikacje_analizy.html . Aside from that ECN published the second issue of "New Europe-Natolin Review" (in Polish) devoted to European defence.

There are various other think-tanks worth mentioning; e.g. Warsaw based Center for International Relations (www.csm.org.pl) and the Polish Institute for International Affairs (www.pism.org.pl) that deal with aspects of CFSP/ESDP.

- Please feel free to add specific remarks on your country (e.g. on the relation between national foreign and security policy and CFSP, on costs/benefits of one country's membership in the EU with regard to CFSP/ESDP)

¹⁰ <http://euro.pap.com.pl>, 02.09.2005.