

Poland's parliamentary crisis could reach a tipping point by mid-January

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*An occupation of the main legislative chamber and street demonstrations at the end of December, prompted by the exclusion of an opposition deputy following his protest against new parliamentary media rules, has precipitated a major political crisis in Poland. **Aleks Szczerbiak** writes that although the government has withdrawn its planned media regulations, the sit-in continued throughout Christmas with the opposition refusing to recognise the legality of a budget vote. The crisis has reached an impasse and could escalate when the legislature returns in mid-January with the possibility of rival government and opposition parliamentary sittings.*



Protest on 17 December, Credit: Platforma Obywatelska RP (CC-BY-SA-2.0)

The crisis began when Marek Kuchciński, the speaker of the Sejm (the more powerful lower chamber of the Polish parliament) from the ruling right-wing Law and Justice (PiS) party, which has been in office since autumn 2015, proposed new rules on parliamentary media access. The changes included: limiting the number of reporters with full parliamentary access to two per media outlet; requiring all other journalists to work from a specially designated media centre located away from the main plenary chamber; prohibiting reporters from recording parliamentary proceedings; and only making live broadcasts available to five selected TV news stations.

Up until now, hundreds of journalists were theoretically free to roam all the common areas of parliament without restrictions in search of comments from lawmakers, while multiple TV crews could film the main chamber at will. The system was designed to open politicians up to journalists, but the government argued that the chaotic media presence interfered with day-to-day parliamentary proceedings. The new rules, they said, were in line with other Western democracies and would help reporters to organise their work in a more professional manner.

However, critics argued that they violated the Polish Constitution which guarantees that 'a citizen shall have the right

to obtain information on the activities of organs of public authority as well as persons discharging public functions' which includes 'entry to sittings of collective organs of public authority formed by universal elections, with the opportunity to make sound and visual recordings'.

Sit-in leads to disputed budget vote

The parliamentary turmoil started on 16 December when Michał Szczęcha – a deputy from the centrist Civic Platform (PO), Poland's ruling party between 2007-15 and currently the main parliamentary opposition grouping – was excluded by Mr Kuchciński when he tried to use a debate on the annual budget to raise the media rules issue by brandishing a card saying 'Free media in the Sejm' and ignored the speaker's instructions to leave the rostrum.

A number of Civic Platform deputies then occupied the area around the podium and conducted a sit-in holding up similar signs, demanding that Mr Szczęcha be re-instated and blocking work on legislation. Following a recess lasting several hours, the Sejm session was re-convened in an ancillary hall outside the main chamber and deputies from Law and Justice, which holds an outright parliamentary majority, alongside a handful of opposition members, approved the 2017 budget together with a bill reducing the pensions of former communist-era security service functionaries.

However, the opposition refused to recognise the legality of the session and called for Mr Kuchciński to re-run it, arguing that, with the votes counted on a show of hands instead of the usual electronic system, it was impossible to confirm that the required quorum of 231 lawmakers were present. They also questioned the fact that amendments were voted en bloc rather than individually, and claimed some opposition deputies were prevented from accessing the hall and not allowed to speak and raise procedural motions. Some journalists, they said, were also denied access and not permitted to record the votes, only being able to observe proceedings via an official camera feed, while other persons who were not deputies may have taken part in the vote.

For his part, Mr Kuchciński denied there was any wrongdoing and said that the vote was conducted in line with Sejm regulations. Plenary sessions have been held in rooms other than the main chamber before, all measures were taken to inform deputies of the change of venue, and any of them could have participated. Voting by a show of hands is permitted and, government supporters said, a total of 236 deputies were present. They argue that the media had access to the transmitted proceedings and could anyway have filmed them from the end of the room.

Defending democracy or paralysing parliament?

Nonetheless, thousands of people rallied outside the parliament building in support of the opposition's claims that Law and Justice had caused a constitutional crisis. Anti-government protesters blocked all the parliamentary exits and police had to clear the streets to allow government ministers and Law and Justice deputies to be escorted out of the building in the middle of the night. Protests in Warsaw and other cities organised by the Committee for the Defence of Democracy (KOD), an anti-Law and Justice civic movement who accused the ruling party of allegedly undemocratic practices, continued over the subsequent weekend.

More broadly, the opposition tried to bundle up the parliamentary crisis with its argument that the sweeping changes introduced by Law and Justice to the country's legal framework, judiciary, public administration and the media since it came to office have undermined democracy and the rule of law. This narrative has been picked up by both the Western opinion-forming media, with whom the government's opponents enjoy strong links, with many of them sharing a mutual dislike of Law and Justice, and the EU political establishment. For example, last January the European Commission initiated an unprecedented investigation under an EU monitoring mechanism to establish whether the rule of law in Poland was under 'systemic threat' following controversy over the membership and competencies of the country's constitutional tribunal.

For its part, Law and Justice fiercely rejected such accusations and strongly opposed Commission interference in what it insisted was a domestic political matter. It argued that, far from being spontaneous civic actions, the anti-

government protests were pre-planned and the result of Law and Justice's opponents' inability to come to terms with the fact that they had lost power. Even if the government had not proposed the new media regulations, nor Mr Szczerba been excluded from parliament, the opposition would, they argued, have found another pretext to cause social unrest.

While the protests may have involved many politically non-aligned citizens, Law and Justice argued that they were orchestrated by vested interests hostile to the government's sweeping socio-economic policy reforms and moves to radically reconstruct the Polish state, many of whose institutions, the party claims, have been expropriated by an extremely well-entrenched, and often deeply corrupt, post-communist elite. Indeed, some government supporters even accused the opposition of trying to foster disruption and chaos on the streets in order to paralyse parliament so that they could remove Law and Justice from office.

Too abstract for ordinary Poles?

Nonetheless, sensing that it had little to gain from continuing its conflict with an influential group who were the public's main channel of political information, Law and Justice backed down and agreed to keep the current parliamentary media access rules in place until new ones could be agreed with journalists. However, the fall-out from these events continued as deputies from Civic Platform and the liberal 'Modern' (Nowoczesna) party, which has many fewer parliamentarians but is currently running narrowly ahead of the former in the polls, demanded that the key vote on the 2017 budget be repeated and vowed to continue their sit-in protest until at least 11 January when the Christmas recess ends.

The crisis does not, however, appear to have affected patterns of support among Poland's main parties. As the '[Pooling the Poles](#)' micro-blog that aggregates voting intention surveys shows, Law and Justice still enjoys a clear lead averaging around 37% support compared with 20% for 'Modern', 19% for Civic Platform (PO) and 9% for the anti-establishment Kukiz '15, the third largest parliamentary grouping. Arguably, the opposition simply mobilised people who opposed the government anyway around questions that are too abstract for ordinary Poles who are concerned primarily with socio-economic issues – where Law and Justice is more in tune with public opinion.

For its part, Law and Justice tried to project the image of a government that is continuing to introduce reforms that benefit the many Poles who feel frustrated not to have shared in the country's recent economic growth, especially low income households who live beyond the large urban centres. Although critics argue that its reforms have placed a strain on the public finances, the ruling party has delivered on many of the social spending pledges which were the key to its 2015 election victory.

In April, for example, the government introduced its extremely popular flagship '500 plus' subsidy programme for the first children of poorer households and every second and subsequent child in all families, which has provided a significant financial boost to many low income families. Only last month, Law and Justice-backed President Andrzej Duda approved a law reversing the Civic Platform government's deeply unpopular 2012 decision to increase the retirement age to 67 (from 60 for women and 65 for men); although critics argue that the reduced value of pensions for those taking early retirement will discourage many from taking advantage of the new provisions.

Rival parliamentary sittings?

Moreover, although the liberal and centrist opposition wrong-footed Law and Justice with their parliamentary occupation, they arguably missed the opportunity to end the protest on a high note when the proposed media regulations were withdrawn. While smaller parliamentary opposition groupings also opposed the new media rules, Kukiz '15 never supported the occupation tactic while the agrarian Polish Peasant Party (PSL), Civic Platform's one-time junior coalition partner, withdrew its backing once Law and Justice shelved its proposals.

There were also suggestions that Civic Platform leader Grzegorz Schetyna was uneasy about the sit-in, fearing that many Poles viewed it as self-indulgent. Indeed, a survey conducted by the TNS Polska agency just before

Christmas found that only 26% of respondents supported the opposition's tactics while 47% were against. In fact, the impetus for the occupation came from mainly younger deputies who were close to Mr Schetyna's predecessor, former prime minister Ewa Kopacz, but who have been marginalised by the new leader. However, Mr Schetyna was obliged to (at least publicly) support the occupation as he did not want to be outflanked by 'Modern' leader Ryszard Petru, his bitter rival for the leadership of the Polish opposition.

Attempting to de-escalate the crisis, Law and Justice offered the opposition an 'outstretched hand' saying that they were willing to give it more rights and privileges: creating the institution of 'leader of the opposition' and allowing it to run every fifth parliamentary sitting. On the other hand, there are no indications that the ruling party will back down in the face of what it argues is blackmail and re-hold the budget vote, concerned this will create a dangerous precedent and encourage the opposition to disrupt parliamentary proceedings as an effective tactic in subsequent disputes. Law and Justice has, therefore, indicated that it is only willing to hold discussions with the opposition on condition that they allow parliament to return to its normal operations.

At the same time, the opposition has boxed itself in and does not appear to have an exit strategy for ending its sit-in protest without losing face. If Law and Justice's opponents continue to prevent parliament from sitting in January there is a danger that they could be held responsible for any ensuing disruption and instability. However, if they end the protest without extracting any concessions from the government the occupation will be seen as a pointless exercise. The crisis has, therefore, reached an impasse and there is a risk that when the Sejm returns in mid-January it could escalate with a possibility of rival parliamentary sittings: most of the government's opponents continuing to occupy the main plenary chamber, while the ruling party and other opposition deputies try to conduct normal legislative business in an another venue.

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Note: A version of this article appears at Aleks Szczerbiak's [personal blog](#). The article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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