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**The Awkward New Member: Poland's Changing European Identity  
– or Visions of Ioannina**

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## 1. Background

Popular sentiments about EU membership prior to accession varied significantly in the post-communist countries of Central and Eastern Europe, but it was Poland that saw the greatest increase in Eurosceptic attitudes in the run-up to accession and the most dramatic rise in Eurosceptic forces in pre-accession elections.<sup>1</sup> The representation of Eurosceptic parties further strengthened in the 2005 elections, although there were major changes in party positions throughout the 2001-5 period. But EU membership in 2004 was nevertheless warmly embraced by the majority of Poles and approval levels continued to rise in the following years. For much of its time in the European Union, then, Poles have become increasingly supportive of membership while being governed by parties and individuals whose attitudes and behaviour were quite at odds with such views.

Part of the disjuncture between public attitudes and party representation has been due to high levels of electoral volatility and the fluidity of the party system. In 1997 the election had been won with 34 per cent of the vote by AWS (Solidarity Electoral Action), whose government ran into increasing difficulties and lost support to such an extent that its successor party failed to enter parliament at the next election. In 2001 a left-wing coalition between SLD (Democratic Left Alliance) and the much smaller UP (Labour Union) gained as much as 41 per cent of the vote. Popular support for the SLD and its leader Leszek Miller plummeted in 2003, though, and was compounded by a party split in March 2004. Having earlier resigned the party leadership, Miller now announced that his position overall was untenable and that he would resign as Prime Minister immediately after Poland's accession to the EU.

SLD had been one of the strongest supporters of EU membership and reaffirmed its commitment to integration as a prime means for the pursuit of Polish interests in its 2001 manifesto.<sup>2</sup> On the other hand, once in government, Miller's stance ('Nice or death') was robust and his style at the Brussels summit of December 2003 compared with that of Margaret Thatcher or John Major, rehearsing it seemed for the traditional British role of the EU awkward partner.<sup>3</sup> Being soft on Europe was not, it seemed, one of the SLD leader's weaknesses, but just why the SLD, regarded as a transformed communist-successor party and

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<sup>1</sup> H. Grabbe and K. Hughes, 'Central and East European views on EU enlargement: political debates and public opinion', in K. Henderson (ed), *Back to Europe: Central and Eastern Europe and the European Union*, London: UCL Press (1999), p.193; P. G. Lewis, 'EU enlargement and party systems in Central Europe', *Journal of Communist Studies and Transition Politics*, vol.21, 2 (2005), pp.184-6.

<sup>2</sup> P. G. Lewis, 'Joining Europe: Polish parties and the European Union', in M. Pittaway (ed) *The Fluid Borders of Europe*, Milton Keynes: The Open University (2003), pp.253-9, 278-9; 'Korzystnie integrować', part of SLD Election Manifesto, 2001.

<sup>3</sup> H. Grabbe, 'Poland: the EU's new awkward partner', *Centre for European Reform Bulletin* 34 (February/March 2004), at [http://www.cer.org.uk/articles/34\\_grabbe.html](http://www.cer.org.uk/articles/34_grabbe.html), last viewed 1 November 2007.

the pillar of an otherwise shaky Polish party system, experienced a process of such rapid decline is a critical question that arises during the pre-accession period.

One line of explanation for the party's rapid decline drew attention to the growing discrepancy between SLD's international European image and a domestic political practice that perpetuated organizational practices more associated with the communist period. The capacity to 'speak European' did seem to have been mastered and Europeanization was indeed effective in this sense – but it was a skill mostly deployed in Brussels, while successful ministers had also to nurture their domestic roots and develop 'an ability to hold two diametrically opposite views at the same time'.<sup>4</sup> While SLD might well have been quite successful in adapting externally to the European party model, satisfying criteria for membership of the Socialist International and joining the Party of European Socialists, attention was thus directed to the negative effects of its attachment to old political habits in terms of domestic organization and internal processes. Signs of a growing 'polonization' of the party in terms of its factionalism and growing internal squabbles were indeed identified in this context.<sup>5</sup> The downfall of SLD was thus defined as the real end of post-communism in Poland and, it was pointed out, 'the coincidence in time with entry of our country to the EU strengthens and may well perpetuate this effect'.<sup>6</sup>

It was in this context that popular support for the Europhobic SO (Self-Defence) rose and in April 2004, for the first time, recorded 29 per cent support – making it the most popular party in Poland, although whether this represented anything more than a mass protest vote was open to question.<sup>7</sup> As the country was now effectively without a prime minister and it was by no means sure that any successor from SLD would be able to secure a parliamentary majority, this meant that what was generally perceived as a populist anti-EU party now seemed to have a real chance of winning an election that might have to be called before the full tenure of the existing legislature was run. Despite the fluidity of the party system – nothing very new in the Polish context – it did seem that some fundamental change was under way.<sup>8</sup> Precedence was now seen to be taken by the hitherto subsidiary socio-economic cleavage, defined in terms of conflict between supporters of a free market economy and those favouring the 'social state' with substantial interventionist powers.

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<sup>4</sup> S. Coss, 'New EU heads of state need to learn old negotiating skills', *European Voice* 29 April – 5 May 2004.

<sup>5</sup> J. Paradowska and J. Baczyński, 'Wyborcy bez wyborów', *Polityka* 24 April 2004.

<sup>6</sup> J. Majcherek, 'Koniec postkomunizmu', *Rzeczpospolita* 29 March 2004.

<sup>7</sup> Self-Defence voters have been characterized as 'lacking ideology or firmly held political convictions...an electorate that is socially and politically passive', *Rzeczpospolita* 8 April 2004.

<sup>8</sup> P. Ciacek and I. Janke, 'Za co kochają Andrzej Leppera?', *Rzeczpospolita* 26 May 2004.

This division was understood to be represented by the two leading non-socialist forces that had nevertheless come a considerable way behind SLD in the 2001 election – Civic Platform (PO) in the first instance and SO in the second.<sup>9</sup> EU issues were relevant here but appeared to play a role that was subsidiary to a dominant socio-economic cleavage, the impact of EU involvement on any such reconfiguration of the Polish party system being quite limited. By the time the EP elections were held in June 2004, in which the yet more Europhobic LPR (League of Polish Families) made a particularly strong showing and came second overall, some thought that the situation had changed again and that the socio-economic polarization between PO and SO was giving way to one between Eurosceptics and Euroenthusiasts.<sup>10</sup> One area in which the impact of Polish involvement in the EU was both strong and – for many – quite surprising was that of agricultural incomes, which rose significantly after Poland's accession. In September 2004 former Prime Minister Cimoszewicz predicted that the most obvious consequence of EU membership would be a slump in support for Self-Defence.<sup>11</sup> Popular support for SO indeed fell sharply in the polls following the high levels recorded in the spring and, by the end of the year, it stood at little more than 10 per cent in some polls. A year after Poland's joined the EU, on the other hand, rural support for EU membership had risen from 20 to 70 per cent.<sup>12</sup>

This support extended to other areas of EU activity, and by early 2005 Poland was one of the few countries in which support for the proposed Constitution was actually increasing, although this tendency was soon to go into reverse.<sup>13</sup> For much of this period, too, Civic Platform maintained a steady level of support of between 25 and 29 per cent.<sup>14</sup> This gave a clear preponderance to pro-EU, centre-right forces – particularly if PO support was supplemented by that expressed for Law and Justice (PiS), which at this time also maintained a broadly pro-EU stance (although often qualified by nationalist tendencies) and rivalled PO in terms of levels of popular support in early 2005. PO, however, also showed varying degrees of Euroscepticism and had fought fiercely against the Constitutional Treaty (CT) in 2003 (particularly in its departure from the Nice voting formula). Typically, the question of

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<sup>9</sup> T. Żukowski, 'Czas wielkich przeciągów', *Rzeczpospolita* 7 May 2004.

<sup>10</sup> W. Załuska, 'Dwie polityczne strony Wisły', *Gazeta Wyborcza* 16 June 2004.

<sup>11</sup> <http://quote.bloomberg.com> 8 September 2004.

<sup>12</sup> K. Burnetko and J. Makowski, 'Poland: the political impotence of statistics', *Transitions Online* 6 May 2005 at [www.tol.cz/look/TOL](http://www.tol.cz/look/TOL).

<sup>13</sup> K. Klotzle, 'Constitutional referendum in Poland: can the popular will overcome party power struggles?', *C.A.P.* 14 March 2005, at <http://www.cap-lmu.de/aktuell/positionen/2005/poland.php>, last viewed 1 November 2007; S. Guerra, 'Poland: looking Eurosceptic, voting Eurosceptic, being Euroenthusiast', Paper delivered at Annual Conference of the Political Studies Association, University of Bath (2007).

<sup>14</sup> *Rzeczpospolita* 10 February 2005.

the Treaty was almost wholly absent from the campaign preceding the 2004 elections to the European Parliament.<sup>15</sup>

## 2. The Kaczyński government

Parliamentary elections were due to be held in September 2005, with the first round of the presidential contest planned just two weeks later. For much of 2004 PO maintained a solid lead in public preferences, with Self-Defence remaining firmly in the background. Its growing prominence was linked with the sharper tone taken on EU issues and the strong position of one of its leading politicians, Jan Rokita, in defending the rights awarded to Poland by the 2000 Nice Treaty and continuing to voice his slogan: 'Nice or death'. This helped broaden its appeal beyond a core liberal electorate.<sup>16</sup> The position of PiS also strengthened, and from May 2005 it was a close rival to PO in the opinion polls. This position was supported by the relative popularity of Lech Kaczyński as the party's presidential candidate. PO and PiS were both located on the centre-right and it was generally assumed that they would continue to oppose the post-communist left and finalize SLD's political decline, the likely outcome then being that they would form a right-wing coalition government. The broad left finally found a viable presidential candidate in the person of former Prime Minister Cimoszewicz. But here, too, corruption smears emerged (later found to be unsubstantiated) and Cimoszewicz's candidature was soon undermined. This had a profound impact on both campaigns, as the left now no longer posed any threat in either the presidential or the parliamentary contest and competition was effectively restricted to the two centre-right parties of PiS and PO.<sup>17</sup>

Rivalry within this area of the party spectrum intensified, and PiS concentrated its attack on the liberalism of Civic Platform with the intention of appealing to the left-wing electorate, a policy that paid off in both elections. A further outcome, however, was the impossibility under these conditions of the two right-wing parties forming a government coalition when PiS was victorious in the parliamentary elections and its candidate, Lech Kaczyński, also won the presidential contest. European issues played little role in either campaign, although PO was the only major party to favour further EU integration.<sup>18</sup> In contrast to preceding years, when EU issues had been regarded as having considerable

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<sup>15</sup> H. P. Gaisbauer, 'Euro-scepticism revisited: Poland after EU accession', *Perspectives on European Politics and Society* vol. 8, 1 (2007), pp.55, 63-4.

<sup>16</sup> A. Szczerbiak, "'Social Poland' defeats 'liberal Poland'?: the September-October 2005 Polish parliamentary and presidential elections", Sussex European Institute Working Paper no.86 (2006).

<sup>17</sup> F. Millard, 'Poland's politics and the travails of transition after 2001: the 2005 elections', *Europe-Asia Studies* vol. 58, 7 (2006), p.1022-3.

<sup>18</sup> *ibid.*, p.1021.

importance, surveys suggested that the Constitution – like other European issues – was not prominent in the public consciousness in 2005 at all.<sup>19</sup> In its programme, however, PiS explicitly expressed its satisfaction about the failure of the Constitutional Treaty because of its failure to recognize the central role of Christianity in the development of European civilization.<sup>20</sup>

The implications for Poland's position within the EU received also more emphasis as PiS sought allies to sustain its position as minority leader. The party took office in November 2005, although a governing coalition with LPR and Self-Defence, the two parties with the strongest record of Euroscepticism throughout the former parliamentary term, was only formalized in May 2006. Accommodation with the opportunistic SO was somewhat easier to arrange, but LPR continued to insist (among other things) that the government would not accept membership of the Eurozone in the current parliament – or at any time according to some accounts.<sup>21</sup> The latter condition would, of course, have eventually led to the annulment of the EU accession agreement. PiS identity had changed under changing campaign conditions and the influence of new electoral incentives, becoming increasingly populist during the run-up to the elections in terms of the promotion of national interests.<sup>22</sup>

This evolution had a distinct influence on Poland's stance towards the EU in 2006. The result was an ambiguous attitude on the part of the PiS-led coalition, and thus of the Polish government, to EU membership. Prime Minister Marcinkiewicz and the leaders of the coalition parties had quite different ideas about the Euro.<sup>23</sup> Self-Defence leader Andrzej Lepper continued to call for renegotiation of the accession treaty – but then announced that Polish membership was a great success for the country at the same time as one of his party colleagues called for acceptance of the Euro.<sup>24</sup> Polish attitudes towards the EU were highly paradoxical: the parliament elected in 2005 was more Eurosceptic than any since 1989 while public support for European integration was reaching unprecedented heights, as much as 80 per cent on occasion with 68 per cent expressing support for an EU constitution and 66 per cent still thinking after the Franco-Dutch rejection either that the ratification process should be continued or that a new constitutional treaty should be drafted. This contradiction remained

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<sup>19</sup> A. Wyrozumska, 'Who is willing to die for the Constitution? The national debate on the Constitutional Treaty in Poland', *Perspectives on European Politics and Societies* vol.8, 3 (2007), p.315.

<sup>20</sup> 'European values and identity', *EurActiv*, 19 April 2006.

<sup>21</sup> *Donosy*, 11 April 2006, 20 April 2006.

<sup>22</sup> R. Markowski, 'EU membership and the Polish party system', in P. G. Lewis and Z. Mansfeldová (eds), *The European Union and Party Politics in Central and Eastern Europe*, Houndmills: Palgrave Macmillan (2006), p.131.

<sup>23</sup> *euobserver.com*, 17 May 2006.

<sup>24</sup> *euobserver.com*, 22 May 2006, *Rzeczpospolita*, 23 June 2006.

unresolved and had been sidestepped in the recent election campaign by the simple expedient of ignoring European issues and leaving unexplored questions about the CT.<sup>25</sup>

Politicians across the party spectrum were of the opinion in early 2006 that the text of the Treaty was no longer an object of debate and was best left that way, with the official ‘period of reflection’ left to die its own death.<sup>26</sup> The European public as a whole was indifferent about the CT, a view shared by the Kaczyńskis as well as other leaders like the Czech Topolánek and Slovak Fico.<sup>27</sup> Foreign policy specialists were strongly against this response, however, arguing that Poland should draw concrete conclusions from past negotiations and adopt a proactive strategy.<sup>28</sup> Party leader Jarosław Kaczyński took over the premiership from Marcinkiewicz in July 2006, which one observer saw as presaging a shift to a ‘more extreme, anti-European and xenophobic’ position while Kaczyński himself reaffirmed the primacy of the nation-state in Europe.<sup>29</sup> On his first visit to Brussels J. Kaczyński was nevertheless reported to have set a generally pro-EU tone, although his stance was simultaneously described by the director of EU affairs in the Polish foreign ministry – who decided at this stage to resign – as at a best ‘EU-wary’.<sup>30</sup>

67 per cent of Poles continued to evaluate the country’s membership of the EU positively (with LPR supporters as the least enthusiastic at 53 per cent), while EU subsidies for agricultural modernization and restructuring extended to benefit as many as 600 thousand farmholdings.<sup>31</sup> The government’s approach nevertheless built up an image of a ‘troublemaker’ within the EU that still vied with that of the UK in this respect. A Russian embargo on Polish meat imports, for example, led Poland to maintain its veto on talks between Russia and the EU as a whole. He was not against compromise, stated its prime minister, but ‘any such compromise must take into account the vital interests of Poland’.<sup>32</sup> The behaviour of PiS after the election of 2005 presents an interesting comparison with SLD. Both parties displayed major ambiguities in attitudes and contradictions in opinions as well as

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<sup>25</sup> Instytut Spraw Publicznych, *Polish public opinion on the European Union and the Constitutional Treaty*, Warsaw (May 2006). In some ways this seemed to be a rational response to the apparent enthusiasm of the Poles for the CT which, it has been argued, was underlain by considerable ignorance of what any constitution actually entailed and generally just reflected support for EU membership *per se*. See A. Szczerbiak, ‘Why do Poles love the EU and what do they love about it?’, Sussex European Institute Working Paper no.98 (November 2007).

<sup>26</sup> Polish Institute of International Affairs, *The future of the Treaty establishing a Constitution for Europe – a strategy for Europe*, Warsaw (2006)

<sup>27</sup> D. Dinan, ‘Governance and institutional developments: coping without the Constitutional Treaty’, *Journal of Common Market Studies*, vol.45, Annual Review (June 2007), p.72.

<sup>28</sup> ‘Analysis: the future of the EU Constitution’, *EurActiv* 9 June 2006, at <http://www.euractiv.com/en/future-eu/analysis-future-eu-constitution-strategy-poland/article-15>, last viewed 1 November 2007.

<sup>29</sup> *euobserver.com*, 10 July 2006, *Le Monde*, 11 July 2006.

<sup>30</sup> *euobserver.com*, 20 July 2006, 28 July 2006.

<sup>31</sup> *Wprost*, 29 November 2006, *Donosy*, 4 December 2006.

behaviour. But PiS managed to talk sufficiently 'European' and act domestically at the same time with reasonable effectiveness by modulating its approach in different contexts, a combination at least for a certain period that seemed to achieve a better political outcome and maintain the competing forces in some balance in pursuit of the national interest.

Throughout Central and Eastern Europe as a whole in 2006 the question of the Constitutional Treaty was largely dormant.<sup>33</sup> Despite the relatively low level of pressure coming from Brussels and leading EU figures to intensify the debate at this stage, there were already some signs of changing attitudes in Poland in the wake of growing Euroenthusiasm and indications that of all the EU nations Poles were now the greatest supporters of an EU Constitution. Some saw this growing social support feeding into the political class and argued that a changing tone could also be seen on the part of President Kaczyński, who was no longer inclined to act as a brake on the constitution-making process. There was, declared the headline, no need now 'to die for Nice'.<sup>34</sup>

### **3. The revival of the constitutional project**

Early in 2007 discussion of the constitutional project was revived with the inauguration of the German presidency of the EU, the first step being the agreement of a declaration to mark the EU's 50<sup>th</sup> birthday during March in Berlin. President Kaczyński, together with Czech President Vaclav Klaus expressed early scepticism about this proposal in general, but the Polish position was soon marked out in more details with the resurrection of the demand that there should be a reference to 'God' in any such declaration and that Europe's Christian heritage should not be ignored.<sup>35</sup> A far more positive welcome to the constitutional initiative was offered by the opposition Left and Democrats coalition.<sup>36</sup> As they were only represented in the Polish *Sejm* by 55 SLD deputies they represented, however, a minority and somewhat marginal viewpoint. Indications also soon emerged that it would be the voting system which Poland would lay the greatest emphasis on, although it now appeared that it would be not so much the Nice formula that the Poles would insist on but a square root calculation of voting weights which would still favour Polish interests.<sup>37</sup> It was also pointed out that a far more practical concern was the maximization of Polish influence within the EU as a whole,

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<sup>32</sup> *euobserver.com*, 1 December 2006, *euobserver.com*, 14 December 2006.

<sup>33</sup> K. Henderson and N. Sitter, 'Political developments in member states', *Annual Review of Journal of Common Market Studies* vol.45 (September 2007), p.194.

<sup>34</sup> 'Już nie musimy umierać za Niceę', *Rzeczpospolita* 16 January 2007.

<sup>35</sup> *euobserver.com*, 29 January 2007, 1 February 2007.

<sup>36</sup> LiD coalition: Statement on the EU Constitutional Treaty, Warsaw: 21 January 2007.

<sup>37</sup> *euobserver.com*, 22 February 2007.



particularly in relation to helping determine the content of the post-2013 budget and its provisions for Poland's critical agricultural sector.<sup>38</sup>

In what became a standard brinkmanship tactic, Kaczyński finally abandoned his insistence on the reference to Christianity and thus dropped Polish opposition to the Berlin Declaration, which would have threatened to block the whole project. Soon after this, the newly appointed Polish Permanent Representative to the EU spelt out his country's aspirations and priorities. Concerns for the double majority voting system and the move away from the advantage gained by Poland in the Nice Treaty were at the top of the list. These were followed by the question of 'exclusive and shared competencies in the EU', that is the clarification of states' rights in contrast to some threat of a European super-state.<sup>39</sup> A foreign policy study identified three groups within the EU according to the position they took with regard to the current CT debate. Poland was in a group with Britain and the Czech Republic, which had between them eight specific objections to the current text. They were of a diverse nature, which meant that now coherent alternative could be drafted and that the ultimate national defence of the individual veto might eventually have to be considered, although this was recognized to be a high cost political option.<sup>40</sup> This position was amplified in a non-Polish source which stated that Poland was indeed now threatening to use its veto to block the relaunch of the constitutional process scheduled for the June EU summit and prevent the new voting system being introduced. President Kaczyński was declared not to regard the Berlin Declaration as binding and to see the ratification of any new treaty by June 2009, as planned by the German presidency and the EU establishment, as unachievable and impossible to achieve before 2011.

The Polish leadership was generally presented as a major obstacle to the effective development of the Union as a whole – and even contemplating having to hold a referendum on whether the country should stay in the EU.<sup>41</sup> The strength of Kaczyński's resistance to at least some of the initiatives taken under the German presidency and his scepticism about the CT project overall was underlined in a visit to Commission President Barroso on 18 April.<sup>42</sup> The rhetoric was certainly stronger as he underlined the continuing Polish fears of 'hegemonic structures' and its determination never again to serve as a puppet to a

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<sup>38</sup> J. Pawlicki, 'Niech Jarosław Kaczyński przejmie dyplomację', *Gazeta Wyborcza* 7 March 2007.

<sup>39</sup> 'Polish ambassador in EU Treaty, energy and Russia', *EurActiv.com* 4 April 2007.

<sup>40</sup> L. Jesień (ed), 'Aktualny stan debaty nad Traktat Konstytucyjnym w państwach europejskich', *Polski Instytut Spraw Międzynarodowych*, Research Paper 5, April/May 2007. A contrast was drawn by one observer between old and new EU members in terms of their perception of the veto: with established members seeing it as an ultimate nuclear threat while the new members saw it more as a conventional weapon.

<sup>41</sup> M. Muller, 'Poland, the "black sheep" in the EU?'

superpower.<sup>43</sup> Three weeks before an EU summit was due to be held to end the deadlock on constitutional issues Polish representatives spelt out Poland's three core demands: a new voting system (the square-root variant rather than the original Nice proposal), a clear list of national competencies, and an energy solidarity clause.<sup>44</sup>

Both Poland and UK were warned by EC Commission President Barroso not to block the common attempt to agree a new treaty, which only evoked the response from Prime Minister Kaczyński that they (all Poles?) were still ready to die for their preferred voting system.<sup>45</sup> Polish sources outside governmental circles expressed a different opinion. As the bizarre slogan 'square root or death' received greater publicity and Polish officials began to create the impression that a Polish veto might be a viable option,<sup>46</sup> an alternative view was expressed by experts drawn from several specialist organizations and higher education institutions. The square root formula, they pointed out, was not unknown in international relations circles but had failed to gain general credibility for a number of solid reasons and thus had little chance of success in the current context. Polish interests would best be secured by pursuing other initiatives and securing modification of other existing proposals.

The attempt to weaken Germany was, they went on to argue, a crude one and likely to be highly counterproductive as it would also threaten the cohesion and efficiency of the EU as a whole, which was a far better guarantor of Polish interests.<sup>47</sup> It was at this stage, too, that the results of the latest Eurobarometer survey were released, which showed yet higher levels of Polish support for EU membership (up to 67 per cent) and higher levels of recognition of the national benefits of membership (up to 78 per cent).<sup>48</sup> Poles also seemed to be firmly in favour of the adoption of a constitution for the EU, although not necessarily in the precise form of that recently under discussion. It is notable that in the countries formally identified as having equivalent reservations as Poland to the CT proposals – Britain and the Czech Republic – popular support for a constitution was far lower at 43 and 55 per cent respectively.

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<sup>42</sup> 'Poland and Czech Republic get tough in EU Treaty talks', *EurActiv.com* 18 April 2007.

<sup>43</sup> *International Herald Tribune*, 18 April 2007. This view was by no means out of line with public opinion at the time, as support for a CT that involved some loss of sovereignty for Poland was equally balanced by popular opposition to any such proposal (Szczerbiak, 'Why do Poles love the EU?', p.36).

<sup>44</sup> *euobserver.com*, 30 May 2007.

<sup>45</sup> *euobserver.com*, 1 June 2007. The threat of national suicide, it was later pointed out in one sardonic commentary, had become an important instrument of foreign policy under the Kaczyńskis, see Z. Dzieciolowski, 'The Polish dictionary', *openDemocracy*, 22 August 2007.

<sup>46</sup> *euobserver.com*, 18 June 2007.

<sup>47</sup> J. Barcz and P. Świeboda, 'Opinion on the formula of making decisions in the Council of the European Union by qualified majority', *demosEuropa: Centre for European Strategy*, Warsaw: 15 June 2007.

<sup>48</sup> *Eurobarometer* 67, pp.17, 21, 36. Yet higher levels of support for membership were shown in some national surveys.

Just before the summit Barroso called on both Poland and Britain to take a more constructive and intelligent approach to the discussions, and warned Poland that EU funds might be less forthcoming if a less co-operative attitude was taken.<sup>49</sup> After lengthy and contentious talks the outline of a new treaty was finally agreed and the path opened for formal intergovernmental negotiations to take place in late July. The square root formula was dropped and agreement reached that the Nice voting system would continue until 2014. President and Prime Minister Kaczyński described the outcome as, respectively, very encouraging and a radical strengthening of Poland's position.<sup>50</sup> It all went down quite well in Poland, where 55 per cent of the population thought that Poland has wholly or partly 'won'.<sup>51</sup> Germans and many other Europeans were, however, considerably less than pleased with the twins' frequent references to war themes and the projection of an image of continuing victimhood at the hands of its current partners. More informed Poles were also horrified at the tactical approach taken by the Polish leaders and saw it as a major threat to the pursuit of the country's long-term interests.<sup>52</sup> The prime minister, however, was clearly determined to persist with the aggressive line in preparation for the continuing pursuit of Polish interests during the forthcoming Inter-Governmental Conference (IGC).<sup>53</sup> The mood of Polish belligerence was, however, only fed by the recognition that the Ioannina Compromise resurrection during the summit – whereby decisions could be delayed for a certain period even if there were not enough countries to vote for their being blocked, a mechanism otherwise superseded by the Nice Treaty – was understood differently by the Poles and other EU leaders.<sup>54</sup>

Developments in Poland's ruling coalition now came into some prominence. Self-Defence leader Andrzej Lepper was sacked as deputy prime- and agriculture minister as news broke of his alleged involvement in corruption. The effect of this move on the coalition and Prime Minister Kaczyński did not initially seem to be severe, as Lepper would stay in the coalition and his deputies vote for the government. In fact it seemed to be a useful way of bolstering the prime minister's position – and was possibly engineered by him – as it removed a problematic coalition partner while maintaining his parliamentary majority.<sup>55</sup> However,

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<sup>49</sup> *euobserver.com*, 19 June 2007.

<sup>50</sup> *euobserver.com*, 25 June 2007.

<sup>51</sup> *Bloomberg.com*, 25 June 2007.

<sup>52</sup> K. Bobinski, 'The Polish confusion', *openDemocracy*, 28 June 2007.

<sup>53</sup> *euobserver.com*, 27 June 2007.

<sup>54</sup> *euobserver.com*, 5 July 2007; 'The EU Treaty: the Ioannina Compromise explained', *DW-World.De* (Deutsche Welle), 18 October 2007.

<sup>55</sup> 'Prawo i Sprawiedliwość pokonało Andrzeja Leppera', *Rzeczpospolita* 11 July 2007; 'Shun the Lepper', *Transitions Online*, 12 July 2007.

Lepper managed to achieve a closer union with the other minor coalition partner LPR, which could well develop more political leverage by actively blocking Polish acceptance of the anticipated constitutional agreement.<sup>56</sup>

Possibly in some association with this move, the Polish authorities then announced that they would not insist on further concessions in the question of EU voting rights – while there were also indication that the Polish team had misunderstood the implications of the Ioannina Compromise and the precise form agreed, which now made it a less sensitive issue.<sup>57</sup> On this basis a text was prepared to go forward as what was now termed a Reform Treaty for IGC negotiation from the end of July.

#### **4. Premature elections and the Lisbon summit**

Self-Defence finally decided to withdraw its support from the PiS-led government on August 5 and Prime Minister Kaczyński ended the life of the coalition as a whole on August 13, thus bringing the prospect of an early election yet closer.<sup>58</sup> As the likely date of an election would nearly coincide with the conclusion of talks on the Reform Treaty this carried the threat of some last-minute political posturing for the electorate, although neither PiS nor PO as the leading opposition party would have much to gain from exploiting differences on constitutional issues.<sup>59</sup> On September 7 the *Sejm* voted to dissolve itself, thus making the prospect of an imminent election a certainty. The same day Foreign Minister Fotyga announced that Poland would follow Britain in seeking an ‘optout’ – more precisely a legally binding protocol – from the Charter of Fundamental Rights which was planned to form part of the new Treaty to avoid a clash with widely held Polish conservative and religious values.<sup>60</sup> It also emerged that different views were still current on the Ioannina mechanism.<sup>61</sup>

European issues and the RT, not surprisingly, were dealt with in party manifestos in very different ways. ‘Foreign policy’ was Part IV of the lengthy PiS manifesto and Section 2, ‘Solidarity’, dealt with EU issues (after ‘Security’ and NATO concerns in Section 4). The EU itself was dealt with in cool terms, and anxiety was expressed about the domination of the EU by the countries which were ‘strongest, most populous and most powerful economically’. It pointed out that at the June summit the leadership had eliminated the elements of the rejected

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<sup>56</sup> *Donosy*, 16 July 2007.

<sup>57</sup> *euobserver.com*, 20 July 2007; ‘Czy Polskę rzeczywiście oszukano?’, *Rzeczpospolita* 20 July 2007; *euobserver.com*, 23 July 2007.

<sup>58</sup> *euobserver.com*, 13 August 2007.

<sup>59</sup> K. Barysch, ‘Poland’s poll and the EU treaty’, *Centre for European Reform*, 24 August 2007.

<sup>60</sup> CER Guide to the Reform Treaty, *Centre for European Reform*, October 2007.

<sup>61</sup> *euobserver.com*, 7 September 2007.

CT that were unfavourable for Poland.<sup>62</sup> Civic Platform had a more substantial section on ‘A Strong and Secure Poland in the European Union’ which was generally more positive and optimistic about Poland’s place in Europe. A welcome was expressed for the new Reform Treaty as it would further the Union’s institutional consolidation.<sup>63</sup>

The left-wing Left and Democrats party was equally positive in committing itself to signing the Reform Treaty and building up relations with Germany and France as well as joining the Eurozone.<sup>64</sup> The Peasant Party was also generally positive – and certainly more so than its earlier tone of Euroscepticism prior to accession – endorsing the European social model and committing itself to the full use of EU funds for rural and agricultural development.<sup>65</sup> Not surprisingly, LPR was far more negative and simply presented some basic principles on its website – amongst them a declaration for national sovereignty and the rejection of any foreign legal framework in the context of a constitutional treaty.<sup>66</sup> Neither did SO present a formal manifesto, although its website still contained the socio-economic programme from 2003 in which it called for the renegotiation of the economic terms of Poland’s accession to the EU.

Overall, and not surprisingly in view of the Kaczyńskis’ extreme rhetoric and ill-conceived pursuit of Polish national interests, European issues had a higher profile than in other recent Polish elections.<sup>67</sup> Televised debates were key features – and it transpired – turning-points of the campaign. In one with former President Kwaśniewski, Prime Minister Jarosław Kaczyński argued that in the European context the country had gained respect and achieved the status of a country that has to be reckoned with.<sup>68</sup> But a later debate between Kaczyński and PO leader Donald Tusk turned out to be particularly decisive and attracted seven million viewers.<sup>69</sup> It marked the point at which the PiS and PO stopped being relatively equal rivals (with PiS generally in the lead) and when PO pulled ahead for the last week of the

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<sup>62</sup> *Program 2007 Prawa i Sprawiedliwość*, Warsaw: Material Informacyjny PiS. The PiS view is not devoid of support from more scholarly quarters. I. P. Karolewski thus argues that the aim of the large member states, particularly France and Germany, in the constitutionalization process has been precisely ‘to modify power relations in their favour’; see ‘Constitutionalization of the European Union as a response to the eastern enlargement: functions versus power’, *Journal of Communist Studies and Transition Politics*, vol.23, 4 (2007), p.512.

<sup>63</sup> *Platforma Obywatelska: By żyło się lepiej*, Warsaw, Platforma Obywatelska RP (2007).

<sup>64</sup> *100 Konkretnów – Program wyborczy LiD*, Warsaw (2007).

<sup>65</sup> *Razem tworzymy lepszą przyszłość*, Komitet Wyborczy PSL, Warsaw (2007).

<sup>66</sup> <http://wybory.lpr.pl/pic/serwis/bilbord2.jpg>.

<sup>67</sup> A. Szczurbiak, ‘Europe and the October 2007 Polish parliamentary election’, Election Briefing no 37: European Parties, Elections and Referendums Network, Sussex (2007).

<sup>68</sup> *euobserver.com*, 2 October 2007.

<sup>69</sup> *Donosy*, 15 October 2007.

campaign. Significantly, it showed Tusk as the more competent and better informed about EU affairs and the content of the RT, particularly the Charter of Fundamental Rights.

This only heightened the widespread feeling that the Kaczyńskis' style was inappropriate and counterproductive in the contemporary European setting, a view strongly held by the sizeable group of recent émigrés now working abroad and who were particularly appreciative of the opportunities now offered within the EU.<sup>70</sup> Throughout the campaign period Polish representatives continued to press hard on the shape of the new treaty, focusing on the Ioannina clause and the question of whether the decision-blocking mechanism should be written into the treaty or merely attached as a declaration.<sup>71</sup> There were rumours that the president was prepared to block the passage of the compromise treaty that had been agreed in June – although this was increasingly recognized to be a risky game that might well alienate much of the electorate during a tightly fought campaign.<sup>72</sup> As usual, Poland was in the group of leading trouble-makers in the run-up to the Lisbon summit at which the RT was to be adopted – in fact, it was only regular member as newcomers Italy, Austria and Bulgaria were also now included.<sup>73</sup>

Just before the summit opened, and three days prior to the election, the president confirmed that he would stand in the way of further discussion of the Treaty if Polish demands were not met, while Roman Giertych (LPR leader) stated that the adoption of the RT would reduce the country's sovereignty to that of People's Poland during the communist period.<sup>74</sup> The Civic Platform's view that was the Ioannina discussion was devoid of real substance and that other European politicians could not understand why the Polish president continued to press the issue.<sup>75</sup> Predictably, a PiS spokesman replied that such an attack on the president was an act of disloyalty towards the Polish state.<sup>76</sup> In the event, the RT text was adopted with surprising speed, with Kaczyński stating that he had got what he wanted as the Ioannina clause was written into a declaration or protocol to the CT, although not in the actual Treaty itself.<sup>77</sup> It was also linked with another protocol that set conditions on its use.<sup>78</sup>

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<sup>70</sup> 'Emigranci o polskiej kampanii: to cyrk!', *Gazeta Wyborcza*, 16 October 2007.

<sup>71</sup> *euobserver*, 8 October 2007.

<sup>72</sup> 'Twin troubles', *Transitions Online*, 12 October 2007.

<sup>73</sup> *euobserver*, 15 October 2007.

<sup>74</sup> 'Prezydent stawia ultimatum przed szczytem UE' and 'Giertych: Jeśli zostanie przyjęty Traktat UE, Polska będzie tak samo suwerenna jak PRL', *Gazeta Wyborcza*, 18 October 2007.

<sup>75</sup> 'PO; Walka o Joanninę to walka o pietruszkę', *Gazeta Wyborcza*, 18 October 2007.

<sup>76</sup> 'Kamiński: Atak PO na prezydenta to nielojalność wobec państwa', *Gazeta Wyborcza*, 18 October 2007.

<sup>77</sup> 'EU summit: leaders strike treaty deal', *EurAktiv*, 19 October 2007.

<sup>78</sup> *euobserver*, 19 October 2007.

In the electoral contest, though, PiS leaders were unable to claim such a victory. PO received 41.5 per cent of the vote and PiS just 32.1 per cent. SO and LPR, members of the former governing coalition, did not gain enough votes to enter parliament. LiD got 13.2 and PSL 8.9 per cent, which still made the latter a viable coalition partner for PO. The higher turnout and marked political preferences of younger people made a clear difference,<sup>79</sup> as did a widespread distaste for the Kaczyńskis' divisive style and their parochial and backward-looking approach to issues within the European context. However, Civic Platform is far from united as a party and also has a strong Eurosceptic element.<sup>80</sup> There is little doubt that it will stick to the Kaczyński view of the EU as a union of states rather than some kind of tighter federation, and that it will fight strongly for the Polish national interest. On the other hand, the key battles over the Reform Treaty are now over and it will be easier for the new Polish leadership to adopt a more co-operative approach.

In the immediate aftermath of the election the key message from PO, described as 'pro-business and pro-EU centre-right', was that Polish relations with Russia would improve.<sup>81</sup> A week later Tusk stated that good relations with Germany would be the key to strengthening Poland's position in Europe.<sup>82</sup> The main principle, in fact, was the cultivation of more cooperative and less antagonistic relations with European countries as a whole – not so much 'some kind of radical breakthrough but more the greatest trust and openness'.<sup>83</sup> It was, however, also pointed out that what westerners saw as pushy or obstructive Polish behaviour was as much the consequence of Polish history and its geopolitical position as of a specific PiS policy commitment, and these influences would also necessarily condition the actions of the new PO-led government.<sup>84</sup> It was a change in form rather than the content of Poland's relations with the EU that should be expected.<sup>85</sup>

It was the question of whether Poland should sign up for the Fundamental Charter of Human Rights or stick with the opt-out agreed by the former government that emerged as the first bone of contention. PiS, with the backing of the Church, had argued that this would legalize the practice of homosexual marriage. PiS EP deputy Konrad Szymański stated that any retreat from the agreed opt-out would significantly impair the outcome of the recent RT

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<sup>79</sup> 'Pole watching', *Transitions Online*, 26 October 2007; K. Bobinski, 'Poland's generational shift', *openDemocracy*, 1 November 2007.

<sup>80</sup> *FT.com: Financial Times*, 22 October 2007.

<sup>81</sup> *euobserver.com*, 24 October 2007.

<sup>82</sup> 'Tusk: Dobre relacje z Niemcami najważniejsze', *Gazeta Wyborcza*, 3 November 2007.

<sup>83</sup> 'Poles promised better ties with Europe', *FT.com: Financial Times*, 6 November 2007.

<sup>84</sup> N. Ascherson, 'Poland after PiS: handle with care', *openDemocracy*, 26 October 2007.

<sup>85</sup> 'Youthful exuberance', *Transitions Online*, 2 November 2007.

summit, as PiS representatives would then be unlikely to support ratification.<sup>86</sup> The Polish section of the Helsinki Foundation, however, pointed out that Tusk had expressly committed any future PO government to accepting the Charter, a position also taken Poland's trade unions.<sup>87</sup> PO Eurodeputy Jacek Saryusz-Wolski (chair of the EP Foreign Affairs Commission), on the other hand, argued for the swiftest possible ratification of the RT by Poland – which meant that it would not be in a position to sign the Charter, despite the government's desire to follow a decidedly pro-European policy.<sup>88</sup> Civil rights spokesman Janusz Kochanowski also claimed that the Charter would bring about legal chaos and lower the level of human rights protection in Poland. When the new Prime Minister presented his cabinet's programme to parliament he indeed confirmed the status quo, saying that 'We do not share our predecessors' fears about the Charter but we respect their point of view'.<sup>89</sup>

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<sup>86</sup> 'Ratyfikacja traktatu UE przez Polskę pod znakiem zapytania', *Rzeczpospolita*, 12 November 2007.

<sup>87</sup> 'Karta dla Polaków', *Gazeta Wyborcza*, 21 November 2007.

<sup>88</sup> 'Saryusz-Wolski o ratyfikacji Traktatu Reformującego UE i Karcie Praw Podstawowych', *Rzeczpospolita*, 21 November 2007.

<sup>89</sup> 'Tusk: Popierwsze, zaufanie', *Gazeta Wyborcza*, 24 November 2007.