

## DEFIANT POLITICAL PATHS IN WARSAW: ANOTHER BREACH IN EUROPE AND A NEW MILESTONE FOR THE EURO-ATLANTIC SECURITY ARCHITECTURE

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### **Abstract**

The paper aims to review the new political landscape in Poland, a country that has the potential to be a major game changer within the European Union and the North Atlantic Alliance. When the role model of Eastern European countries and former communists satellites becomes a political surface for a tyranny of the majority, a polarized approach used by Law and Justice Party in order to secure and boost its power, another uncertainty falls in Europe.

In its sections, the paper focuses on the political environment that has led to Law and Justice Party's political win, the vital and undesired threat that quick and rough political measures pose to the rule of law system and the ruling party political view that aims to secure and boost its power in the perils from its proximity, by adopting a double standard policy, one distant from EU's values and another close to NATO's core interests.

Additionally, the paper examines thoughtfully the double standard issue of Warsaw's new cabinet in a European Union that hardly copes with different sorts of crisis and an unforeseen security landscape that with a NATO troops deployment in Eastern Europe will establish, if not a new Cold War mind set, at least a frosty view from both Russia and the West.

By playing a negative game changer role and choosing to consider a prevalence of self-interests among its European and Euro-Atlantic participation, Poland finds itself in a race that may disrupt democracy for security causes, although they are not mutually excluded.

### **Keywords**

Euro-Atlantic security; Euro-scepticism; European Union; NATO; Poland; rule of law

## 1. INTRODUCTION

When Poland negotiated its membership in the European Union a legend has been flowing in Brussels those years: for every accession chapter, from justice, freedom and security to judiciary and fundamental rights and from economic and monetary policy to foreign, security, and defence policy, the Polish government had in its negotiation team a specialist in history that always argued in their dialogues with the EU that Europe has to repair the moral and historical prejudice for the Polish statehood obliteration during the Second World War.

Twelve years since Poland is a member of the European Union have passed and, in the same time, seventeen since it belongs to the long-standing multilateral and collective defence alliance – NATO. Being the sixth member country of the EU, both by demographic and seize outlooks, with a major role in the decision making process in the Council, having a former prime-minister as the president of the European Council and shaping and rising the European Neighbourhood Policy tool that has heated Russians views – the Eastern Partnership – Poland plays a vital part of the European construction. In the same time, defining itself as the new shield between the Transatlantic security architecture and the Russian non-*status quo* behaviour, Warsaw has transfigured as a pillar for NATO's continuous adaptation and security provider role which will be once more enabled at the Alliance's Summit in July 2016, hosted in Warsaw.

This is a short sketch of the Polish current status within both NATO and the EU, two organizations that were the expression of national desideratum for USSR former satellites from Central and Eastern Europe. Thus, after eight years in opposition, PiS (Law and Justice Party – the right wing and ultra-conservative political faction in Poland) won the parliamentary elections in October 2015, rising enormous concerns in Brussels because its governmental and legislation actions deemed to secure political power, but also to break the rule of law settlement. Moreover, this result came after PiS presidential candidate, Andrzej Duda defeated former president Bronislaw Komorowski in a two rounds presidential elections.

Therefore, when the role model of Eastern European countries and former communists satellites becomes a political surface for a tyranny of the majority, a polarized approach used by PiS (Law and Justice Party) in order to secure and boost its power, another uncertainty falls in Europe, one that deserves both overview and peculiar analysis. Quick and rough political

measures that endanger the rule of law status were taken since last November, posing a vital and undesired threat in an European Union that hardly copes with different sorts of crises. In contrast, playing by an Euro-Atlantic security book that foresees the unthinkable two decades ago – deployment of NATO troops in Eastern Europe – establishes a new era for the Pan-European security environment and for the Transatlantic-Russian relations. Nevertheless, when the most significant forms of cooperation in Europe – NATO and the European Union – enter an age of interconnection, of essential cooperation (NATO 2016) and firmly agreeing that they do not go one against each other, the defiant paths chosen by the member country that will host the NATO Summit demands a closely understanding in terms of political orientation, strategic thinking, geopolitical and security ramifications.

By undermining a challenged European Union and its core values, but linking its political goals with the North-Atlantic Alliance objectives and adaptation, Warsaw follows defiant paths, one that could produce unexpected aftermaths for Poland's strategic establishment.

## 2. METHODOLOGY

In this paper, as briefly presented in the opening section below, I review Poland's political behavior and approach among the EU and NATO since the ultra-conservative party – Law and Justice – came into power by two important elections: presidential and legislative ones. In this regard, the methodology I intend to use will reflect critical and constructive consciousness (Vlăsceanu and Zamfir 1993, 353), but will also represent a composite between theoretical and empirical landscapes.

Considering that we assist at a regional and international level to ongoing crises and meltdown of security and *status quo* set ups, Poland plays in this article a central role, even pivotal. First of all, Warsaw is involved in both NATO and the EU as an important member, a fact that shapes this paper's structure from theoretical notions to empirical situations. Second, the PiS cabinet early policies and postures reveal a *quid pro quo* tactics, an approach that will play a significant part in the following paper.

Although focusing on cross-cutting methods, data interpretation and case study method (Chelcea 2001, 49), in this paper I intend to insert some prospective evolutions of the Polish political play, one that diminishes EU's provisions by adopting controversial laws that endanger the constitutional

order, but supports NATO enhancement participation in the Eastern flank, for to counter the Russian threat that led to the outbreak of the Ukrainian crisis. A methodology for analyzing ongoing situations and determining prospective views for short-term periods focuses on trends, evolutions and major risks within a given context (Chifu, Nantoi and Getmanchuk 2015, 15). Together with the classic methods firstly mentioned, a prospective outlook is a necessary tool in a research where a NATO and EU member state, well known for its Western oriented tendency, adopts divergent positions and chooses defiant paths for its future.

Following a theoretical background that will encompass an EU integration version and a security one, the methods revealed will contribute in a multi-level analysis with two case studies chapters, each one designed to understand and to clarify Poland's new positioning among the European framework and the Euro-Atlantic community, in a time when both EU and NATO develop a strongly common sense and jointly engage to work against mutual dangers and according to their shared views (NATO 2015a).

Finally, on the strength of the upcoming NATO Warsaw Summit (8-9 July 2016), we have a powerful argument for which Poland must not be lured by a double standard policy towards its multilateral commitments that will close this paper in a foresight for the most essential strategic reunion of Transatlantic leaders since the adoption of the Strategic Concept in 2010.

### **3. THEORIES MATCHING IN CLASH OF IDEAS: LESS EUROPE VS. MORE SECURITY**

In the last years we have been experiencing what I prefer to call "old threats with new tools", where the Russian Federation represents a refashioned threat with fresh hybrid approaches, with fast-growing instability in EU's and NATO's neighborhood and with series of crises from Crimea to Aleppo or from Eastern Europe to the Middle East. An insecurity curve has been developing on the Eastern and Southern external borders of the European Union and NATO and, even more, it led to an internalization of security issues. But as NATO has managed to cope with all the challenges it faced from the dawn of the Ukrainian crisis, the European Union finds itself in a momentum of replacement: the current migrant and refugee crisis has

substituted solidarity with distrust and European confidence with national hubris.

A pioneer for the Euro-Atlantic road and the European Union integration within Central and Eastern Europe states, Poland is resetting its governmental action, becoming a more oriented-state in Transatlantic and strategic affairs with geopolitical roots in order to balance threats and interests that oppose the Euro-Atlantic and the European environments, while is declining the former center-right government position towards EU affairs and is building its political power by triggering an undesired but potentially judiciary crisis in one of the most important EU countries, a pattern of stability and strength until recently.

Therefore, Poland's appointed cabinet in late 2015 is actually issuing an ideological intersection between European Studies and International Relations that arises from its separate political approach with NATO and the EU. In order to understand this wording we should regard on several key facts. When the candidate supported by PiS, Andrzej Duda, came into the presidential office (August 2015), he focused in turning on a NATO's higher interest in the Eastern dimension of the European security. Actually, in his first speech as President<sup>1</sup>, Duda vowed for demanding new security guarantees from the Alliance (The Guardian 2015). Such a strong political position, one year before the Warsaw NATO Summit, was due to send two strong signals: Poland was assuming a regional leadership within the Alliance's balance of interests to keep a *status quo* situation (Schweller 1994, 80) between NATO member countries and the old new threat, Russia; continuously perceiving Moscow as a revisionist threat, Warsaw aims to transform NATO enhanced presence in the region as a factor of balance against the threat coming from the East (Walt 2008, 43).

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<sup>1</sup> "We shall serve the Home Country equally in national and in international space. (...) We managed to gain our freedom, we acceded NATO, and we are members of the European Union (...). Polish foreign policy, which should not be exposed to any revolutionary changes since foreign policy does not like revolutions but it needs an adjustment. (...) This way, we should also care for cohesion of the European Union so that in the process of developing this cohesion also our own interests would be taken into account. This way, we should build the unity of the North Atlantic Alliance and guard it carefully since it is crucially important to Poland", extract from Polish President, Andrzej Duda, opening speech, in which the leader from Warsaw highlighted a paradigm change on Poland's future political position within the European and Euro-Atlantic affairs. Full text available at: <http://www.president.pl/en/news/art,7,address-by-the-president-of-the-republic-of-poland-mr-andrzej-duda-before-the-national-assembly.html>.

Fast-forwarding a few months, the government from Warsaw that was appointed in October 2015 came with different views and perspectives towards its international and regional commitments. Regarding NATO, the PiS cabinet entirely supports the President and sends powerful urges through Polish proposals for new strategic reassurances after the 2016 Summit. With respect to the European Union, the cabinet headed by Beata Szydło has refused step by step to stick with the previous government position. When President Duda engaged himself with the task to promote Polish own goals within the EU (The Guardian 2015), the government office adopted a reluctant standpoint to the refugee crisis and migration flows, a month after the former Civic Platform (PO) cabinet voted for mandatory quotas at the Justice and Home Affairs Council of the European Union for the relocation of 120.000 refugees from Italy and Greece (Council Decision 2015). In parallel, the Polish government followed a path of political power consolidation by proposing and adopting together with the Parliament and the President disputed laws and unconventional acts for a rule of law country and a member of the European Union, namely the Constitutional Court appointments, the controversial media law or the law that restores the Minister of Justice power over prosecutors, being at the same time the chief prosecutor of Poland.

With this new sort of handling state affairs and European provisions, Poland has swept from more common, reasonable and pro-EU methods to an intergovernmental approach, one that in a time of crises gives incentives to an Europe of states, not an Europe of people and an united one. Also, it is a breach and a setback for EU's normative power. I presume this as a match of theories when at a security level we have a state that recognizes the importance of being a member of the North-Atlantic Alliance with all its notional consequences of political realism and balancing, but in the same time pledges to speak up the Poles national preferences (Moravcsik 1993a) and invokes non-intervention in state affairs (European Parliament 2016a), claiming that the political decision taken by PiS cabinet is a matter of internal politics concern and appealing thereby to a more intergovernmental approach regarding the supranational involvement of the EU.

A suitability theory is entailed by the joint academic field for both realistic views of the International Relations and Security Studies and intergovernmental concepts within the European Integration.

The intergovernmental approach of the European construction rises from the realism theory of IR and is comprised through the same theoretical structure (Ion 2013, 48): the state is the basic and primary analysis unit within

the entire process and the element of cooperation finds itself a place within states interaction only if it doesn't harm sovereignty and self-interest of the state. Among the European Union, the intergovernmental theory is a reply of the nation-state against the sovereignty transfer from the national chancelleries to the European level (Wallace, Pollack and Young 2011, 16). In the liberal version of intergovernmentalism, Andrew Moravcsik releases a pattern of three phases: 1) each member state is free to define its national preferences, 2) all member states negotiate their requirements in an intergovernmental set up (the Councils), 3) a rational choice model through which member countries decide whether to cooperate and authorize the Commission and other institutions to act or decide or deny their commitments (Moravcsik 1998).

In the case of Poland and its current position in the EU we record a major change of perspectives: the national preferences among the refugee and migration crises were quickly adapted to the PiS cabinet political views, while the controversial legislative decisions that I will develop further consist to a large extent in a rational choice through which Warsaw ignores European rule of law values in favor of adapting legislation and institutions for its own political power building. In the same European outlook that distinguishes the intergovernmental pattern is the fact that PiS is a right wing, ultra-conservative and Euro-sceptic political party, auspicious elements for a country to defy the so-called "Brussels decisions", even if we all know that every member state takes part in those acts.

As for an IR and security view, both balance of threats and balance of interests are beneath the theoretical spectrum of realism. In his explanation for alliance formation, Stephen Walt issues the idea that states become partners in order to balance against threats<sup>1</sup>, not against power itself (Walt 2008), a structural view in the backdrop of the classical balance of power. In the same line argument, classical realism regards alliances as a function that operates between states in a multipolar world (Morgenthau 2013, 175). Also, fighting against a threat or soften one is a plausible reason for taking part within an

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<sup>1</sup> Although in 1945 the United States were the most powerful actor in the world, the United Kingdom and France have decided to ally with the US in order to counter-balance the main threat - USSR. The balance of power logic would have presumed an alliance of the French and Britains with Moscow; see Stephen M. Walt, „Alliance Formation and the Balance of World Power“, *International Security*, Vol. 9, nr. 4, Spring, 1985, p. 3. This explanation covers also the decisive role played by the ideological factor in alliance formation and Poland's behavior against a fiercely threat represented by Russia.

Alliance (Schroeder 1976). In the same IR and security dimension, the balance of interests configures a method of providing a state level answer in which *pro status quo* actors have the purpose of maximizing security, not power (Schweller 1994, 76). Also, from a security perspective both alliances and alignment patterns are shaped by the compatibility of their political objectives (Schweller 1998, 22). Indeed, the balance of interest offers different typologies of analysis, but accordingly to this paper aims the chosen type regards Poland and NATO's concerns towards an assertive Russia, as the Secretary General, Jens Stoltenberg, often pronounces it.

But from the security and foreign policy outlook, the PiS cabinet is not reluctant at all. Warsaw has been a resilient ally within NATO since the beginning of the Ukrainian crisis and Russia's international norms infringement. Much more, as we will notice in the pages below, Law and Justice Party granted a particular thought on the election campaign towards security issues and hosting North-Atlantic troops and capabilities for to ensure a strategic climate of safeness within the Eastern region of NATO. Actually, by balancing against Russian threat and preserving the Euro-Atlantic interests defined by the Treaty of Washington, the Strategic Concept and the reassurances measures taken at the Wales Summit, Poland describes itself as Transatlantic oriented regional power.

In comparison with its European Union membership and intergovernmental attitude, the matching theory concisely presented above identifies a political-designed clash between less Europe and more security. The first signifies the availability of the Polish government to distance itself from different Euro-decisions and values according to the conservative narrative of the ruling party creating a breach that I will analyze forwards. The second is more complex because it involves the conception of state survival - security as the absence of threats and the absence of fear (Wolfers 1952, 485), and therefore implies a political inclination for Euro-Atlantic engagement.

Last but not least, the conceptual dimension of this paper receives onward another two viewpoints for a less Europe attitude: Euro-scepticism and illiberal democracy. On the first standpoint, the European political and academic debate have shaped two types of EU-scepticism, as in matters of IR power: hard and soft (Taggart and Szczerbiak 2001, 7). Hard Euro-scepticism is perceived as the deepest form of anti-Europeanism that is against the very existence of the European Union and it strongly opposes the idea of being a member that is bound by the EU framework. On the other hand, soft Euro-scepticism is the balance point between the traditional ideologies (Social-



democracy, Liberalism, Christian-democrats) and the extreme wings of political ideas (far-left and far-right). In an EU system with three components: the core, the semi-periphery and the periphery the roles are designed as followed: moderate, Euro-optimistic and traditional forces (the core), soft Euro-scepticism factions (semi-periphery) and Hard-scepticism thinking and parties (the periphery). Under this conceptual lens, Poland's decisional landscape has displaced the pro-European behaviour with a soft Euro-sceptic approach, one that emphasizes the support for being an EU member, but with a higher reluctance in regard with some EU-based rules, policies and a crystallized European establishment that is in opposition with the national state.

For several years now, the build up of a new political argument circulates at the highest decisional level: the illiberal democracy, another conceptual lens that envisages an explanation for the boiling situation in some European states with strong geographical, historical and geopolitical connections. The rising of this less approached political thinking<sup>1</sup> in nowadays Europe has its origin in the speech of Hungary's Prime Minister, Viktor Orbán, delivered at a summer school for the Hungarian ethnic minority in Romania<sup>2</sup> in July 2014. The new realities of the power scene in Warsaw (e.g. consolidation of the political majority, adoption of favorable laws for the ruling party) certainly stress the link between Euro-scepticism and the disregarded illiberal democracy tendency that has emerged from the Visegrad Group (V4) area, the first Central-Eastern European regional bloc that was granted the opportunity of entering the European Union and NATO after the end of the Cold War and with Poland as a front runner.

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<sup>1</sup> The terminology of *illiberal democracy* was firstly used by Fareed Zakaria in a 1997 column in *Foreign Affairs*, as a response for the increased process of limiting peoples freedom and the projection of centralized regimes characterized by shifting from a open society to a more-closed one. See more at <https://www.foreignaffairs.com/articles/1997-11-01/rise-illiberal-democracy>.

<sup>2</sup> "And so in this sense the new state that we are constructing in Hungary is an illiberal state, a non-liberal state. It does not reject the fundamental principles of liberalism such as freedom, and I could list a few more, but it does not make this ideology the central element of state organization, but instead includes a different, special, national approach", extract from Viktor Orbán's speech at the 25th Bálványos Summer Free University and Student Camp, (Băile Tușnad, Romania, July 26, 2014). Full text available at <http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp>.

#### 4. 2015 IN POLAND: DEBUNKING A NEW ILLIBERAL DEMOCRACY IN EUROPE

Unfolding crises in Europe has been the landmark in 2015. Inheriting from 2014 the security crisis from the East, EU specifically, but Europe as a whole, have literally jumped from complications to major setbacks and failings. More than a decade ago, when Europe has never been so prosperous, so secure nor so free and the creation of the European Union has been central to this development (Solana 2003, 5), Poland was one the road of joining the most peaceful, stable, cooperation-oriented and welfare structure – the European Union. Both a supranational body and a *sui generis* intergovernmental organization, EU has transformed the relation between states and the lives of its citizens, committing European countries to deal peacefully with disputes and to cooperate through common institutions (Javier Solana 2003, p. 5). As a connective reminder – a few months after the EU launched its first European Security Strategy (December 12, 2003), Warsaw led the ten-pack states that joined the European Union on May 1, 2004. But a lot of items have been modified on the European spectrum since then.

By paraphrasing former Polish president, Aleksander Kwaśniewski<sup>1</sup> – “To be in the EU, it means to have same rules of... for economy, for social life, to be together in the majority of European countries” (Millard 1999) – it can be distinguished that different realities come with different perspectives. From the European path chosen by Warsaw in the 90s and the actual status of both Europe and Poland, there is a remarkable disparity and heterogeneous facts. But, as Europe tends to resemble with the “orchestra playing on the Titanic” (Renzi 2016), challenged mainly by security and humanitarian issues (terrorism threat, refugee and migration crisis) that provoke the lack of internal solidarity and dismantle its attraction model, Warsaw debunks a new headquarter for illiberal democracy in Europe, two years after its Visegrad partner – Hungary – claimed the same political view.

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<sup>1</sup> Aleksander Kwaśniewski is the third president of post communist Poland, defeating Lech Walesa in the 1995 presidential elections, and leading the country for two terms (until 2005), defining political period for Warsaw as the country gained accession within NATO and the European Union. Kwaśniewski was also the first and last Social-Democrat president of Poland, handing the baton in 2005 to Lech Kaczyński (first PiS elected president).

This particular issue would not be perceived as so dangerous if we would not have the Hungarian example and Poland's posture – a game changer.

#### 4.1. A game changer in an Europe in crisis: another path in Warsaw

A lot of views have profoundly changed since Poland became a member of the EU, in full compliance with Europe's confident, but, in patches, halting evolution. In the dawns of the current crises that the European Union faces, there are continuously added issues to the challenges box. Just when Europe began to list the most burdensome threats (Eurozone crisis and Greek debt, security issues – Russia and terrorism, migratory and refugees flows, the incoming Brexit negotiation and referendum), Polish electoral year did not display a sign of concern.

Poland has been regarded as a land of stability in the European Union framework. As mentioned in foreword, Warsaw has built itself in the twelve years membership of the EU a strong stance. Being the sixth member country of the EU, both by demographic and seize outlooks, with a major role in the decision making process in the Council, with a former prime-minister as the president of the European Council, Poland represents a strong asset within the European Union. A role model of European funds absorption<sup>1</sup> and a political actor that understood and practiced well the EU soft power approach (Joseph Nye 2004) in its vicinity by shaping and rising together with Sweden the European Neighbourhood Policy tool that has heated Russians views – the Eastern Partnership – Warsaw is definitely a game changer within the European Union. Thus with a practical position towards many challenges faced by Europe and the Euro-Atlantic community, Poland has developed a strong voice in many EU files (e.g. the Arab Spring, energy security) and institutional procedures (e.g. the voting procedure in the Council of the European Union – the famous Jagiellonian Compromise).

By assuming the role of a game changer or by being able to do so, it means that Poland is regarded as a strategic asset. Far more, being a game

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<sup>1</sup> In the last two Multiannual Financial Frameworks (2000-2006, 2007-2013), Poland accessed more than 99% (2000-2006) and 66.66% (2007-2013) from the Structural Funds. Under the European Solidarity Fund, Poland received 99.70% of the dedicated financing (2000-2006) and 70.32% (2007-2013). For 2014-2020, Poland is the largest recipient of Structural and Cohesion Funds, with 77.5 billions euros. More information is available at <http://insideurope.eu/art-countries>.

changer you may deliberately transform a strategic situation (McAdams 2014) into your own advantage. For the ongoing crisis in Ukraine, Poland played two significant roles: loud supporter for sanctions against Russia and part of the initial diplomatic talks, together with European (France, Germany, United Kingdom) and Transatlantic partners (United States) and with Russia and Ukraine. Given the frosty relations between Warsaw and Moscow in the last years and the Russo-phobia vein within the Polish society, I would say that Poland is a solid voice that through supporting retaliation measures against Russia, made a strategic statement: if followed the idea of catalysing positive change (McAdams 2014).

The current migratory pressure and refugee crisis was dealt under a sign of predictability: as a regional but informal leader, Warsaw understood the V4 partners reluctance, but acted as a growing power admitting that is in Poland's duty<sup>1</sup> to accept refugees that are running from terror, chaos and war and two weeks later draw clear line: by voting for refugee and migrant quotas distribution, Poland embraced once again its European vocation. Why were these background details so fundamental? Because they represent the political sights of a pre-electoral Polish society.

After eight years in opposition, PiS (Law and Justice Party) won the parliamentary elections in October 2015, defeating the acting government of PO (Civic Platform), the center right political party that ruled Poland since 2007. Also, much more important for a changing political scene, this result came after PiS presidential candidate, Andrzej Duda defeated former president Bronislaw Komorowski (Civic Platform) in a two round presidential elections in May 2015 and has been incumbent since August 2015.

Nonetheless, the essential circumstance that should be extracted from the political shift has emerged in Poland is that for the first time in post-1989 Poland a political party won an absolute majority in the Parliament: 235 seats out of 460 in Sejm (Lower Chamber in the Parliament) and 61 seats out of 100 in the Senate<sup>2</sup>. These facts have sent strong signals for the Polish political scene

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<sup>1</sup> "Accepting migrants escaping to save their lives is our duty" (Polish PM, Ewa Kopacz, on September 10<sup>th</sup>, 2015, before the quotas voting in the Council and the general elections). Full text available at <http://www.reuters.com/article/us-europe-migrants-poland-idUSKCN0RA0SR20150910>.

<sup>2</sup> Law and Justice Party obtained 5.711.687 votes, with a total percentage of 37.58% while the opponent party - Civic Platform - gained 3,661,474 votes (24.09%) with 138 seats in Sejm and 34 in the Senate. Full data available at

further developments that were disregarded at first within the European Union.

In order to understand both elections results and the initially lack of concern regarding Poland a few retails could be relevant. Firstly, both PiS and PO are political parties founded at the beginning of this millennium, in 2001, three years before Poland's accession the EU. Secondly, these two political parties embrace a right wing ideology, but with sensitive differences. While PO has a center-right orientation with Christian democracy and pro-European values and is a member of the European People's Party, PiS plays by both center-right and right wing views with inner-directed values (traditional conservatism, Euro-scepticism and social conservatism). Thirdly, PO and PiS gained seats in the national parliament in 2001 elections and led the votes in 2005, with Law and Justice Party in the first place and Civic Platform as runner up. As we know, after two years of PiS government (with two Prime Ministers, one of them is still the Party's leader - Jaroslaw Kaczyński), the Parliament voted for its dissolution in 2007 and called early elections. Since then PiS was in opposition for almost a decade.

Coming back after the 2015 both presidential and legislative elections, PiS gained all the political power in an EU member country in a time when political parties across Europe hardly form a political majority to govern a state. And not in any member state, but in Poland, the Visegrad EU member that decided to play an European role in the refugee and migrant crisis. Inside a member state that postures and is seen as a game changer actor in an Europe in crisis the society felt the need of a new political landscape. Despite some bold governmental measures taken by PO cabinet (with Donald Tusk and Ewa Kopacz as PMs) such as enterprises privatization, state decentralization or controlling the VAT rising (from 22% to 23%) and with important results achieved (high rates of EU funds absorption, 3.5% economic growth, political stability), Civic Platform failed to adapt to challenging and changing landscapes, while PiS tackled the same indicators.

Poland economy grew with 23.8 percent between 2008-2014 and it was the only economy in the EU to avoid recession in 2008, which the country last saw in 1992. But voters had enough of eight years of the Civic Platform. No matter that the economy stayed the EU's consistently strongest; nor that

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[http://parlament2015.pkw.gov.pl/pliki/1445898069\\_Komunikat-pkw-zbiorcze-wyniki-glosowania.pdf](http://parlament2015.pkw.gov.pl/pliki/1445898069_Komunikat-pkw-zbiorcze-wyniki-glosowania.pdf).

Warsaw had built good ties with its neighbors or won a front-row seat at the power tables in Brussels. The center-right party looked exhausted, scandal-ridden and out of ideas (Cienski 2015a). Also, different elements and influencers in a voter's mindset - such as anxiety about Russia, or the massive wave of migrants - were sensitive topics, but PiS did not scatter from this battle. They had a very oriented political speech promising aggressive measures against corruption, pledging for strengthening defense policy and being a strong supporter of lustration. This arguments count as PiS major political support comes from the East part of the country, a region that still has an anti-Russian mindset and, in the light of recent events, the enmity is enhancing. During the electoral campaign, PiS's leader, Jaroslaw Kaczyński, stressed that migrants flows could bring dangerous diseases to Europe (Scislowska and Gera 2015), statement that reflects Law and Justice Party political vision. In order to strengthen this, the new Prime Minister, Beata Szydło, insisted in drawing a clear line between pro-Europeanism and Polish economic and security interests.

At the end of the political race, the party that managed to adapt itself to both internal and external environments obtained the victory. Another one of these circumstances was the ideological vacuum, because since president Kwaśniewski ended his term in 2005 and his center-left alliance dismantled, the center-left forces succeeded to enter the Parliament with moderate scores. Thus, in the electoral campaign PiS benefited from an absent left political force and promised tax reduction, VAT decreasing, the reversal of unipolar rise of retirement age measure and proposed the introduction of a system of state-guaranteed housing loans and free medication for people over 75 (Program PiS 2015), all representing typical measures assumed by left policies.

Actually, even in the field of the parliamentary elections, Poland is a game changer in Europe. Besides PiS winning for the first time since 1989 an absolute majority, both major parties supported female candidates for Prime Ministers, but what really imbalances Polish political spectrum is that no left forces achieved to win a seat in the Parliament after 2015 general elections.

Winning both presidential and parliamentary elections, PiS is in the same position like it was in 2005, when the party ruled by twins Lech and Jaroslaw Kaczyński hold the political power for two years, and Lech was president until 2010, when the aircraft catastrophe in Smolensk killed him and members of his cabinet. Thus, after ten years, PiS has regained full control of both branches of political power - legislative and executive - signaling a game changing wave. Not only Poland has the ability of being a game changer, but

its political power is actually able to change the game by holding an absolute majority in the Parliament and by proving that it can enact different regulations that are against EU's democratic principles. Far more, changing the game could mean in this particular instance that PiS is installing in Warsaw a new illiberal view, one that tends to become a natural political stance within Central European states.

#### 4.2. "Give PiS a chance" to... unfold a rule of law crisis

With PiS swearing its own government, both European and Euro-Atlantic frameworks were handling different types of pressures. The European Union failed to implement the mandatory quotas voted with qualified majority at the Justice and Home Affairs Council, while the member states leaders were issuing blunt and friction stances. At NATO level, the situations were more plainly: the Alliance was deploying 36000 troops from 30 countries in an exercise called Trident Juncture 2015, the biggest military drill for NATO in over a decade (Vershbow 2015).

Unexpected for Europe, but carefully planned by terrorist cells, French capital, Paris, was the target of an attack that spread chaos, fear and deepened the solidarity scission within EU member countries. With 130 people death after November 13 Paris attacks, other hundreds wounded and several media links between refugees and terrorists, Poland managed to capture attention when PM Beata Szydlo changed Polish official position<sup>1</sup> on migrants and refugees. Until then, Warsaw did not disengage from its European decisions, although its stance on refugee quotas did not follow a clear and precise line until the vote in the Council. Nonetheless, Europe did not felt that the Warsaw speech could endanger the near future, even if it should have.

If Poland has developed the capacity of being a game changer, PiS is, also, a game changer under peculiar cases. Only few emphasized before the elections that on foreign and European affairs between Law and Justice and Civic Platform lies a difference: PiS is expected to forge especially stronger ties with the rest of Central Europe, a bloc that Warsaw hopes to lead (Cienski

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<sup>1</sup> "After Paris, the situation has changed. We will be proposing to sit down at a table and think over, whether the solutions which have been proposed are good. In our view, we are not prepared to accept those quotas of refugees" (Polish PM, Beata Szydlo, a week after Paris attacks). Full text available at <http://www.reuters.com/article/us-france-shooting-poland-refugees-idUSKBN0TC1PU20151123>.



2015a) and within plays enhanced relations under V4 and holds strategic partnership with Romania, for instance. As a game changer, a Poland ruled by PiS cabinet commenced in outlining an intergovernmental, more regionally and national interests oriented play within the European Union. Practically, in this specific case, Warsaw (as a game changer) recognized the strategic opportunities of protecting its own interests and by coinciding them with EU member countries from Central Europe. Thus, this game changing slim conceptual approach follows the idea that change can be catalysed through transforming a strategic situation (McAdams 2014) into its own advantage, like Poland and the ruling party begins to practice in their way of dealing the issues they confront.

Nonetheless, the new vibe given by the governmental cabinet has arisen concerns after new and defiant paths were aligned in domestic affairs. The main landmark: an unprecedented situation for the post-2004 Poland that by two controversial decisions unfolded a rule of law crisis. It sounds harsh and provocative, but when the people of Poland voted to “Give PiS a chance” (Karatnycky 2015), such a game change it does not appear to be justified. But giving PiS a chance implied a doctrine conversion, as a result of being the first party in an European and Euro-Atlantic Poland that scores absolute majority in an election. The rule of law crisis that opened a debate across Poland and Europe and characterized by a controversial Constitutional Tribunal reform and a highly disputed Media Law has two potential explanations that could apply simultaneously: 1) it comes as an inherent political desire to exert a tyranny of the majority and to ensure that the together with the political framework the public bureaucracy and the judiciary actors you contain the echoes of the opposition; 2) to release the statement of your glances inside the European Union by acting as a ruthless and a newcomer, but suggesting it as a demonstration of political will disguised under the ground of internal affairs. Such dichotomy is a prejudice brought to EU’s normative power and remains to be approached further, especially because this standpoint to Europe came under certain EU internal pressures (migration, United Kingdom’s future in the EU), both approached in an intergovernmental way.

The Constitutional Court/ Tribunal reform was, from top to bottom, a dispute over power and influence. Synthesising, the law makes it harder for the tribunal to take decisions, by raising the bar from a simple majority to two-thirds for a vote procedure and by raising the quorum from nine out of fifteen judges to thirteen, among other provisions (EU Observer 2015). Dressed up with procedural arguments, this reform was preceded and persists in



representing a political battle, despite the distinctive role of a Constitutional Court: to supervise any possible judiciary conflict between the Constitution and the laws enacted by the legislative power. Before the general elections in October, Civic Platform was still holding a majority in Sejm (the lower house of the Parliament and the body that appoints the Constitutional Tribunal judges) and decided to appoint five new judges for the Court, despite unknowing its political future in power and its dropping odds, a fact that triggered a post-election crusade for power.

Through his official position and rhetorical communication, Law and Justice Party leader, Jarosław Kaczyński, a prominent figure of conservatism, traditionalism and with an Euro-sceptic, anti-Russian and pro-NATO approach, has described the struggle for power. He argued that the former government, led by the center-right Civic Platform (PO) party, broke the rules by trying to appoint five judges, instead of the usual three, adding the timeline argument: a decision taken before the elections which PO knew it would lose (EU Observer 2015). Kaczyński's explanations were definitely not on the line with what his party promised before the elections: new administrative regions, fight against corruption or amending the Constitution (Wall Street Journal 2015). Following a short sketch of the political timeline for this decision it is obvious that we assist to a tyranny of the majority settlement: 1) PO changed five Constitutional Tribunal judges, instead of three, and, indeed, it did it short before uncertain elections; 2) If president Andrzej Duda (former PiS candidate) would have not refused to swear these appointments, PO would have found itself in the position of designating 14 out of 15 Constitutional Court judges; 3) even after PiS won the elections the situation on the ground remained as followed - nine out of fifteen judges are appointed by Civic Platform; 4) combining the first three facts it results with the eminently political decision of PiS in changing procedural aspects (two-third majority for voting and a minimum quorum of thirteen judges for a meeting to take place) that has contained the Tribunal's effectiveness role and has unfolded a rule of law situation since president Duda issued this bill.

Furthermore, the Constitutional Tribunal reform should be regarded beyond the domestic political battlefield, holding specifically European implications. The EU is a sensitive body when it comes to rule of law and political decisions that could alter the functioning of democratic institutions and the principle of checks and balances. The rule of law is a key requirement of EU membership, safeguarded by both the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union, set out

in the so-called Copenhagen Criteria and included in two chapters of negotiation – Judiciary and Fundamental Rights and Justice, Freedom and Security (European Commission 2014). Enclosing to this a new type of communication towards the EU – the stance on migration quotas after Paris terrorists attacks or the Foreign Affairs minister position on UK's future in the EU<sup>1</sup> – PiS did not make just a move of domestic political consolidation, but it opened the door for both intergovernmental and Euro-sceptic approaches in the European Union.

The Media Law followed the same pattern and the decision nuances the political overthrow. The amendments enable the government to sack executives of the public media<sup>2</sup> and basically pick their replacements. The fundamental reason for these change of guards held the same view as in the Constitutional Court issue: to put it soft – rebalancing PO's influence. Adopting a type of law on New Year's Eve that allows the Treasury minister to replace senior public broadcast officials (Cienski 2015b) and that was signed by the President in the first days of 2016 has started to raise international concerns over PiS's illiberal democracy debunking. Completing this picture with other domestic decisions but with international echo, such as the removal of the officer in charge for the NATO's Counter-Intelligence Center of Excellence in Warsaw, Poland has very well passed in an era of defiant paths towards its foreign affairs commitments and its European integration engagement. By assembling this with the empirical map of a hard-pressed Europe, Poland is following the political way of breaching EU's core values.

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<sup>1</sup> In a response to Reuters news agency on January 3<sup>rd</sup>, 2016, Polish FA minister, Witold Waszczykowski, told Poland could be open to compromise over British demands to limit the rights of European Union migrants if London helps it bolster the NATO presence in central Europe: "Of course. Britain could offer something to Poland in terms of international security. We still consider ourselves a second-class NATO member-state, because in central Europe ... there aren't, aside from a token presence, any significant allied forces or defence installations, which gives the Russians an excuse to play this region". Full text available at <http://uk.reuters.com/article/uk-britain-eu-poland-exclusive-idUKKBN0UH0IG20160103>.

<sup>2</sup> The decision concerns the public media institutions of Poland: the state broadcaster TVP, Polskie Radio and the News Agency PAP.

#### 4.3. A soft or hard Euro-sceptic approach? What about illiberal democracy?

If some could advocate for the same old habits of political forces – the restoration of state power in the domestic landscape for a political party that has stayed in the shadow for almost a decade or that is remaking a political balance profoundly altered by the previous government – others find the new Polish behavior as irresponsible, in-conceivable and a demonstration of a new, but uncalled for, Euro-sceptic disciple. Also, the possibility of a new illiberal democracy rising in Central Europe is not out of question.

Soon after the disputed situations generated by the Constitutional Tribunal and Media Law changes, different voices from Brussels, both the European Commission and the European Parliament, have posed severe concerns. Far more important, at the beginning of December 2015 several thousands of Polish citizens protested<sup>1</sup> against those quick and rough changes that could prejudice the country's stability at a moment when neither Poland, EU nor NATO would want it. Actually, PiS government managed to score two opposite performances in less than two months of governing the country: it became the first party which obtained absolute majority, but which was criticized for instrumenting a *coup d'état*. Fast forward and by the end of the year, several important European officials pointed out the delicate sideslip of Warsaw, unimagined a few months earlier as in a black swan type of unpredictable event. But turning back to different specialists' views about PiS's tendency for rebalancing political power, this was highly expected, but not from its European effects. There were predictions about being difficult to work with Law and Justice cabinet in Brussels, but they mainly regarded key issues for the European agenda at that time (migration crisis and United Kingdom's future in the EU). Hardly, one could have envisaged that Poland will attack indirectly the rule of law criteria and that will develop an Euro-sceptic rhetoric on all EU disapprovals with respect to PiS's foreign and domestic agenda.

Before the Polish President issuing the new regulations for the Constitutional Tribunal and the Media Law, European Parliament President,

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<sup>1</sup> Polish people rallied to the "Citizens for Democracy", the main slogan of civic demonstrations that were carried out in several major Polish cities. Almost 50.000 citizens took part at the demonstration in Warsaw. Full data available at <http://www.thenews.pl/1/9/Artykul/232589,Civic-protests-to-be-held-across-Poland> and <http://www.theguardian.com/world/2015/dec/12/poland-thousands-march-warsaw-against-democratorship-government>.

Martin Schulz, disturbed Prime Minister Beata Szydlo and Foreign Minister Witold Waszczykowski with his *coup d'état* assessment over the Polish situation (The Telegraph 2015). Former PM of Belgium and one of the most vigorous and pro-European personalities, Guy Verhofstadt stressed after the adoption of Media Law that PiS actions undermine the plurality of the press and after blocking the Constitutional Court the government in Warsaw moves Poland from its European path based on values (ALDE Party 2016), while the European Commission First Vice President, Frans Timmermans - in charge for Rule of Law and Fundamental Rights - criticized Poland for undermining the constitutional order (EU Observer 2015).

The European Commission decided to debate in its second Commissioners College meeting for 2016 the rule of law situation in Poland, while the European Parliament invited PM Beata Szydlo to address the first plenary session in 2016 in Strasbourg. Preceding the EC debate, Günther Oettinger, the Commissioner responsible for media, said that there are reasons to activate the Rule of Law Framework<sup>1</sup> that can be used if there is a systemic threat to the rule of law in any of the EU Member States. Being a fundamental and founding principle for the European democratic settlement, the rule of law is a sacred value of the European Union basis and included in the Copenhagen criteria for EU membership. Following several democratic shortages in some member countries (like Romania), the European Commission adopted in 2014 a new Framework that aims to prevent, through a dialogue with a specific Member State, that an emerging systemic threat to the rule of law escalates further into a situation where the Commission would need to make use of its power of issuing a proposal to launch the mechanisms of Article 7 of the European Union Treaty (EU Rule of Law Framework 2016).

As anticipated at that time, the Commission decided to launch a structured dialogue under the so-called rule of law mechanism, through which it monitors and assesses the situation concerning the Constitutional Tribunal functioning and the changes in the law on the Public Service Broadcasters. Thus, the College mandated First Vice-President Frans Timmermans to tackle the situation together with the Polish government and in close cooperation

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<sup>1</sup> The objective of the Framework is to prevent, through a dialogue with the Member State concerned, that an emerging systemic threat to the rule of law escalates further into a situation where the Commission would need to make use of its power of issuing a proposal to trigger the mechanisms of Article 7 TEU. More data available at [http://ec.europa.eu/justice/effective-justice/rule-of-law/index\\_en.htm](http://ec.europa.eu/justice/effective-justice/rule-of-law/index_en.htm).

with Venice Commission<sup>1</sup> of the Council of Europe (European Commission 2016). A few days later, at the European Parliament plenary session in Strasbourg, Prime Minister Beata Szydło availed herself of the dialogue opportunity with the European deputies to point out a specific Euro-sceptic approach. She argued that EU values, such as human rights and rule of law, were not breached in Poland and that Warsaw plays by the book, which are the EU treaties (EU Observer 2016), but in the same time she confronted Europe<sup>2</sup>. Invoking Polish adherence to a united Europe, Szydło emphasized two particular and important aspects: sovereignty and political reasons.

Outlining that the Constitutional Court and Media Law decisions are internal affairs, protected by the most safeguarded principle of state – sovereignty – the government in Poland has once again proved that another thinking is shaping a difference between Europe of states and institutional Europe. On this line, even a ceremonial moment, as the removal of the European Union's flag at the after-Pis cabinet meeting press statements, is a protocol gesture that underscores Warsaw ties with Brussels. The political considerations stressed by the Prime Minister of Poland were bound with the first argument holding a key ascertainment: analyzing both chronological moments and political course of actions, it is a fact that motives behind this power crusade are eminently political. Equally right is that judiciary institutions and legal frameworks should be protected against political backlashes, and even if the former government has decided to play rough, PiS's self claimed attempt in restoring a balance it is also driven by the same political incentives.

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<sup>1</sup> The European Commission for Democracy through Law - better known as the Venice Commission as it meets in Venice - is the Council of Europe's advisory body on constitutional matters. The role of the Venice Commission is to provide legal advice to its member states and, in particular, to help states wishing to bring their legal and institutional structures into line with European standards and international experience in the fields of democracy, human rights and the rule of law. More information available at [http://www.venice.coe.int/WebForms/pages/?p=01\\_Presentation&lang=EN](http://www.venice.coe.int/WebForms/pages/?p=01_Presentation&lang=EN).

<sup>2</sup> "Poland is a democratic country (...).We are part of the united Europe. We want to feel that Poland is a free and sovereign member state that can always count on the EU's support, and that internal matters and its sovereignty are respected. We have never wanted to dominate the tribunal. The dispute about the constitutional court is political, not legal. It is an internal matter and Poland should solve it on its own" (Extract from Beata Szydło speech in the European Parliament).

Not only Poland has played the intergovernmental card in this issue, but the European approach has been differentiated: while the European Commission and the European Parliament acted under the institutional instruments at their disposal, the institutions representing the Member States (EU Council and European Council) were more reluctant, being closer to intergovernmental concerns than European institutional-based decisions. Many Mainstream political leaders and country representatives did not explicitly comment the situation in Poland, and those who did, either were criticized or supported Warsaw's decision. The EU rotation presidency of the Netherlands released an abstract statement about benefits and respect of values through its Foreign Ministers, Bert Koenders, and announced a rule of law debate at the General Affairs Council only in May<sup>1</sup> (EU Observer 2016). The tensions regarding the situation in Poland and the European reactions reveal besides intergovernmentalism, both Euro-scepticism and illiberal democracy.

Law and Justice Party, as a member of the European Conservatives and Reformists Alliance, holds a pragmatic and balanced political view, ultra-conservative and pro-Western security architecture. The European Conservatives are a Pan-European alliance and political group founded at the initiative of British Conservatives in 2009, after their withdrawal from the European People's Party (center-right European force and keen to European integration), positioning itself in the spectrum of right wing ideology. By comparing the right wing political views towards the European construction process, we notice that if EPP represents the core view of pro-Europeanism and factions like UKIP or National Front embody the far-right and deep Euro-sceptic approach, than the Alliance in which PiS is a member holds a soft Euro-sceptic position. Practically, under ideological terms, Law and Justice Party and its European Alliance are a pragmatic pivot between the core (EPP) and the periphery (hard Eurosceptic force which decline integration), placed at a semi-periphery that does not exclude the importance of integration, but rejects its political steps that pose a danger to national sovereignty.

The initiation of Rule of Law Framework points out one of the largest threats for the European Union, together with the strong link between the effects of the refugee crisis and Euro-scepticism advancement: illiberal democracy. Under the rule of law mechanism, the Commission develops a

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<sup>1</sup> At the moment when this article was sent for publication the debate not occurred.

three stage process by assessing a situation, recommending further steps and monitoring their appliance, but, if no solution is conceived, the last resort of solving a crisis by ensuring a Member State complies with EU values (EU Rule of Law Framework 2016) is through Article 7 of the Treaty of European Union. Another important specification is that the rule of law mechanism is applied if no other national instruments or EU's infringement procedures can approach a particular issue. In the case of Poland, national instruments could be very well excluded as PiS holds a majority in the Parliament and after it decided to join the office of the Justice minister with that of the chief prosecutor (Fox News 2016), another controversial through its political motives. As of other European instruments, an infringement procedure could not be invoked because it would have requested the proof of EU law violation (Infringement Procedure 2016) and failing to implement a solution agreed with the Commission.

A further demanding of Article 7 it links Poland with one of the worse, but not very debated fears in Europe: illiberal democracy. This term, as previously mentioned in the current paper, has been associated with the Hungarian Prime Minister new outlook towards European integration. Far more, the Polish move with the Constitutional Tribunal reform could seek to have an analogous effect as Hungarian PM, Viktor Orbán, decision that limited its constitutional court ability to rule on a range of government efforts (Wall Street Journal 2015). The connection does not end here, but the provisions under article 7 are very vast and request further explanations.

First of all, the invocation of Article 7 of the Treaty of the European Union is a response to a Member country that has breached EU's founding democracy values – rule of law and human rights (TEU, Article 2/ 2009) – and has the judiciary force to lead to the suspension of the state's voting rights in the EU Council (TEU, Article 7.3/ 2009), a body that co-legislates with the European Parliament. Second of all, both the EU Council<sup>1</sup> and the European Council<sup>2</sup> hold decisions ranks under this specific condition, but with different

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<sup>1</sup> Treaty of the European Union, Article 7: "On a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values (...)"

<sup>2</sup> Treaty of the European Union, Article 7: „The European Council, acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the consent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of the values (...)"



procedures. In order to decide a violation of EU values the EU Council must agree by 80% of its members and after a proposal from the European Commission, the European Parliament or a one-third part of the Member States. In the same situation, the European Council requests unanimity-voting procedure. Displacing ourselves from the fundamental ground of the European system functioning – which is the Treaty of Lisbon – and tackling the empirical context we noticed that Hungary issued an early statement, Viktor Orbán dismissing any possibility of agreeing the invocation of Article 7 in the European Council. Budapest's support for Poland reflects a fusion stance within the Visegrad Group for many EU contested affairs, starting with migration and refugees and linking them with the rise of Euro-scepticism, even in the form of illiberal democracy. On the same line, no other EU country stated explicitly that it would endorse such a procedure, one that entails the potential of undermining EU intergovernmental relations.

Eurasia Group, a prestigious think tank of international affairs and risks analysis, warned at the beginning of 2016 about Europe's biggest threat: the cleavage between an open Europe and a closed one (Bremmer 2016), divided by refugees, terrorism and the grassroots of political pressures to EU's founding principles. Under this assertion, we could easily find both Poland and Hungary, among other states, of course. Warsaw new playing political book in Europe was regarded alarmingly by Fareed Zakaria, who twenty years ago, argued that it was difficult to recognize the issue of illiberal democracy because for almost a century in the West, democracy has meant liberal democracy - a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech (Zakaria 1997). Emphasizing that democracy does not automatically mean constitutional liberalism, Zakaria leads his theory to an interesting parallel: while constitutional liberalism brings limitation of power, democracy is about its use. By citing Alexis de Tocqueville<sup>1</sup>, Zakaria refers to the tyranny of the majority, a practice very well linked to the use of power in democracies, one that fits our descriptive narrative here. Poland may follow Orbán's illiberal democracy concept that does not reject liberties and European values, but embraces also a national approach (Orbán 2014), one that reserves

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<sup>1</sup> "The very essence of democratic government consists in the absolute sovereignty of the majority" (Alexis de Tocqueville). See Fareed Zakaria, "The Rise of Illiberal Democracy", *Foreign Affairs*, 76 (6), 1997, p. 30.



its right under sovereign will conferred by popular vote despite breaching or fissuring the founding values and principles of an EU in crisis

Poland's rising illiberal democracy may be a too early assumption, considering both PiS's long period in opposition, Civic Platform's capacity to renew its political approach and make a strong stance for supporting a more European approach and the full scale support for Transatlantic security and anti-Russian standpoint. The claim that Poland is no longer a liberal democracy, although its government is not liberal, is a sign that EU's prescribed ideology has been violated and Europe's big challenge is that other could follow (Friedman 2016). Thus, illiberal democracy could be the political shape of Euro-scepticism, either soft or hard, or a new *modus vivendi* of intergovernmental Europe.

Also, Warsaw's punishment for the rule of situation may be a too long shot, firstly because of the Hungarian precedent, when for similar reasons, Orbán's government was not penalized. Secondly, because Poland has a few key strategic advantages: is the biggest Eastern Europe country member of EU and NATO, the costs of isolation are not affordable for the current Europe in crisis (and that could be a leverage Warsaw is instrumenting), Poland is the sixth member of the EU and a developing European power and last, but not least, is an anti-Russian actor within NATO and with an enhanced view for strengthening the Eastern flank of the Transatlantic security architecture.

## 5. THE AGE OF SECURITY: POLAND IN THE PERILS OF PROXIMITY

"I think to be in NATO for the countries of our region, it means more guarantees for us, it means more responsibility for our common security, but it means fulfillment of all standards of civilized world, like protection of human rights and democratic mechanisms". This was the assessment that former Polish president Aleksander Kwaśniewski delivered on a speech in a 2002 official visit to Washington, three years after Warsaw became a full member of the North Atlantic Alliance. By comparing it with Law and Justice Party government view, the pledge for common security is highly ranked, while the quasi-assurance of democratic mechanisms has brought tensions in Poland and the EU. Also, by comparing the government perception of NATO with the previous chapter of this article, the context is substantially different. Both

NATO and the EU are two distinct organizations, basically with the same universal goals – peace and cooperation – but with different approaches, specific objectives and institutional designs, from decision-making process to full implementation. If the European Union has been already projected as intrusive in state affairs, unable to cope with multi-stratified issues and is strongly challenged by member countries with concepts like illiberal democracy or hardball plays like the United Kingdom, NATO has been majority wide regarded as a source of stability and as a security provider. The comparison between EU and NATO is not the case here, although a fundamental reality must be stressed: since the dawn of the Ukrainian crisis, Russian annexation of Crimea and the hybrid warfare started by geopolitical ambitions and continuously raised to a broader scale, both Brussels based organizations have come to the common ground that their cooperation is essential in a challenging world (NATO 2016a), were 22 specific countries are members of both structures. Poland is one of them, joining NATO in 1999 and the EU in 2004.

But as Polish policy towards the European Union has transfigured in a breach of European founding principles for political reasons, as recognized by the PiS cabinet, the overview of Warsaw's Transatlantic position has received tremendous incentives. Since President Duda came into office, he stressed out in his inaugural speech that security is a top priority, especially military one. Further more, if I were to analyze his speech line<sup>1</sup>, distinct notions come into surface for Warsaw's defiant paths. While mentioning the importance of cohesion development in the European Union so that Polish interests could be taken into account, Andrzej Duda referred with another view to NATO – a crucial asset for Poland's safety – and argued for Transatlantic unity, as an intrinsic component for his country security.

As a game changer within the EU, Poland does not play it differently in NATO and under PiS leadership the enhancement of Warsaw's foreign approach already reflects a purposeful adaptation of a given strategic context: the perils of proximity leaded by an assertive Russia.

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<sup>1</sup> “ (...) we should also care for cohesion of the European Union so that in the process of developing this cohesion also our own interests would be taken into account. This way, we should build the unity of the North Atlantic Alliance and guard it carefully since it is crucially important to Poland”. Andrzej Duda's full speech is available at <http://www.president.pl/en/news/art,7,address-by-the-president-of-the-republic-of-poland-mr-andrzej-duda-before-the-national-assembly.html>.

### 5.1. Warsaw: a chronic anti-Russian pulse in NATO's Eastern flank adaptation

Frosty ties between Europe and Russia, triggered by the Euromaidan events that collapsed Viktor Yanukovich's presidency, after his decision to not sign the Association Agreement between Ukraine and the EU, are the landmark for entering a new age of security: one where reassurance and adaptation are key words between the Euro-Atlantic region and Moscow. With an approach defined by the 2010 Strategic Concept<sup>1</sup> and no longer applicable in terms of cooperative security with Russia, NATO was facing a new adaptation requirement under the sketch of an environment that brings into collective memory the Cold War mindset. This requirement had a spatial coordination – NATO Wales Summit – with new incentives under the Euro-Atlantic security formula: adaptation and assurance measures taken under the umbrella of a Readiness Action Plan in the Eastern flank of the Alliance, obviously with Poland included. Two of NATO's new structures pledged in Wales Summit were to be built in Poland: one NATO Force Integrated Unit and a Multinational Commandment for Central Europe Division. Both measures were the result of a political consensus between all 28 allies and the response of NATO's security provider approach towards reassurance and adaptation in order to diminish the potential of an aggressive Russia.

Since the dawn of the Ukrainian crisis and the narrow present, Warsaw developed an anti-Russian stance and enhanced its dialogue with regional partners for raising awareness about the necessity of a more practical NATO approach in Eastern Europe. Although former Polish President, Bronislaw Komorowski, involved in an active dialogue with Romanian President, Klaus Iohannis, and launched the idea of a regional summit between Central and Eastern European leaders from NATO member countries in late 2015, the security component has also been one of the toughest advantages for his adversary in the presidential elections – PiS candidate, Andrzej Duda. Former member of the European Parliament, Duda brought into his campaign speech one element that few leaders dared to promote

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<sup>1</sup> NATO's Strategic Concept adopted at the Lisbon Summit in 2010 identifies three key pillars for the Alliance's role in protecting its members: collective defense, crisis management and cooperative security.

fiercely: an intensified and constant NATO troops presence in the Eastern dimension of the Euro-Atlantic security and in Poland, particularly.

Also, coming back to Duda's opening speech as president, he stressed from the beginning two fundamental considerations, both tied to the current paper: 1) Warsaw aims to be at the core of a key milestone for the Euro-Atlantic security architecture and 2) the divergent approach of the rising political power in Poland towards EU and NATO. The first one is a key fact because it underlines a new phase in NATO's process transformation, which a few years ago was unconceivable and namely a large and consistent contingent of Euro-Atlantic troops deployed in the Eastern flank - a region that a quarter century ago was decoupling itself from the communist regimes. The second one emphasizes a more resilient approach with the North Atlantic objectives, but a less resilient view when it comes to the European Union, as we have seen in the previous chapter. This antagonist approach on NATO and the EU, although could be expressive from a less Europe - more security view, it may not be the proper answer from the security dimension perspective and the Eastern flank reassurance. Indeed, NATO is the security umbrella of 28 allies, among which 26 states are European and 22 out of them are also members of the European Union. But, as a security provider, the Alliance has adapted in accordance to its core military and strategic activities. In the same, and although many analysts and leaders rise concerns about EU's incapacity of playing hardball and insuring security, within the European Union's framework both Member States and institutions have signed a meaningful contribution for its security: the economic and diplomatic sanctions against Russia.

Since the Russian Federation has proceeded with the annexation of Crimea and continued to destabilize Ukraine's functioning as a state, the Council of the European Union has decided to impose restrictive measures. First of all, under diplomatic measures the EU-Russia summit was cancelled and EU member states decided not to hold regular bilateral summits. Bilateral talks with Russia on visa matters as well as on the New Agreement between the EU and Russia were suspended (Council Decision 2014/145/CFSP). Far more, the G8 meetings, where four EU states are members and EU representatives participate, were cancelled and the G7 system has been restored, without Russia's participation. On restrictive measures, 146 people and 37 entities are subject to an asset freeze and a travel ban over their responsibility for actions that undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. The Council of the European Union

has decided to extend these sanctions until 15 September 2016. As a consequence of the EU's non-recognition of the illegal annexation of Crimea and Sevastopol by Russia, the Council imposed substantial restrictions on economic relations with Crimea and Sevastopol, sanctions that are effective until 23 June 2016 (Council Decision 2014/145/CFSP). These facts have stalled Russia's economic progress and have posed its financial influence in the world economy, touching also Moscow's capacity to do business as usual with Europe.

Poland played a key role in this part and is a continuous supporter of not giving up on economic and diplomatic sanctions against Russia, whom it considers to be the main threat for its national and regional security. Therefore, despite Warsaw's diligent role in transforming NATO's focus on the Eastern flank, the ruling government from Poland should also keep on its agenda the fact that EU's sanctions tools and its normative power play together an important part in deterring an assertive Russia.

While being inner-directed to the Transatlantic community, the Law and Justice Party government is much more than outer-directed against Russia, holding in its ideological basis a Russo-phobia stance. So, the powerful rhetoric on security issues that were very carefully tackled by incumbent President Duda and its party in the elections, consisted in a smart political play with main security fears and concerns by the society, like every political force practices it. Of course, we could add to this assumption some previous evolutions that display efforts made in the same line by the former government.

After deciding the suspension of NATO-Russia Council and deploying military troops, aircrafts and ships at the Alliance's Eastern border in an ongoing adaption process demanded by the degraded security environment, NATO hold its scheduled heads of states and governments summit in Newport, Wales. Poland's representative was President Bronislaw Komorowski (PO) at a decisive reunion for NATO's transformation. It was for the first time since the end of the Cold War when the North Atlantic Alliance had to so quickly adapt in a challenging geopolitical landscape. Practically, at the Wales Summit, NATO's strategic reposition towards Russia was a completely move. Realists arguments, such as the Eastern threat was not entirely abolished and the collective defense principle must be maintained because of the security dangers (Glaser 1993), are now a plausible reasoning. In the same time, Russia reconfirmed its struggle for power tendency, and NATO's survival confirmed that the threat has also survived (Risse-Kappen

2010). Warsaw was regarded as a strategic and key actor for NATO's future actions according to the Wales Summit decisions.

The already famous Readiness Action Plan<sup>1</sup> preserves two essential understandings for our current paper: 1) at a conceptual level underlined the 28 allies commitment for providing security and for the pillar of NATO's 2010 Strategic Concept and 2) it opened the gate for the current milestone that Poland is hoping to reach and it represents PiS's clear objective in an age of security and reassurance against the perils of proximity.

The security gate opened by the Readiness Action Plan entailed Poland as a mainstream piece in both assurance and adaption pillars of NATO's military and security pledges. The assurance measures pillar was due to enhanced presence of NATO forces on the territory of eastern Allies, on a rotational basis, while the adaption pillar has been focusing on changes to the Alliance's long-term military posture and capabilities (NATO's RAP 2015). Under the first pillar, some of NATO's measures were too highly important for Poland, as for other Eastern member states: 1) to increase the number of aircraft on air-policing patrols over the Baltics and the number of bases for Baltic Air Policing; 2) to deploy aircraft to Bulgaria, Poland and Romania for training and exercises; 3) to commence AWACS surveillance flights over the territory of our eastern Allies; 4) to Commence Maritime Patrol Aircraft flights along NATO's eastern periphery; 5) to send more ships to patrol the Baltic Sea, the Black Sea and the Mediterranean; 6) to deploy ground troops to the eastern parts of the Alliance for training and exercises, on a rotational basis.

The second pillar has been regarded as a standing engagement from both sides – Poland and NATO. Among the adaption measures, the Alliance included Poland in two key aspects: 1) the establishment of a multinational NATO command and control presence on the territories of eastern Allies and 2) raising the readiness and capabilities of the Headquarters Multinational

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<sup>1</sup> "It provides a coherent and comprehensive package of necessary measures to respond to the changes in the security environment on NATO's borders and further afield that are of concern to Allies. It responds to the challenges posed by Russia and their strategic implications. It also responds to the risks and threats emanating from our southern neighborhood, the Middle East and North Africa. The Plan strengthens NATO's collective defense. It also strengthens our crisis management capability. The Plan will contribute to ensuring that NATO remains a strong, ready, robust, and responsive Alliance capable of meeting current and future challenges from wherever they may arise". Extracted from NATO Wales Summit Declaration. Extracted from NATO Wales Summit Declaration. Full text is available at [http://www.nato.int/cps/en/natohq/official\\_texts\\_112964.htm](http://www.nato.int/cps/en/natohq/official_texts_112964.htm).

Corps Northeast in Szczecin, Poland. Subsequently, a few months after the Wales Summit, Allied Defense Ministers decided on the immediate establishment of the first six multinational command and control elements – the NATO Force Integration Units<sup>1</sup> (NFIUs) – on the territories of Bulgaria, Estonia, Latvia, Lithuania, Poland, and Romania (NATO’s RAP 2015). On the same line, the headquarters in Szczecin, Poland, was targeted to become a center of command forces deployed to the Baltic States and Poland, in order to become a hub for regional cooperation, under Danish, German and Polish collective leadership (NATO’s RAP 2015).

With those major achievements obtained by Poland and its PO leadership, Andrzej Duda and PiS underscored Poland’s potential to gain more security assurances and a deeper strategic role as an actor with great game-changer potential and as a host for NATO’s 2016 Summit. In parallel with its European Union sideslips and controversial political measures, the ruling government followed concrete steps towards its security priorities. While President Duda continuously pleaded for NATO permanent troops in Eastern Europe and Poland, the government appointed after the elections prefaced PiS’s intention in the Euro-Atlantic framework. The key government offices for Poland’s aims for enhanced NATO security – Foreign Affairs Ministry and Defense Ministry – were now under the leadership of Witold Waszczykowski, respectively Antoni Macierewicz.

As chief of Polish diplomacy, Waszczykowski advocates for increasing sanctions imposed on Russia and re-investigating the Smolensk catastrophe. He sees the US as the biggest ally and the best security guarantee. He wants to use the cooperation within NATO as a possibility to put pressure on Russia, whom he consider aggressive and responsible for the violation of international law in Ukraine (VoteWatch Europe 2015). In charge with defense portfolio, Macierewicz established in 2010, after the Smolensk catastrophe, a Commission named after himself, which aimed at proving Russian responsibility for the plane crash (VoteWatch Europe 2015). To put it plainly: a pro-American FA minister and an anti-Russian Defense chief.

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<sup>1</sup> These NATO Force Integration Units (NFIUs) were inaugurated in September 2015. They will be staffed by about 40 national and NATO specialists. Their task is to improve cooperation and coordination between NATO and national forces, and prepare and support exercises and any deployments needed. More information is available at [http://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2015\\_12/20151130\\_1512-factsheet\\_rap\\_en.pdf](http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_12/20151130_1512-factsheet_rap_en.pdf).



Also, whereas PiS was preparing for October 2015 elections, President Duda held, a few weeks after coming to office, his first foreign visit: Tallinn, Estonia. In the capital of a Baltic country, where the anti-Russian resemblance is at high quotas and NATO's measures of adaption and assurance were also directed to Estonia, Andrzej Duda unleashed Poland's strategic request: increased NATO troops in the Eastern region. From a NATO territory, but geographically close to Moscow, the Warsaw leader stated<sup>1</sup> the Alliance's eastern flank requirements, asking for NATO's real balancing against an emerging Russian threat (The Baltic Times 2015). The President's bold diplomacy was soon doubled by a PiS government appointed in parallel with an ongoing historical event for NATO: Trident Juncture 2015, the Alliance's largest military exercise in over a decade, involving 36,000 troops from more than 30 nations, that certified the developing operability of NATO's Response Force headquarters and the functions of the new very-high readiness Spearhead Force (NATO 2015b). But as NATO and the EU have developed an intensive dialogue, one that exceeds the Berlin Plus agreement for instance, trying to cope together on new security threats, such as hybrid warfare, and the Alliance is often seen as the institutionalized relation between Europe and the United States, doubtful questions coming from the Western shore of the Atlantic about Poland's domestic evolutions should be seen as a sign of concern.

Looking back to Aleksander Kwaśniewski's good terms with George W. Bush, when both were in office in Warsaw and Washington, and taking into account the strategic partnership developed at the end of Bush's second mandate that allowed parts of US missile defense shield to be stationed in Poland (CFR 2008), US security support and privileged partnership is fundamental for Warsaw. Regarding the other way around, the United States are perceiving Poland as Warsaw sees itself: as a key ally for Washington in Eastern Europe. Although this hubris could be a dangerous play in a relation with a superpower like the US, the empirical evolution shows as followed:

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<sup>1</sup> "We invite and expect these military units of friends and allies, or weapons from NATO countries, to be deployed in areas that today form the Alliance's real eastern flank. The suggestion is absolutely logical and justified, not only historically, but also in contemporary terms. Everyone knows the situation. Imperial tendencies are re-emerging, and the presence of NATO forces is a guarantee for our countries". (Andrzej Duda). More data available at [http://www.baltictimes.com/polish\\_president\\_duda\\_calls\\_for\\_increased\\_nato\\_troops\\_in\\_eastern\\_region/](http://www.baltictimes.com/polish_president_duda_calls_for_increased_nato_troops_in_eastern_region/).



Washington is concerned about the democratic breaches in Poland and its effects on Europe and, possible, on NATO, in the perspective of the Alliance's Summit in Warsaw, but, in the same time, the anti-Russian behaviour played by the Polish government consists in a major sign of confidence from the United States.

While the Obama administration underlined that the new government is finding its way forward (Politico Europe 2016) and before Secretary of State, John Kerry, was due to receive in Washington the visit of his counterpart, Witold Waszczykowski, a letter sent to Prime Minister Szydło by three US senators, including former Republican presidential candidate, John McCain, has brought tensions on the US-Polish axis. Advocating for the robust bilateral partnership, the US senators urged PiS's government to reengage in ensuring the country's democratic stability, after the European Commission has used for the first time the Rule of Law Framework (Cardin, Durbin and McCain 2016). Warsaw's reaction came with the same rhetorical features as with European critics, but with three different message carriers. For instance, PM Szydło and FA minister responses, underlined the same reasons offered to European counterparts: that it is a matter of internal affairs and that the government is correcting political decisions from the past cabinet.

An out of diplomatic tact response was given by the Defense Minister, Antoni Macierewicz: "People who were only building their country in the 18th century are telling us what democracy is – a nation that already had structures of representative democracy in the 13th and 14th centuries" (Politico Europe 2016). Putting pressure in the relation with the United States seems like a not-wise move, especially when Poland also disregards European concerns and seeks security incentives in the Eastern flank of NATO or, not to mention, the change of guards at NATO's Counter-Intelligence Center of Excellence in Warsaw. The subject of replacing the chief of the NATO's Center of Excellence<sup>1</sup>

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<sup>1</sup> Centers of Excellence (COEs) are nationally or multi-nationally funded institutions that train and educate leaders and specialists from NATO member and partner countries, assist in doctrine development, identify lessons learned, improve interoperability, and capabilities and test and validate concepts through experimentation. They offer recognized expertise and experience that is of benefit to the Alliance and support the transformation of NATO, while avoiding the duplication of assets, resources and capabilities already present within the NATO command structure. Coordinated by Allied Command Transformation (ACT) in Norfolk, Virginia in the United States, COEs are considered to be international military organizations. More information is available at <http://www.act.nato.int/centres-of-excellence>.

deserves a brief particular overview. Although the media and the opposition has put a lot of pressure in classifying these changes as sideslips from Polish government, the Center of Excellence is not yet accredited (Maria Juczevska 2016) by NATO, and according to their specifics, these centers are not funded by the Alliance, but by national or multinational basis. Nonetheless, the replacement of the in charge chief could have two justifications: 1) the Defense Ministry may have acted to neutralize a nest of Russian FSB operatives and its collaborators (Juczevska 2016) and 2) the move points out once the again the efforts made by the country's right-wing government to replace senior military officials it considers as backed by the previous center-right government (Defense News 2015). Far more important is that this undergoing accreditation Center of Excellence is a multinational facility with Polish and Slovak personnel, and although Polish Defense chief stressed that he informed his counterpart from Bratislava, the Defense Minister of Slovakia sent an official letter to Warsaw underlining that Antoni Macierewicz did not consult with his country and appealed for a restraint of non-standard actions (Radio Poland 2015).

Extracting from this particular moment that did not produce tensions between two Visegrad partners, the general fact is that whilst some arguing with its partners, Warsaw did not offer reasons for concerns about its Euro-Atlantic security orientation and pledge. On the contrary, President's Duda security diplomacy team up with Romania's President, Klaus Iohannis, in co-chairing the Bucharest High-level Meeting of the States from Central and Eastern Europe, a regional summit with strong signals from NATO's Eastern flank members, one in which they tackled the necessity of strengthening the Eastern dimension of the Alliance's security, the entire implementation of the Readiness Action Plan and NATO's long term strategic adaptation and emphasized their commitments for national defense budgets of 2% GDP guideline, the need for Russia to return in respecting the international norms and the deepen cooperation between NATO and the EU.

The High-level Meeting of the States from Central and Eastern Europe<sup>1</sup> presents a strong significance for Poland's security concerns. Firstly, the other leaders joined Andrzej Duda in outlining their "efforts to secure, where needed, a robust, credible and sustainable Allied military presence in our

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<sup>1</sup> High-level Meeting of the States from Central and Eastern Europe - *Joint Declaration on "Allied Solidarity and Shared Responsibility"* is available at <http://nato.mae.ro/en/local-news/904>.

region” (Joint Declaration 2015). This particular sentence is the full expression of all Central and Eastern European countries security stakes and could be regarded as a pioneer movement for all regional chancelleries from Warsaw to Bucharest, from Sofia to Riga, from Vilnius to Prague, or from Budapest to Bratislava and Tallinn in order to obtain more security guarantees from NATO on the Eastern flank.

Under the same argument line, the NATO secretary general report for 2015 outlines that Poland is one of the few countries that directs a minimum of 2% GDP for its national defense budget, with a score of approximately 2.2% (SG Annual Report 2015), a narrowed group represented by five countries: USA (3.6%), Greece (2.4%), Poland (2.2%), United Kingdom (2.1%) and Estonia (2%). Also, on military expenditure for equipment as a percentage of the defense budget, Poland is the second country on this NATO top, spending more than 30% of its defense expenditures on military equipment. These guideline figures are fully applied by the political government in Warsaw, although this is an effort in which the former seven years political force in charge has a lot of credit to take.

Last but not least, two particular defense measures that hold the potential to move closer from adaptation to deterrence within the Euro-Atlantic area are set to be developed in Poland or with regard to Poland: 1) the phase III of the anti-missile defense facility and 2) the deployment of four battalions of US, German and Britain military personnel in the Baltic states and in Poland. The first topic is an engagement that regards bilateral strategic dialogues (US-Poland/ US-Romania) and the security of the Euro-Atlantic community. As part of the European Phased Adaptive Approach (EPAA) to Ballistic Missile Defense, Redzikowo site represents the phase III of a significant contribution and project for NATO’s future missile defense capabilities – Aegis Ashore Missile Defense System. After the inauguration of Deveselu site (the component of EPAA designed to intercept ballistic threats from outside the Euro-Atlantic area) in Romania, the Redzikowo base construction began shortly.

As for the four battalions announcement, which are set to be composed by about 4000 troops (Wall Street Journal 2016), the direction shows as followed: adaptation becomes deterrence after several risks posed by military exercises organized by both NATO and Russia in the Baltic area.

Returning to the anti-missile defense system, the Polish based component of the anti-missile defense system designed to protect US and NATO troops, is located just 283 km away from Russian enclave, Kaliningrad,

and offers Poland a new incentive towards its anti-Russian political views. Far more, Russia's perceptions towards US and NATO's anti-missile enhanced capabilities is renowned, considering Aegis Ashore BMD system as an instrument that negates its strategic nuclear deterrence (US Mission to NATO 2016) and has the potential to undermine the strategic landscape in Europe. This anti-missile defense momentum – shaped by Deveselu inauguration, certification and operationalization and Redzikowo interceptor missile base building commencement – detains one particular and significant type of narrative played by Polish official. Well-known for its Russo-phobia, FA minister Witold Waszczykowski did not mixed the anti-missile system with other anti-Russian arguments (MSZ Poland 2016) and aligned his speech towards the broader Allied reason: Aegis Ashore is a defense system that cannot intercept Russian missiles and poses no threat to Moscow. These details describe one of the key findings from this analysis: under the Transatlantic umbrella, Polish PiS government has indeed developed a powerful anti-Russian rhetoric, but one that is in acceptance with its Allies: to adapt against Russia's aggressive posture, but not to widen an exacerbation of strategic and nuclear imbalances.

Poland's political steps towards a more security approach transform Warsaw in a continuously performer within the Transatlantic relation, despite its EU sideslips and struggling rhetoric with its allies because of a power crusade in fortifying a tyranny of the majority. Although an illiberal democracy scenario mixed with Euro-sceptic views in Warsaw are really upsetting for the European Union, Poland's posture as a chronic critic of a non-status quo and norms-breaking Russia and as a pursuer in reaching a new milestone for the Euro-Atlantic security landscape consist in vitals recommendation for Warsaw's commitments. Thus through the voice of its FA minister, Poland has tackled more than once the relevance of NATO-Russia Founding Act, re-enabling its strong adversity pulse against Moscow. With diplomatic perspicacity, Witold Waszczykowski provided two meaningful insights for explaining Polish standpoint on the respective document: 1) questioned its non-availability because it was agreed on a different international reality and 2) used the Alliance's current adaptation as an example that the necessity of permanent troops deployed in the Eastern flank entail that a part of NATO-Russia agreement is no longer in force.

By enrolling once again its anti-Russian political stance, PiS proves that its ruling government follows the ideological line that has been the basis of the party since its foundation: traditional and conservative with respect to

the European Union and fully oriented on foreign affairs towards its Euro-Atlantic commitments and its partnership with the US as the only existing option against a Russia that is once again in enmity terms with the Transatlantic community, a broader one than in the Cold War era. Far more, Poland's request for the Alliance's new guarantees in the Eastern dimension of the European security, which is Warsaw's fundamental concern for its perils of proximity, has reached two precursor landmarks ahead of NATO's Summit: at the latest NATO Defense Ministerial meeting (NATO 2016b) before the Warsaw Summit, the 28 allies representatives agreed on an enhanced military and multinational presence in the Eastern flank on a rotational basis and prior the appointment of general Curtis Scaparrotti as the new Supreme Allied Commander (Business Insider 2016), US secretary of Defense announced a possible rotational ground force of 4000 troops in Poland and the Baltic countries.

## **6. CLOSING REMARKS: POLAND'S DOUBLE STANDARDS AND NATO WARSAW SUMMIT**

As part of both EU and NATO, Poland has not chosen the righteous momentum to go rough. More elaborately, Warsaw's cabinet has placed Polish cross border action more in the security provisions of NATO and less in Europe's normative capacity. Beside the traditional remarks of the defiant paths we have seen in Warsaw since Law and Justice Party won an absolute majority for the first time in post-1989 Poland, and its double standards plays among the two communities that have helped in transfiguring the nowadays Poland (EU and NATO), I find it important to conclude with an overview glance of the most important security decision-making process at a multilateral level: the NATO Warsaw Summit from 8-9 July 2016.

Although monitored under the European Commission Rule of Law Framework and with a reluctant regard over the refugee crisis and migration flows, Poland is in the frontline of a security milestone for NATO – the enhancement of the Alliance's capabilities within the Eastern flank, an unforeseen measure a few years ago. These peculiar contexts have determined the key elements of providing an understanding of Warsaw's political paths in uncertain regional and international situations. Poland's double standards views, although envisaged by many, has also brought to light a few issues and

certainties: 1) EU's solidarity is decaying, while the Europe of states is gaining incentives against the Europe of institutions and citizens; 2) Europe has enriched itself with a new regional power, because Poland's strong stance against criticism and internal affairs interference is a position frequently adopted by influent states; 3) PiS's secureness political power paradigm by breaching EU's core values on rule of law, reveals once again the stark stance offered by intergovernmental views over the European integration process and the challenges that Euro-scepticism and illiberal democracy pose to the EU; 4) through this defiant plays and its thin consequences, Warsaw could be very well entitled to a game-changer role within both EU and NATO; 5) Polish political forces are not just requesting and achieving NATO's more security guarantees, but they go beyond with their financial duties guidelines for defense spending, matching the balance between security consumer and security provider; 6) PiS's cabinet counterbalances is undigested behavior towards Europe by a strong and chronic anti-Russian rhetoric; 7) the previous six assumptions encompass a view over Warsaw's role and actions ahead of hosting the NATO Summit on July 2016.

As I mentioned before, Poland's rising illiberal democracy may be a too early assumption, but its actions are a major setback for Europe's stability. On one hand, it could literally bring in Europe the fear that democracy values such as rule of law and separation of powers are endangered by the very right in a democratic world: to elect the political leadership that must keep a country, in this case an EU one, on a stable course of normativity, prosperity and political and judicial stability. On the other hand, an illiberal movement in a time of multiple crisis (refugees, migration flows, terrorism, solidarity, leadership) and possible precedents creation (such as Brexit) has the potential to be inspiring for a nationalist epidemic in Europe.

As stressed from top to bottom, this paper argument has been envisaged by a connectivity belt between one essential actor in post-Cold War united building Europe and its divergent stances towards EU and NATO, two structures that do not go one against each other, on the contrary, they envisage a common and enhanced strategic dialogue and joint action against threats and dangers. Poland's double standards within European and Euro-Atlantic frameworks has proven to be the case for some insightful thoughts: 1) security remains the top priority of international affairs and as long as its military aspects will prevail in the mindset of state actors, organizations as NATO will be perceived as vital and pivotal for its members secureness; 2) the US strategic partnership for Europe and bilateral ties with former communist

countries (as Poland) are much more effective in an institutionalized dialogue such as the Alliance's framework and its shared values commitments; 3) the European Union has built strong and genuine institutions, but the cleavage between a more Europe and a less one has fueled even the newcomers such as Poland; 4) the outcome of Warsaw's sideslip from democratic predictability will be a major test for the EU in several key issues as the struggle for normative power against intergovernmental views and nationalistic backdrops.

Putting this together in the same box, Warsaw's double standards play or its defiant paths towards both Brussels based organizations should be regarded in the following optics: NATO finds it more facile to adapt and shape its response to challenges because of its institutional and decisional design and of its major purpose, while the EU requires different sets of decision making and practicability. In the same line, the European security architecture, one that has allowed the EU to rise and enlarge, is dependent from US security guarantees, while a similar perception is not so rooted about the European Union. For instance, Poland's behavior, one largely presented in this paper, reveals the main cause of such a stance and likely new ones: while Warsaw understands Europe's security binding to NATO's enhanced role and the danger of its absence, the same political capital feels no pressure and power of the welfare and normative EU model against its rule of law breaches and Euro-sceptic fuel.

By its defiant paths – breaching EU's core values and advocating for a security milestone in the Euro-Atlantic region – Poland has, indeed, assume a game-changer role, but one not so different for those who manage to hold power and influence. Warsaw has failed to become a model of dealing differently with power and to be a regional player with an European integration mindset, by choosing to concentrate its efforts on tyranny of the majority building, although it was raising the risks for rule of law violation and illiberal democracy tendencies. On the other hand, Poland has unceasingly endorsed the need for NATO's balancing against threats with a primarily focus on the East side and has preserved this speech through diplomatic actions, political bilateral meetings and within its regional and international partnerships.

Poland goes straight with NATO's Summit hosted in Warsaw under the following realities: in a structured dialogue with the Commission under the Rule of Law Framework; with constant requests from the Venice Commission to restore the rule of law; with a NATO's Defense Ministers



decision to enhance military capabilities in the Eastern flank on a rotational basis; with a NATO-Russia Council meeting at ambassadorial level for the first time since the annexation of Crimea; with a strong implementation of the Alliance's assurance and adaption measures under the Readiness Action Plan, according to which Poland is hosting since September 2015 a NATO Integration Force Unit and the Multinational Corps Northeast Headquarters in Szczecin; with a stance of US commitment to the NATO Allies security and Poland's national security through the start of the building of Aegis Ashore phase III anti-missile defense system; and with an Allied assessment for a 4000 troops rotational ground force encompassed by the new Supreme Allied Commander view over NATO's posture adaptation to deterrence.

As part of NATO – the longstanding collective defense multilateral alliance –, Warsaw will symbolically represent NATO's political decision landmark for continuous transformation and adaptation as a constant security provider in all the Alliance's dimensions. And this will take place in the same city where exactly 25 years ago the military bloc of the Soviet Union and its communist satellites – the Warsaw Pact – ceased to exist. Under this unpredictable and uncertain picture of the security environment of the Alliance's Eastern vicinity it is not a happenstance that NATO organizes its main political decision reunion so close to the root cause of its current strategic adaptation and European reassurance process.

Far more, the Warsaw Summit benefits from a consistent context of previous decisions, such as the US administration decision to raise four times its European Reassurance Initiative budget, in order to reach a milestone for the Alliance and a key desideratum for Poland and the other Eastern flank members: a high-level decision on the deployment of both rotational and permanent troops on the Eastern dimension of the Euro-Atlantic security architecture. Also, under the influence of this paper course, the NATO Warsaw Summit has the potential of sending a strong strategic signal to Moscow. When the North-Atlantic Alliance released its last Strategic Concept in 2010, Russia was very well regarded under the third pillar of this concept – cooperative security. After six years, NATO-Russian Federation relations have meltdown to their lowest point since the end of the Cold War and much more, Moscow's security strategy views for 2016 perceives NATO's advancement as a threat for Russian national security. This new conceptual establishment has the potential to create the premises of a new NATO Strategic Concept, one that will be able to define the mid and long term strategic outlooks over the entire Euro-Atlantic security architecture and its uncertain neighborhood, possibly curving

to a new era of deterrence. In this manner, the NATO Warsaw Summit has, in the Baltic military exercises and the Aegis Ashore anti-missile defense system certification in Romania and building commencement in Poland, prior arguments to adapt and deter further against instability, rule of law breakings and aggressive postures outside the Euro-Atlantic area. Last but not least, it is expected that the NATO Warsaw Summit will bring a further advancement in the Alliance's relationship with the European Union, a clear signal that would put together the Euro-Atlantic capacity of providing security and the European normative approach of ensuring democratic stability.

As for Poland, the NATO Warsaw Summit would bring more Allied troops in the country and in the region and a key role in Alliance deterrence posture, but its security interests should also resemble with the assertion that its national security lies both on NATO's capability of protecting its allies and on the full compliance with EU's values of democratic stability, especially when both postwar embodied reflections of peace, security, welfare, respect for principles and shared values pursue the commencement of an age where strategic dialogue and joint action hold the potential to be a new pillar and a longstanding solution and response for present, upcoming and unforeseen threats.

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