

Rafal Trzaskowski

From candidate to member state: Poland and the future of the EU

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Institute for Security Studies
43 avenue
du Président Wilson
F-75775 Paris cedex 16
phone: + 33 (0) 1 56 89 19 30
fax: + 33 (0) 1 56 89 19 31
e-mail: institute@iss-eu.org
www.iss-eu.org



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by Rafal Trzaskowski

From candidate to member state: Poland and the future of the EU



The author is currently a research fellow at the European Centre in Natolin and a Ph.D. candidate at the Department of International Relations of the University of Warsaw. In 2000-01 he was adviser to the State Secretary for European Integration, Jacek Saryusz-Wolski. He graduated from the University of Warsaw and in 1997 gained an MA in European Studies from the College of Europe in Natolin, where he also led a research project on the political foundations of the enlargement process. He was a visiting fellow at the EU Institute for Security Studies in February-March 2002.

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The official Polish position on the future of the European Union is characterised above all by:

Continuity – there are no major differences between the previous centre-right government and the current social democratic one when it comes to the future of Europe.

Evolution – the official Polish position on the future of Europe is evolving. At the outset it was very vague, cautious and sometimes even defensive, but with time it has become more concrete, less cautious and more constructive.

Following a period of ‘uninformed enthusiasm’ in the formulation of the official position, the Polish government is trying to anticipate the role that Poland may play as a future member, albeit a member of somewhat limited potential.

There is no division between current and future members on the future of Europe, although there are differences when it comes to the approach to specific issues.

The Polish official position, when it comes to its philosophy, does not differ very greatly from the positions taken by other candidate countries. However, it has been the most substantial of those taken by candidate countries, concerning both the number of interventions and their content.

The majority of the Polish political class have not as yet fully grasped all the intricacies of the dynamics of European integration. Most politicians react more out of instinct than on the basis of an adequate understanding of the complicated reality. The official Polish position has undergone important spin-doctoring, and the unformed views of many of the authorities tend to be influenced by this.

The Polish position takes into account external expectations. One can gain the impression that the Polish authorities are engaged in a massive marketing exercise aimed at creating the image of a constructive partner of decisively pro-European credentials.

Outside governmental circles the debate on the future of Europe has not really begun. There is little awareness of the importance of the issues being discussed. There is virtually no internal debate within political parties, and this is the biggest weakness in the Polish position. The official view has been largely formulated by the technocratic élite, with very limited input or feedback from public opinion.

Polish politicians tend to be more specific on concrete issues than on the question of the Union’s final shape, on which they studiously avoid any definite statements.

In relation to Polish politicians and their institutional preferences, the neo-institutionalist claim that goals are often only discovered in the course of negotiations is proving more than justified. Polish politicians in general do not have ready answers to every single issue that is being discussed during the plenary sessions. Their personal convictions concern only the most fundamental issues, and they do not adhere too firmly to preconceived notions. They are therefore much more open to learning or socialisation processes.

The Polish position on the EU's role in the world, although formulated separately from that on the future of Europe, is characterised by the same features.

Officially, Poland fully supports both a strengthening of the CFSP and the creation of an ESDP. However, its position on the issue remains ambivalent. Most importantly, Poland is not satisfied with the type of relationship that it has been offered within ESDP.

The debate in Poland has not really addressed the question of the future role of the EU on the international scene. Moreover, it is doubtful that Poland could interfere with any of the Union's ambitions in that particular field, especially if one considers its current track record.

Whereas many of these observations – positions largely spin-doctored by the technocrats, limited debate, and lack of conviction and leadership among the political class – may also be true in relation to current member states, the difference is one of degree.

Introduction

The idea of this paper is not to present a comprehensive panorama of the views of the Polish establishment on the future of European integration. Such a task would be very difficult, if not impossible, as most of Poland's political parties do not have a position on the question of Europe's future. The paper will rather try to show the evolution and the main features of the *official* position of the Polish government on different aspects of the institutional architecture of the future enlarged EU.

It is not easy to present and analyse a position of a given government, as many governments simply do not have a uniform position on the future of Europe. It is often argued that having such a position, and an open debate on such abstract issues, are simply unnecessary. It has to be remembered, however, that the candidate countries are in a special situation. The current member states have already gone through most of the important debates concerning European integration on varying occasions – accession, the euro, treaty referendums or elections to the European Parliament. In Poland the debate has only just started, hence most politicians and experts are learning on the job. The great shift, from the mentality of candidate country to that of future member has nevertheless been initiated. If future members are to bring added value to the common enterprise, such a shift is essential.

1.1 Poland's specificity

The official position of the Polish government on the future of Europe is characterised by continuity – both the previous and current governments subscribe to the same set of political goals. However, the Polish position has also evolved with time, changing circumstances and the growing maturity of the political class, which has gradually become less vague, cautious and defensive. That evolution will be specifically stressed in the paper, but at the outset one should say a few words on the question of continuity.¹

Poland's position on the future of Europe has not changed as governments have changed. The previous centre-right government of Prime Minister Buzek drafted a Pact for Europe. The Pact, which assumed cooperation and consultation on European matters between government and opposition, was signed by all the major parties in the previous Parliament (1997-2001). Even though the opposition was not fully satisfied with the implementation of the Pact, after the Social Democrats gained power they decided to maintain the policy of the previous government.² Such continuity, especially regarding the issue of the future of Europe, was understandable, as the Social Democrats want to gain legitimacy on the European scene, breaking completely with their past. Taking a constructive, pro-European stance has provided them with

¹ While discussing the phenomenon of support for integration and European policy continuity we can observe a certain paradox: up to 2001, the governing party could rely on stronger backing from a certain part of the opposition than from its own coalition. The coalition SLD-PSL governments (1993-97) had the backing of Freedom Union. AWS (1997-2001) in turn secured the backing of its previous coalition partner Freedom Union and of a part of the opposition (SLD). See Elzbieta Skotnicka-Illasiewicz, 'Visions of European Integration in the Opinion of Polish Parliamentarians' *Poland in Europe*, 4 (38), 2001.

² And the policy of their own governments, in the years 1993-97.

the perfect opportunity to do just that. However, the situation of the current Government is much more difficult, as it cannot rely on the support of all of the opposition. Regardless of a certain continuity, it could nevertheless be too early to talk about the emergence of conscious bipartisanship. The Government and the pro-European opposition may share the same convictions; however, they are still reluctant to agree to cooperate fully in European policy-making. The Government tends to treat the opposition somewhat instrumentally, and the opposition is not ready to support the Government on the European front unconditionally. Continuity has resulted from necessity and a similarity of views much more than from any concerted action.

In the parliamentary elections of September 2001 two parties that had formed a coalition government – Unia Wolności (Freedom Union) and AWS (Solidarity Electoral Action, a coalition of centre and right-wing parties) failed to reach the 5 per cent threshold and thus their candidates were not elected to the Parliament. Before the elections both parties had suffered defections. A substantial, liberal section of Freedom Union left to form Civic Platform with like-minded liberals from AWS, and a conservative element in AWS centred around former Minister of Justice, Lech Kaczyński, left and also formed a new party – Law and Justice (PiS). The two new parties received 12 and 9 per cent of the votes respectively. When it comes to European questions, the new leftish SLD-PSL government³ can count only on the support of the liberal Civic Platform, as the PiS is lukewarm and somewhat undecided on the EU and hostile towards the Government. For the first time the Parliament also includes parties which are openly Euro-sceptical – the League of Polish Families (8 per cent), centred around a bigoted

Catholic radio station (Radio Maryja) and the radical peasant Self-Defence (10 per cent), which is known primarily for its incessant proclivity for setting-up road blocks.⁴

This evolution has a very significant impact on the process of Poland's integration with the EU. The new parties are weak structurally. Because they have no institutional memory, their capacity to deal with European questions is also limited. Most importantly, they lack expertise and research assistance. Misunderstanding of basic Community concepts is hence quite common.⁵ Both Civic Platform and PiS are gradually realising that it is possible to benefit politically from taking a definite stance on European integration, however they are only developing their position concerning concrete European issues in a very limited manner. Unfortunately, the position of PiS is very defensive in that respect. Moreover, both parties were put in an awkward situation by the recent declaration of the Polish Prime Minister, Leszek Miller, in which he promised that he would resign if Poles were to vote against EU accession in the referendum. This led to accusations that the Government was treating European questions in an instrumental manner.

The greatest problem, however is that the intra-party debate on Europe is very superficial, among both Euro-enthusiasts and Euro-sceptics. It is precisely because of the weakness of the political parties that the spin-doctoring is so effective not only in relation to technical, detailed questions, which is commonplace in the EU today, but also when it comes to the most fundamental questions concerning European integration. Many politicians who have a positive attitude towards European integration base their support on rather simple premises. They perceive accession to the European Union as a means of proving Poland's European creden-

³ SLD, the Social Democrats, received around 40 per cent of the votes, and PSL (Peasant Party) around 9 per cent.

⁴ The current Parliament includes the largest number of people with no parliamentary experience since 1989.

⁵ For example, PiS wants to enter the EU, in which the principle of supremacy of EC law would be abolished in relation to constitutional questions. According to Law and Justice, the Polish Constitution should guarantee the superiority of Polish constitutional law over the EU treaties and EC legal order. It seems that the politicians of Law and Justice simply do not realise the consequences of such a claim. See *Europap*, 15 May 2002. www.euro.pap.com.pl Another example concerns the League of Polish Nations, which attacked Józef Oleksy for backing the idea of a strengthened Presidency. Paradoxically, the League interpreted that move as a sign of support for the weakening of national sovereignty, describing it as treason. See *Europap*, 27 May 2002. www.euro.pap.com.pl

tials, fighting its exclusion complex and confirming its long-established desire to join the so-called West. In their official discourse they put particular emphasis on concepts such as historical duty and solidarity. In general they do not devote enough intellectual effort to identifying concrete Polish interests.

On the other hand, most of the conservatives are cautious about Europe, as they are overtly concerned with the issue of sovereignty. The natural reflex of the parties on the right is to defend intergovernmentalism. It is mentally very difficult to surrender essential elements of the country's recently regained sovereignty. In this context, it should be mentioned that the culture of Polish politics is still very much rooted in the late nineteenth and early twentieth century, as its development has been frozen for more than fifty years. Therefore, very few Polish politicians are familiar with concepts such as 'pooling of sovereignty' or 'supervised delegation to the supranational level'. Most politicians representing the conservative parties feel that Poland should defend its interests on its own, without any brokering by supranational institutions.⁶ At the beginning of the previous IGC, when this kind of thinking was indeed dominant in the circles of the governing party, very few politicians had made a detailed analysis of Polish interests. Therefore, many of them did not understand the fact that the Community method best protects the interests of smaller or weaker member states, and that in the very near future it will be very difficult for Poland to use the intergovernmental method to its advantage: that would require a great deal of punching above its weight.

Another typically Polish problem concerns

the political élite as such. The majority of Poles do not trust the well-established, pro-integration, intellectual élite, whose authority has recently been undermined, if not wholly called into question. This is seen in both the great popularity of populist parties⁷ and the support for those political parties that are virtually newcomers to the political scene. The leading party representing the Polish intelligentsia – the Freedom Union – obtained only 3 per cent of the votes during the last election. The important voices in the debate on the future of Europe come from non-governmental sources, particularly from the politicians centred around the Freedom Union, such as Geremek, Nowina-Konopka or Kulakowski. Unfortunately, the public view the opinions of those intellectuals with growing suspicion because of their alleged cosmopolitan character, which is vilified by their political adversaries. The most serious Polish problem is that it is immensely difficult to find a Polish politician who is well versed in the EU's intricacies and capable of dealing with Brussels while at the same time having a good grasp of Polish politics and strong political support. Unfortunately, the credibility of SLD's European convictions is also low, as the opposition is only too happy to point out, because the leading politicians of that formation are notorious when it comes to changing their opinion on such fundamental issues as NATO or the EU.

Apropos of Polish politicians and their institutional preferences, the neo-institutionalist claim, according to which goals are often only discovered in the course of negotiations, not in advance of them,⁸ may prove more than adequate. Even in the EU context, certain governments quite often enter negotiations with

⁶ This philosophy has its ardent defenders. Wojciech Arkuszewski, former vice-President of the European Integration Committee in the Polish parliament and a member of a former governing party (AWS) firmly believes that the intergovernmental method will be much more 'convenient' for Poland. According to Arkuszewski, it would be difficult for the countries which are not as yet proficient in intra-community dealings to use the Community method to their advantage. *Europap*, 5 March 2001. www.euro.pap.com.pl. Similar sentiments are shared by many politicians within a newly founded rightist party Law and Justice (Prawo i Sprawiedliwość – PiS): for example see Marcinkiewicz's statements during the panel on the future of the EU organised by the Centre of International Relations, *Europap*, 6 December 2001. www.euro.pap.com.pl.

⁷ According to the latest polls the overtly anti-European Self-Defence is supported by 17 per cent of Poles and the League of Polish Families by 9 per cent.

⁸ See, for example, Thomas Christiansen, Gerda Falkner and Knud Erik Jorgensen, 'Theorizing EU Treaty Reform: Beyond Diplomacy and Bargaining', *Journal of European Public Policy*, vol. 9, no. 1, February 2002.

uncertain preferences; it is precisely interaction that sometimes influences formulation of their interests.⁹ Polish politicians in general, and the representatives of the Polish parliament to the Convention in particular, do not have ready answers to every single issue being discussed during the plenary.¹⁰ Their personal convictions concern only the most fundamental issues; they do not keep too firmly to premeditated ideas. Therefore they are much more prone to learning or socialisation. The Social Democrats, because of their willingness to show themselves ardent Europeans, are even more liable to be influenced by well-argued persuasion. The changing attitude of Józef Oleksy towards the question of bringing national parliaments closer to the integration process is a good case in point. When, at the beginning of his mandate, he was asked about his preferences concerning that particular issue, his response was very unclear. Later on, he cautiously defended the Government's line, supporting the creation of a second chamber. After participating in a few Convention sessions and meetings of COSAC, his ideas became much closer to the European parliamentary mainstream, according to which one should strengthen the existing forums and institutions instead of creating new ones.¹¹

1.2 The actors

When it comes to the institutional actors concerned in the formulation of the Polish position on the future of Europe there has been a difference between the former and the current governments because of the changes within the

governmental structure. However, the most important feature of the institutional system has not changed: all European policy is supervised by the Committee for European Integration, which includes all of the senior ministers dealing with European integration. The Committee is chaired by the Prime Minister, who takes all of the most important decisions and resolves inter-ministerial differences. It is the Prime Minister himself who, in principle, is the main driving force in the debate on the future of European integration.

In the previous centre-right government, there were three separate units dealing with European policy: the Ministry of Foreign Affairs, the office of the Committee for European Integration and the Government's plenipotentiary for the accession negotiations in the Chancellery of the Prime Minister. In the former government, the Polish position on institutional affairs was formulated by the Ministry of Foreign Affairs, however it was the Prime Minister and his closest advisers¹² who had a crucial input in the debate – for example voicing strong support for the Community method or changing the Polish stance on 'flexibility'. The main adviser to the Prime Minister on European matters, Jacek Saryusz-Wolski, also happened to be the secretary of state in charge of the office of the Committee for European Integration. Therefore the office, which is essentially responsible for EU internal policy,¹³ also pronounced its views on institutional matters,¹⁴ which provoked inter-ministerial tensions with the MFA. Tensions were aggravated by the fact that the most important internal documents concerning institutional reform were quite often prepared by both the MFA and the office of the

⁹ As, for example, has been demonstrated by Lykke Friis in relation to EU enlargement process. See Lykke Friis, 'The End of the Beginning of Eastern Enlargement – Luxembourg Summit and Agenda Setting', *European Integration Online Papers (EIOP)* /eiop.or.at/eiop/texte/1998-007a.htm/.

¹⁰ Danuta Hübner, as the representative of the Government, is supported by the administrative machinery.

¹¹ Józef Oleksy at the conference 'The Role of the National Parliaments in the EU Decision Making System', organised by the Center for International Relations and Konrad Adenauer Stiftung, Warsaw, 15 May 2002.

¹² Including the main negotiator and people working with him.

¹³ The preparation of Poland to accession, interministerial coordination, legal harmonisation, EU financial assistance and information campaign.

¹⁴ For example, publishing its own reaction to the Treaty of Nice.

Committee for European Integration and then screened by the Prime Minister's closest collaborators. Regardless of inter-departmental rivalry, the Polish position was characterised by a certain consistency.¹⁵ When the Prime Minister gave his views on institutional matters the MFA followed suit, developing the official Polish line in detail. On many occasions, however, it was the ministry itself that developed certain important strands of Polish policy on EU institutional reform independently.

In this context, it should be noted that Polish administrative culture resembles the French one quite closely, which unfortunately diminishes the transparency of the whole system. It is quite often the ministers and their closest advisers (in political cabinets) who elaborate policy options and take the most important decisions, relying heavily on the input provided by the administration, which in principle should be apolitical.

The Social Democrat government changed the system for managing Polish European policy somewhat, however these changes did not go as far as had been heralded when the new government took office. Both the secretary of state in charge of the Committee for European Integration and the Government's plenipotentiary for the accession negotiations were incorporated in the MFA structure. Inter-ministerial tensions, however, were not entirely eliminated, but merely transposed to a lower, inter-departmental level.¹⁶ The role of the Prime Minister in European policy-making was not significantly strengthened, again contrary to some pre-election promises.¹⁷

The European policy of the new government is conducted mainly by the Ministry of Foreign Affairs, especially its quite powerful EU department. Even though the system has been somewhat centralised, certain inconsistencies remain.

Most of them, however, are not caused by the organisation of the administrative system as such, but by an overwhelming desire to please all European partners and appear as one of the most constructive candidate countries, which has become the main feature of Polish strategy on the future of Europe.

When it comes to European policy, in principle the role of the President of the Republic, Aleksander Kwasniewski, is somewhat limited in the Polish political system. However, it is clearly his ambition to claim leadership on the European front. Whereas, under the previous government, the President's role was mostly reduced to representation,¹⁸ mainly because cohabitation prevented him from having much governmental support as such, under the new government his role has been strengthened: partly because under Kwasniewski's second term the European policy became much more important for the Presidency as such, partly because the Government is formed by the party from which the President originates and partly, and most importantly, because those responsible for formulation of Poland's European policy in the new government are recruited from the President's closest former collaborators.

The Polish representatives to the Convention include Danuta Hübner, the Deputy Minister for Foreign Affairs, who is also in charge of the office of the Committee for European Integration, Józef Oleksy, a chairman of the European Committee of the Polish Parliament and Edmund Wittbrodt, a member of the Polish Senate.¹⁹ Whereas, the choice of the first two candidates was not surprising, the representative of the opposition was chosen somewhat haphazardly. Prior to their election, neither of the candidates had publicly pronounced an opinion on the future of European integration.

¹⁵ However, on some occasions consistency was clearly lacking, because the natural reflex of the MFA was to remain cautious and vague whenever possible, the ministry needed a certain time to adjust to a policy shift initiated elsewhere.

¹⁶ As the office of the Committee of European Integration in practice remained a separate entity.

¹⁷ The opposition brands the newly formulated European secretariat a virtual entity, pointing out that the new structure blurs the distribution of responsibility.

¹⁸ Although the President himself developed his own vision of the future of Europe, which was not very different from the official Polish position, mainly due to limited coordination with the MFA.

¹⁹ The first two politicians are Social Democrats and Senator Wittbrodt represents the opposition.

Since her nomination, Danuta Hübner, as the representative of the Government, has consistently presented opinions identical with the official Polish discourse, which was predictable. The Polish representatives, even though not presenting a uniform position, nevertheless plan to consult each other on the most important issues in question.²⁰

1.3 To speak or not to speak? Should Poland pronounce its views on the future of the EU?

In the late 1990s, there were two contradictory strategies when it came to the possible attitude Poland should adopt in relation to EU institutional reform. The first was that Poland should not pronounce its view on the EU because that could only be counterproductive, causing unnecessary controversy, both internally and externally. According to the second, in order to prove its credentials as a good European Poland should become actively engaged in the debate on the future of European integration.

Supporters of the first strategy pointed out that the Polish view was not going to be seriously taken into account by the Fifteen anyhow, however, it might be used against Poland during the accession process, both by supporters of closer integration, for whom it might not be bold enough, and by the Euro-sceptics, for whom it might be too integrationist. Thus, in order not to weaken the Polish negotiating position vis-à-vis the EU, it would be advisable to remain silent on the question of the EU's future. Moreover, the opening of a discussion on European integration could become the focus of a fierce debate within the Polish establishment. The previous government wanted to avoid any

controversy, as differences of opinion on the issue could have weakened the fragile intra-party equilibrium.²¹ The current government also takes this reasoning into account, as the coalition partner of the ruling Social Democrats – PSL (peasant party) – is far from enthusiastic about the EU.

Supporters of the second strategy have pointed out that Poland cannot indefinitely avoid taking a position on the issue of EU institutional reform. Since most EU member states are interested to know what kind of member Poland might turn out to be, it is essential for Poland to take a detailed, pro-integration position.

For quite some time the philosophy of remaining silent on the EU's future prevailed, dominating the behaviour of most Polish officials and influencing the formulation of the Polish position, which was to remain cautious. Even after February 2001, when the Polish MFA published its official position on institutional reform – in the form of a detailed evaluation of the Treaty of Nice – many Polish officials decided to refrain from definite statements on the question of the EU's future. In April 2001 the Swedish presidency, along with the Polish government, organised a conference in Warsaw on the future of Europe. Throughout the press conference, former Secretary of State at the MFA Andrzej Ananicz argued that it was simply too early to formulate the Polish vision of the EU and limited himself to a few remarks about effectiveness, credibility, democratisation and transparency.²² During the conference a participant from one of the candidate countries, answering a question about the *finalité politique* of the Union, said that 'the *finalité* for us is to get into the Union', illustrating the misgivings of certain candidate countries.

The Minister for Foreign Affairs, Włodzisław Cimoszewicz, himself admitted that Poland's initial reaction to the debate on the

²⁰ The Polish representatives seem to be more loyal to each other than to their respective European parliamentary groupings. See the interview with Józef Oleksy, 'There Might Be a Breakthrough', *Unia-Polska*, 18 March 2002.

²¹ It should be noted in this context that not all the different factions of the AWS were enthusiastic about the idea of deeper European integration, and any discussion concerning specific aspects of EU institutional reform could provoke unnecessary tensions within the Government, which itself was far from stable (after the break-up of the coalition with Unia Wolności (Freedom Union) it was after all a minority government).

²² *Rzeczpospolita*, 24 March 2001.

future of Europe was restrained. After the Fischer speech, among the Polish élite 'there were better and worse reactions for avoiding outright enthusiasm'.²³ Cimoszewicz quotes Adam Michnik, the editor of the biggest Polish daily *Gazeta Wyborcza*, who said that Fischer's vision contained 'a captivating power of utopia'. According to the Polish foreign minister, there were two reasons for that initial caution: first, a concern 'not to step on the toes of any member state', and second, a fear that the EU would become 'even more a moving target which recedes just as the candidates are trying to catch up'.²⁴

Taking a clear position on the future of Europe and on federalism could turn out to be counterproductive for the Government. A large part of the Polish public suffers from a historically based complex of endangered identity. Opting for federal solutions could widen the rift between the élite and the people, the majority of whom do not support the plans, which are seen as too far-reaching. The argument that the EU would simply replace Moscow as a command centre unfortunately falls on quite fertile ground in many candidate countries. Moreover, a headlong rush to federalism could not possible work in the Polish case, because it is characterised by a deep mistrust of the cosmopolitan, governing élite.

1.4 Formulation of the Polish position

Even though the Polish government wanted to participate as an observer in the Intergovernmental Conference of 1996, and it did analyse very closely the workings of the Reflection Group, at that time Poland, as indeed all of the other candidate countries, decided not to take

any official stance on the IGC,²⁵ primarily for the reasons outlined above. As time passed, and the next IGC was formally inaugurated under the Portuguese presidency, Poland was gradually becoming ready to make its attitude towards institutional reform publicly known. Nevertheless, the rationale behind limited engagement still played an important part in the preparation of the Polish position. Poland wanted to be involved in the IGC 2000, yet at the outset its official views on the subject – as spelt out by Bronislaw Geremek in his letter to the Portuguese Minister for Foreign Affairs Jaime Gama²⁶ – remained vague. During the IGC 2000, however, for the first time the views of the candidate countries were heard – to Warsaw's satisfaction, as this met its plea to deepen the dialogue on institutional matters.

In response an EU request, on 14 June 2000 Poland submitted its first official position on the matters discussed during the IGC.²⁷ That position, however, merely included a very general outline of the Polish philosophy. It seems that the main motivation behind it was not to create any controversy. That defensive attitude was to be changed in the course of the next few months. In February 2001 the Polish MFA published its reaction to the Treaty of Nice, in which it took a fairly elaborate position on most of the issues in question. Since then, most of the Polish authorities, including the President and both successive prime ministers, have pronounced their views on the future of European integration. Along with the inauguration of the national Forum on the subject, the Polish government has made a conscious decision to engage other parties (local authorities, NGOs) in the debate.

That development has to be assessed positively. Obviously, it would be very difficult to stay silent on the subject indefinitely, if one takes into account pressures from within the EU.

²³ Włodzimierz Cimoszewicz (2002b), Speech at the Dublin Institute of European Affairs, 21 March 2002.

²⁴ Ibid.

²⁵ Certain studies were conducted but only for internal use. See for example UKIE (Office of the Committee for European Integration), *Monitor Integracji Europejskiej*, no. 8, 1996.

²⁶ 24 January 2000. However, this letter passed virtually unnoticed among both the public and the political establishment.

²⁷ 'IGC 2000 – the Polish Position', Ministry of Foreign Affairs, www.europa.eu.int, CONFER/VAR 3964/00.

However, the Government could try to muddle its way through and dodge all of the most difficult questions. The position taken by the Polish authorities may not be very profound compared with the positions taken by their counterparts within the EU. Nevertheless it is quite substantial and deals with most of the issues currently under discussion. If Poland had consistently avoided taking a position, its official strategy of positive engagement in fostering European integration would have been questioned – and quite rightly so. If Poland wants to be seen as a constructive future member of the EU, a member that would give the common enterprise some added value, it has to be a little bolder on the fundamental issues. Of course, the Government should not go too far – the official Polish position could not be more Catholic than that of the Pope himself. Therefore, it seems that the Polish government has struck a fine balance between caution and committed engagement in the European debate. However, even if it is agreed that the official position could not have been more assertive, the internal debate on the issue of the future of Europe should be much more ambitious. Poland needs to work out its own vision of European integration and its own role within the EU – a role commensurate with the aspirations of an important future member.

1.5 The debate on the future of Europe

In stark contrast to the official position of the Polish MFA, the internal debate on the future of the European Union in Poland is not only limited in its scope. In reality, the debate started with the publication of Joschka Fisher's speech in the leading Polish newspaper *Gazeta Wyborcza* in

May 2000.²⁸ As already pointed out, the first official MFA document on the subject (IGC 2000 – the Polish position) was published in June 2000,²⁹ and the first official speech on the matter was delivered by former Minister for Foreign Affairs Wladyslaw Bartoszewski in July 2000.³⁰ However, the really substantial documents were published a year later,³¹ and the official debate was not inaugurated until February 2002, by Polish President Aleksander Kwasniewski and Prime Minister Leszek Miller, along with the opening of the national forum 'Together on the Future of Europe'.

Even though recent months have witnessed quite a number of public speeches, articles and statements on the question of the future of Europe and Warsaw has been a site of many conferences, round-tables and organised debates on the issue, the public debate on the future institutional shape of the European Union cannot as yet be called very substantial. The majority of Polish politicians are still in the process of learning the basics. It would be too early to even try to sketch out the emerging lines of dissent on concrete European questions. Of course it is possible to identify the political forces that are lukewarm on integration as such or those which put particular emphasis on the issue of sovereignty, however it would be immensely difficult to conduct the same analysis on more specific questions.

The Polish debate is characterised by a huge gap. On the one hand the Polish government and the Polish president have worked out a fairly comprehensive position on the future of the EU. On the other, the debate within the establishment – within political parties themselves, NGOs, experts, and public authorities – is still at an early stage.³² Even though a lot of meetings have taken place they have usually included the same people, both as speakers and as audience.

²⁸ *Gazeta Wyborcza*, 13-14 May 2000.

²⁹ CONF/ER/VAR 3964/00. op. cit.

³⁰ Wladyslaw Bartoszewski (2000a), Centre for European Studies, Brussels, 25 July 2000.

³¹ In the form of Polish MFA documents: on institutional issues on February 15 ('The Treaty of Nice – The Polish Point of View'), on ESDP on 11 May ('European Security Policy – Polish Point of View'), and on Eastern Policy on 16 June ('The EU Eastern Policy in the Perspective of an Enlargement – The Polish Point of View').

³² With the possible exception of the Polish press, and notably *Gazeta Wyborcza* and *Rzeczpospolita*, which wholeheartedly joined in the debate.

The Polish delegation to the Convention constitutes the ultimate proof of that tendency. Alongside representatives who are acquainted with European issues, there are those for whom the internal workings of the EU still remain an enigma.

The intra-party debate is non-existent, which seems to constitute the biggest weakness of the Polish debate. The programmes of most of the political parties, with the possible exception of the liberal Civic Platform, treat European issues in a very general manner. None of them is addressing the question of the future of European integration comprehensively. Within the party ranks there is a curious division of labour: a very limited group of politicians voice their

views about Europe, while others stay completely silent on the subject. Most politicians have a very shallow understanding of the mechanics of European integration and their views are limited to a few very general statements. Moreover, those statements usually concern the accession process and not the aftermath, i.e. what Union, and what role for Poland as a future member? Such behaviour may be explained by the lack of awareness of the importance of European issues, as well as by a low level of support among the electorates of certain parties for Poland's accession to the EU. Moreover, there seems to be general agreement that questions concerning the future institutional shape of the EU are a government responsibility.

Poland's assessment of the Treaty of Nice

Agreement of the Treaty of Nice had great significance for the accession process. Regardless of the practical outcome, which for many was quite disappointing, it finally removed the last official, institutional obstacle on the way to enlargement. The European Union for the first time declared itself ready for enlargement, thus fulfilling the condition of institutional readiness accompanying the so-called Copenhagen criteria that the EU set for itself at the 1995 Madrid summit.

The Treaty of Nice set out the institutional conditions for the impending accession of future member states. The Conclusion of the European summit testified that the EU would be ready to accept new members at the end of 2002 in the hope that they would be able to take part in the next elections to the European Parliament, in 2004. As asserted by the official document of the Polish MFA: 'Compromise in institutional matters, despite it being more modest than at first assumed, is in accordance with Polish expectations presented in the Polish position on the IGC.'³³ The Nice negotiations allowed current member states to overcome a very important mental hurdle. For the first time, these negotiations considered the whole enlarged Union. For the first time the Union moved beyond the division into current and future member states. Despite a certain disappointment with the practical results and the bargaining style, that fact in itself constituted a true watershed.

2.1 The composition of the European Commission

Poland was always of the opinion that each member state should retain the right to propose a candidate for the European Commission, primarily because it is a *sine qua non* condition for the maintenance of the institution's democratic legitimacy. In the official Polish position, the foreign ministry was defending a thesis according to which the effectiveness of the Commission would depend primarily on a clear-cut division of responsibilities and greater transparency, rather than on its size. Poland was therefore willing to support all moves aimed at a non-Treaty reform of the Commission.³⁴ In the Polish view published after the Nice summit, the MFA concluded that the decisions concerning the Commission taken at Nice were generally advantageous for Poland. According to the Polish official position, deferring the decision to the future and eventual rotation of Commissioners constituted a guarantee that the EU's new members would have a seat at the College from the moment of accession, thus fulfilling Polish expectations on the matter.³⁵ Poland argued informally that the question of the Commission's democratic legitimacy was of special importance, especially to candidates, as it would assist the community institutions and current member states in getting better acquainted with the specific character of future member states.

³³ Polish MFA document 'The Treaty of Nice – The Polish Point of View', op. cit., p. 72.

³⁴ CONFER/VAR 3964/00, op. cit.

³⁵ Polish MFA document 'The Treaty of Nice – The Polish Point of View', op. cit., p. 22.

2.2 Qualified majority voting

Poland agreed that the enlarged European Union would need efficient decision-making mechanisms. However, from the beginning its stance on the question of the extension of QMV was very careful. Even though Poland, in principle, wanted to see more recourse to QMV, it was never ready to support an across-the-board extension. In the Government's first position, issued before the conclusion of the IGC 2000, it was stated that 'any extension of qualified majority voting should be preceded by a thorough analysis of all Treaty articles to which the unanimity principle has applied up to date.'³⁶ That position was elaborated later in the Polish MFA's document assessing the results of the Treaty of Nice. In that position the Government stated that, taking into account Polish interests, the limited range of the extension of QMV seemed to be advantageous, enumerating with absolute frankness four factors which justified its position:

- ▶ a decrease in the negative effect of the feeling of resignation in part from national sovereignty which may emerge in Polish society immediately after achieving membership;
- ▶ a decrease in the possible additional economic burdens for Poland which QMV, covering such areas as environment protection, taxation, welfare, structural and asylum policy, may imply;
- ▶ gaining the opportunity of a "fuller" influence on the shaping of EU common policies;
- ▶ in the case of quick accession, the opportunity to influence the evolution of majority voting, e.g. on the IGC 2004 forum.'³⁷

The document treats in detail the question of preserving unanimity in the area of structural assistance until 2007. Since negotiations on the next Financial Perspective will probably take place in 2005, the preservation of unanimity will entail very difficult negotiations between current cohesion countries, net payers and new member states. Polish experts have pointed out that it would have been easier for Poland to

obtain an ideal result in structural policy if QMV had been introduced in that sphere. The preservation of unanimity will probably entail very generous phasing-out arrangements for current cohesion states and slow phasing-in for new members. If QMV had been extended, since neither the present cohesion states nor new members could form a blocking minority, one could envisage a situation in which new members would have allied themselves with the net payers to shorten the phasing-out arrangements and make phasing-in more generous.³⁸

Poland was ready to support a limited extension of QMV, however the fact that in many spheres the decision was postponed was welcomed by the Polish authorities with visible relief. As already mentioned, the previous Polish government wanted to avoid taking a clear-cut position on many of the issues concerning EU institutional reform, as it was afraid that it might provoke a rupture on the internal political scene. In Poland, the issue of QMV extension was by far the most sensitive of all the Amsterdam leftovers. In contrast to many other aspects of EU decision-making, which are arcane even for specialists, the question of majority voting is quite straightforward and easy to comprehend. Therefore, the defence of unanimity became a pet project of many Polish Eurosceptics, some of whom claimed, even before Nice, that the EU system relied too heavily on QMV, and that there was an urgent need for reconsideration of the status quo. Moreover, as can be read in the official document, a partial postponement of the reform in that field gave Poland reasons to hope that it could have its say on the issue during the next IGC.

Lack of support for the extension of QMV across the board was thus mainly due to a political reason: an overwhelming desire to appear sensitive to the question of national sovereignty. Regardless of official statements, that position was not greatly substantiated by objective analysis of the Polish interest. Naturally, there are certain fields in which adverse consequences of

³⁶ CONFER/VAR 3964/00, op. cit.

³⁷ Polish MFA document 'The Treaty of Nice – The Polish Point of View', op. cit., p. 26.

³⁸ Jan Truszczyński (2001), 'Amsterdam Left-overs and the Polish Interest', MFA analysis, op. cit., p. 26.

QMV extension for Poland, and more generally for poorer countries, are obvious, and they have been correctly identified in the MFA's paper. However, if one wanted to be more specific, one would have to rely on a genuine assessment of the impact, however difficult it might be to obtain.

Analysis of all the official speeches of current government representatives seems to indicate that the Polish position concerning QMV extension has evolved somewhat, albeit only slightly. The current government is more positive on the issue. Both the Minister for Foreign Affairs and the Prime Minister himself support a further extension of QMV, as a natural consequence of Poland's support for strengthening of the Community method.³⁹ The Polish post-Nice attitude to the question has evolved for two reasons. First, through its involvement in the workings of the Convention, Poland is more closely associated with the debate, and therefore nurtures hopes that it will have some limited influence on the outcome. Second, the Social Democratic government is generally more willing to subscribe to the Union's mainstream when it comes to institutional questions. Moreover, the Social Democrats do not have to worry that much about the possible danger of a rupture in the coalition provoked by a difference of opinions on that specific issue.⁴⁰ The current Polish government is more eager to support the extension of QMV. However, it is not so reckless as to 'jump the gun' and make its support unconditional, which would enrage a large part of the opposition.⁴¹ The Government's representatives are positive on the issue, but they maintain that, besides the quasi-constitutional ques-

tions,⁴² for every country there exist specific areas in which the defence of national interests is very important, and therefore in which unanimity should be preserved.⁴³

It would have been unrealistic to expect Poland to take an even more detailed position on the issue of QMV extension. It really could turn out to be counterproductive if Poland engaged in many controversial disputes concerning specific decision-making areas. However, even if the Government chooses to avoid taking a more concrete stance on the issue in any meaningful way, it should work out a fall-back position for its own purposes. It is exactly in this sphere that the need for assessment of the impact is most urgent. The Polish government has to be aware in which areas the extension of QMV could be harmful to Polish interests. The Government should also try to establish which areas are particularly delicate in the eyes of the public and then undertake the necessary measures in order to fight the illusion that only unanimity guarantees effective defence of national interests.

2.3 *Reweighting of votes*

Poland's initial position on the reweighting of votes was very laconic. Poland asserted that the demographic criterion should remain the principle governing the distribution of votes in the Council.⁴⁴ In the position published after the Nice summit, the Polish MFA announced its satisfaction with the results of the Treaty. Even though the position acknowledged that the

³⁹ Miller and Zeman (2002), op. cit., Włodzimierz Cimoszewicz (2002a), op. cit. See also Leszek Miller and Tony Blair (2001), Joint Paper 'Bringing Europe Closer to its Citizens: A Polish-British Contribution', 2 November 2001. Downing Street website page. See also Geremek (2002), op. cit.

⁴⁰ As it is not of such crucial importance for its coalition partner PSL.

⁴¹ Two parties of the opposition – the Eurosceptic League of Polish Families and the Euro-lukewarm Law and Justice party have already submitted a motion to the Parliament in which they advocate drafting a declaration concerning the sovereignty of the state in the areas of morality and culture. See *Euro-pap*, 2 April 2002, www.euro.pap.com.pl

⁴² Where there is general agreement among all of the EU partners that unanimity should be preserved.

⁴³ See for example the opinion of Danuta Hübner, Deputy Minister for Foreign Affairs, Secretary of the Committee for European Integration, Polish Government Representative to the Convention, *Euro-pap*, 21 March 2002, www.euro.pap.com.pl

⁴⁴ CONF/ER/VAR 3964/00, op. cit.

introduction of a three-stage voting procedure for QMV might further decrease the Council's decision-making efficiency,⁴⁵ it nevertheless pointed out that the outcome of the negotiations was advantageous for Poland. According to the document, Poland potentially has the opportunity to play a crucial role on the EU Council – 'it might play a role of a desirable partner in building majority coalitions as well as in forming a blocking minority'.⁴⁶

Some Polish politicians, however, felt that there had been a certain contradiction between Polish support for strengthened efficiency of

the Council and the official, enthusiastic endorsement of the complicated Post-Nice decision-making system. They therefore advocated simplification of the current system, using the Commission's proposal on double majority as a point of reference.⁴⁷

As was shown in the paper prepared for the Committee for European Integration,⁴⁸ the substantial reweighting of votes agreed in Nice is quite beneficial to Poland. The so-called big member states⁴⁹ gain the most: 12 per cent of their weight (each of them will have 8.4 per cent of weighted votes, whereas if the pre-Nice system

Table 1: Comparison of weighted votes pre-Nice (current system) with the system introduced in the Treaty of Nice

Member state	Number of votes pre-Nice	Votes (per cent)	Number of votes post-Nice	Votes (per cent)	Differential (per cent)
Germany	10	7.5	29	8.4	+12
France	10	7.5	29	8.4	+12
Italy	10	7.5	29	8.4	+12
UK	10	7.5	29	8.4	+12
Spain	8	6.0	27	7.8	+30
Poland	8	6.0	27	7.8	+30
Romania	6	4.5	14	4.1	-9
Netherlands	5	3.73	13	3.76	+1
Greece	5	3.7	12	3.5	-6
Czech Rep.	5	3.7	12	3.5	-6
Belgium	5	3.7	12	3.5	-6
Hungary	5	3.7	12	3.5	-6
Portugal	5	3.7	12	3.5	-6
Sweden	4	2.98	10	2.89	-3
Bulgaria	4	2.98	10	2.89	-3
Austria	4	2.98	10	2.89	-3
Slovakia	3	2.2	7	2.0	-11
Denmark	3	2.2	7	2.0	-11
Finland	3	2.2	7	2.0	-11
Lithuania	3	2.2	7	2.0	-11
Ireland	3	2.2	7	2.0	-11
Latvia	3	2.2	4	1.2	-45
Slovenia	3	2.2	4	1.2	-45
Estonia	3	2.2	4	1.2	-45
Cyprus	2	1.5	4	1.2	-20
Luxembourg	2	1.5	4	1.2	-20
Malta	2	1.5	3	0.9	-40
Total UE	134	100	345	100	
QMV	97		258		
Block. min.	38		91		

⁴⁵ Some Polish politicians treated the issue very seriously and advocated simplification of the system.

⁴⁶ Polish MFA document 'The Treaty of Nice – The Polish Point of View', op. cit., p. 31.

⁴⁷ See Kulakowski (2001), op. cit.

⁴⁸ UKIE (Office of the Committee for European Integration), *Monitor Integracji Europejskiej*, no. 36, Special Edition, 'IGC 2000, Nice Treaty – the Analysis of the Results', Warsaw, 2000.

⁴⁹ Germany, France, United Kingdom and Italy.

were kept their share of votes would be 7.5 per cent). Poland⁵⁰ and Spain both gain as much as 30 per cent. Medium-sized member states (apart from the Netherlands) lose a little (between 3 and 11 per cent), and small member states lose out the most (from 20 per cent up to as much as 50 per cent of its weight).

Table 1 above shows the number and percentage of votes as agreed in the Treaty of Nice and compares it with an extrapolation of the present (pre-Nice) system. The last column indicates the percentage differential between the two systems.

In the first draft of the Treaty of Nice, prepared by the French presidency, Poland received fewer votes in the Council than Spain, even though they have the same population. Some of the Council members argued unofficially that current and future member states could not be treated equally, because the attribution of votes did not depend simply on the size of population but also on other factors. This reasoning did not prevail, but only due to a personal intervention by the Polish prime minister. Upon receiving the news, Jerzy Buzek and his advisers decided to act immediately. Throughout the Summit, the Polish prime minister spoke on the phone to many European heads of state in order to defend Poland's position. The diplomatic campaign succeeded: in the final draft, Poland was given the same number of votes as Spain. In the opinion of the Polish government, the confirmation of the principle of equal treatment was by far the most important outcome of the Treaty of Nice.⁵¹ Poland always defended a thesis that equal treatment must be guaranteed – and the principle itself constitutes the cornerstone of Poland's accession strategy.⁵²

The outcome of the negotiations on vote

reweighting was very important for Poland, and not only because in the end it fared quite well. Poland's status as a large country was recognised and as such it will have the possibility of playing a crucial role in coalition building. More importantly, however, the Polish government asserted itself in a meaningful way and for the first time defended its own interests through direct intervention and influencing the course of intra-EU negotiations. According to the Polish interpretation, the principle of equal treatment has been preserved and no doubt the Polish government would want to insist that an important precedent has thus been set. The Nice summit also taught Poland, and the Polish MFA in particular, a lesson – that the government has to be constantly on the alert when controversial issues are at stake. After securing the beneficial results, there is a need for good and succinct analysis, which would allow the Polish government to foresee all of the possible coalitions in which Poland could defend its interests and promote its views. Such analysis, if the Nice results are to be beneficial for both Poland as well as for the enlarged Union, should go beyond merely calculating different blocking minority modes.

2.4 Distribution of seats in the European Parliament

Poland supported the idea of balancing the interests of 'large', 'medium sized' and 'small' states in the European Parliament, therefore it advocated the use of a modified degressive proportionality principle in order to establish the distribution of seats.⁵³ In its official position concerning the Treaty of Nice, the Polish MFA

⁵⁰ Moreover, when one assesses the disproportion between the size of the population and the number of acquired votes, it turns out that the system is the most just for Poland itself. In the case of Germany, the disproportion equals 100 per cent (around 17 per cent of the EU's population and only 8.4 per cent of the votes), in the case of other big member states 60 per cent, in the case of Spain 6 per cent and in the case of Poland only 2 per cent (8.0 per cent of the population, 8.4 per cent of votes).

⁵¹ See for example Jacek Saryusz Wolski (2000), 'Statement of the Secretary of the Committee for European Integration After the Nice Summit', *Europap*, 12 December 2000, www.euro.pap.com.pl.

⁵² Obviously, the thesis that the principle of equal treatment was confirmed in the Treaty of Nice is controversial. In relation to Poland (votes in the Council) it might have been the case; however, in relation to the Czech Republic and Hungary (seats in the European Parliament) it has not.

⁵³ CONFER/VAR 3964/00, op. cit.

voiced its satisfaction with the outcome of the bargaining, noting that the number of 50 MEPs was satisfactory for proper representation of Polish interests within the Parliament.⁵⁴ As the following table demonstrates, for Poland there would be almost no difference if the current system had been extrapolated (it would have got 51 seats).

2.5 Flexibility

Just as in the case of most other candidate countries, Poland's attitude towards the concept of flexible integration has from the outset been characterised by a certain ambivalence if not

outright lack of trust. However, in the course of the few last years a certain evolution of the Polish position has been evident. After the signature of the Treaty of Nice by current member states, the Polish government decided to embrace the concept of 'closer cooperation' – provided that openness was guaranteed. However, one can still detect a discrepancy between the official position and the true feelings of the overwhelming majority of the political class, who harbour certain misgivings concerning the philosophy underlying the notion of flexible integration. On the one hand, Poland wants to demonstrate that it has freed itself from its alleged obsession with 'flexibility' and that, after accession, it will not become a force blocking the development of 'reinforced cooperation'. On

Table 2: Numbers of MEPs – current and candidate member states⁵⁵

State	Population (millions)	Extrapolation with linear reduction (threshold 700)	Treaty of Nice
Germany	82.038	77	99
UK	59.247	69	72
France	58.966	69	72
Italy	57.612	69	72
Spain	39.394	51	50
Poland	38.667	51	50
Romania	22.489	35	33
The Netherlands	15.760	25	25
Greece	10.533	20	22
Czech Republic	10.290	20	20
Belgium	10.213	20	22
Hungary	10.092	20	20
Portugal	9.980	20	22
Sweden	8.854	18	18
Bulgaria	8.230	17	17
Austria	8.082	17	17
Slovakia	5.393	13	13
Denmark	5.313	13	13
Finland	5.160	13	13
Ireland	3.744	12	12
Lithuania	3.701	12	12
Latvia	2.439	8	8
Slovenia	1.978	7	7
Estonia	1.446	6	6
Cyprus	752	6	6
Luxembourg	429	6	6
Malta	379	6	5
	481.181	700	732

⁵⁴ Polish MFA document 'The Treaty of Nice – The Polish Point of View', op. cit., p. 39.

⁵⁵ The table is taken from UKIE (Office of the Committee for European Integration), *Monitor Integracji Europejskiej*, no. 36, 2000, op. cit..

the other hand, the fear of exclusion or marginalisation is still present at the back of the minds of Polish politicians and decision-makers.

The initial, negative reactions to ‘flexibility’ can be explained in part by the fact that the whole idea was, and sometimes still is, perceived through the prism of conceptions dating back to the early 1990s. In the Polish view, ideas concerning the creation of a European confederation⁵⁶ were aimed purely at limiting the burden of future enlargement, by means of exclusion. That sentiment has always been aggravated by all those that claimed that enlargement would inevitably lead to watered-down integration of a free-trade area type, and that it was therefore inevitable for the group of countries *à vocation fédérale* to integrate further⁵⁷ without regard for the others. Those members of the Polish élite who do follow the EU institutional debate reacted with special aversion to any mention of special, separate institutions that such avant-garde attitudes necessitates, as such evolution would undermine one of the most important principles of the EU legal order – that of a single institutional framework.

Equal treatment of both current and future member states constitutes one of the most important elements of Poland’s accession strategy. Any attempt to introduce different categories of membership would be anathema to all candidates, and the whole debate on flexible integration has quite often been perceived as a disguised attempt to do precisely that. At the beginning – when Polish politicians started voicing their views on the issue, an important distinction was made.⁵⁸ In its initial phase, Polish

political rhetoric differentiated between reinforced cooperation in the sense assigned to it by the Treaty of Amsterdam, and all of the conceptions aimed at the creation of a permanent hard core or avant-garde. Only after the signature of the Treaty of Nice did that distinction go further – to differentiate between an open avant-garde (eventually joined by all member states albeit at different speeds) and an introverted hard core.⁵⁹

From the outset, in its official position, Poland was ready to support strengthening of the ‘reinforced cooperation’ clauses contained in the Treaty of Amsterdam in order to make them operational. At the EPP meeting, former Polish Prime Minister Jerzy Buzek readily agreed that in the current political reality a complex web of flexible arrangements might be unavoidable. Buzek then went on to say that the very nature and sheer number of safeguards contained in the Treaty of Amsterdam would hamper the practical use of ‘enhanced cooperation’ clauses. He thus agreed that there was a need to reconsider the severity of some of the safeguards to make the Amsterdam ‘reinforced cooperation’ clause more operational. The Polish prime minister nevertheless did not see any convincing argument for opening the debate on flexibility aimed at complete redefinition of the Amsterdam provisions.⁶⁰

It should be noted, however, that the Polish government did not want to see all of the Amsterdam safeguards dismantled, because it was afraid that closer cooperation clauses might be used in order to change the existing *acquis communautaire*, i.e. renationalise certain costly policies, thus undermining the solidarity and

⁵⁶ That of former French President François Mitterrand voiced at the beginning of the 1990s

⁵⁷ See for example Valéry Giscard d’Estaing, ‘Mérites et limites du projet allemand’, *Le Figaro*, 26-27 May 2001, ‘une Communauté européenne à structure fédérale, construite à l’intérieur de l’aménagement plus vaste de la grande Europe’.

⁵⁸ Obviously the distinction was never as sophisticated as the categorisation made in the academic literature on the subject, but nevertheless it was quite substantial. See for example A. C. G. Stubb, ‘A Categorisation of Differentiated Integration’, *Journal of Common Market Studies*, vol. 34, no. 2, June 1996; or C.D. Ehlermann, ‘Increased Differentiation or Stronger Uniformity’, J. A. Winter et al. (eds.), ‘Reforming the Treaty on European Union’, The Hague.

⁵⁹ In the political discourse no labels were actually assigned. See Kulakowski (2001), op. cit. Kulakowski made the following distinction: ‘Closer cooperation is inevitable . . . the point is that it should not take the form of a *noyau dur*, which could become a sort of Union within the Union. The reinforced cooperation should function as an avant-garde, a group of member states, which could, in time, be joined by all of the others.’

⁶⁰ Jerzy Buzek (2000), at the European Parliament, EPP meeting.

cohesion of the European enterprise.⁶¹ Therefore, it did support the wording of the clause in Article 43 TEU⁶² that explicitly forbids it.

When it came to the initial reaction to the ideas of the *avant-garde*, which resurfaced in the period before the signature of the Treaty of Nice, the position of the Polish government was indeed much more reserved. It seemed that, along with the entry into force of the Treaty of Amsterdam, the ideas of an exclusive hard core had been long forgotten; however, their appeal seemed never to fade away. In Poland many people dealing with European integration were concerned that if any conception of *avant-garde* was indeed to materialise, it should never lead to a *Europe à la carte* as, in their view, it could mean disintegration of the European Union. Candidate countries were always most anxious not to witness the emergence of a two-tier Europe, which would create two categories of membership,⁶³ or lead to the creation of 'a new Iron Curtain' dividing Europe in two.⁶⁴ In response to a letter from the Portuguese presidency, Poland prepared a document entitled 'IGC – the Polish Position'. In that document the Polish government stated that the Amsterdam provisions concerning closer cooperation provided 'a good starting point', but that it 'must not lead to the emergence of a group of states not fully involved in the dynamic process of European integration.'⁶⁵ That position should be interpreted as supportive of closer cooperation, limited in scope by the Amsterdam safeguards and very lukewarm as to any ideas going beyond it. In that respect the Polish position was very similar to the position of other candidate countries.⁶⁶

With the signature of the Treaty of Nice the Polish position evolved even further. The Polish MFA's general assessment of the Nice amend-

ments was quite positive. First, the weakening of the Amsterdam safeguards eliminated the fear of decision-making paralysis within Title VII (ex. Title VI a). At the same time the safeguards concerning the inviolability of the *acquis* were preserved. In its assessment, the Polish MFA interpreted the Nice result as guaranteeing the openness of the 'enhanced cooperation formula', allowing for the participation of all member states interested in and prepared for it. Most importantly, it assumed that 'The Nice Treaty means the rejection of the conception of the closed, "hard core" of countries decided on enhanced cooperation which for the remaining states might have meant second-class membership.'⁶⁷ Regardless of the fact that such an interpretation might have been premature, constituting a perfect example of wishful thinking in policy-making, the Polish government clearly intended to make a political statement. Following the signature of the Treaty of Nice, that positive line of reasoning has been strengthened and continued. Former Prime Minister Jerzy Buzek stressed in his Brussels speech that Poland was in favour of closer cooperation, as long as its openness was secured – banning the marginalisation of weaker member states and effectively 'barring unwelcome developments'.⁶⁸

The Polish government decided to send a clear signal to its European partners that its attitude towards 'reinforced cooperation' had evolved, and that initial apprehension had been replaced by a positive and constructive stance. Former Minister of Foreign Affairs Władysław Bartoszewski even talked about a misunderstanding over the Polish position concerning flexibility, while confirming Poland's full support and future engagement in it. Minister Bartoszewski stressed that gradual development of

⁶¹ See for example Bartoszewski (2000a), *op. cit.*

⁶² In the Treaty of Amsterdam it was clause e, in the new Nice wording clause c of Article 43.

⁶³ Buzek (2000), *op. cit.*

⁶⁴ Władysław Bartoszewski (2000b), 'Vision of Europe – the Polish Point of View', European Cultural Forum, Alpbach, 30 August 2000.

⁶⁵ CONFER/VAR 3964/00, *op. cit.*

⁶⁶ See for example Jan Kavan, 'Czech Republic Joins an Ever Closer Union', Brussels, 19 March 2001.

⁶⁷ Polish MFA document, 'The Treaty of Nice – The Polish Point of View', Warsaw, 15 February 2001, p. 51.

⁶⁸ Jerzy Buzek, Royal Institute of International Affairs, Brussels, 26 June 2001.

enhanced cooperation lay in Polish interests and that therefore, from the beginning, Poland should actively participate in all forms of closer cooperation 'as it is dictated by our experience, geographical location and interest'.⁶⁹ Bartoszewski went on to say that Poland should also be a member of the eventual avant-garde, formulated according to the rules of closer cooperation contained in the Treaty, as it could not afford to remain on the fringes of European integration.⁷⁰

The change of Polish position regarding 'flexibility' resulted more from spin-doctoring than from the convictions of the ruling political class. In an internal debate within decision-making circles, numerous members of the pro-integration elite and many Polish authorities on European matters advocated taking a positive stance on 'flexibility'. They argued that the creation of some sort of a avant-garde was in fact a *fait accompli* and that therefore it did not make any sense to oppose this development, as long as the open character of the whole undertaking was guaranteed. Poland, they maintained, should support the creation of the avant-garde and do everything in order to participate in it from the beginning, primarily because it was in Poland's interest to do so.⁷¹ However, in reality many decision-makers and experts still remain highly ambivalent about the concept. The analysis carried out for the MFA clearly states that the introduction of the 'reinforced cooperation' clauses may in practice be met with suspicion, especially in those countries which are worried about the creation of many categories of membership. The same analysis points out that the

Polish attitude towards the concept should be very cautious and well-balanced, and that a complete negation of 'flexibility' is impossible for political reasons alone.⁷²

When closer cooperation is indeed realised in practice, a certain gap might open up between Polish rhetoric and actual capabilities, of which certain Polish decision-makers are well aware. Poland may voice its support and willingness to participate in the avant-garde, however it might not always have the capabilities necessary to do so, especially if participation were to be made explicitly dependent on fulfilling certain 'convergence criteria'. Eventual closer cooperation in CFSP is a good case in point.⁷³ Poland may be politically supportive of closer cooperation in that domain. However, if it were to depend on concrete financial or equipment capabilities, Poland might not be capable of delivering. The MFA document notes with evident relief that closer cooperation 'provides an opportunity for spreading out in time the investment and organisational effort'. In the same paragraph, however, the document also mentions the fact that participation in some costly undertakings (such as environment protection or welfare policy) may be impossible from the outset.⁷⁴ Therefore, many Polish politicians interpret hopefully Article 43b of the Treaty of Nice, which stipulates that 'The Commission and the Member States participating in enhanced cooperation shall ensure that as many Member States as possible are encouraged to take part.'⁷⁵ One continually wonders whether 'ensuring' could take a form of financial assistance?

⁶⁹ Władysław Bartoszewski (2001a), Conference organised by the Warsaw School of Economics, Warsaw, 28 May 2001. The same thesis was formulated earlier, albeit in less enthusiastic language, in the official MFA document 'The Treaty of Nice – The Polish Point of View', op. cit., p. 52.

⁷⁰ A month later, the same position was corroborated by Prime Minister Jerzy Buzek himself, who also was led to believe that since closer cooperation may lead to the establishment of an avant-garde (or 'a centre of gravity', as he put it), Poland should promote and participate in the idea, as it cannot afford to stay on the sidelines. Buzek (2001), op. cit.

⁷¹ See for example Jerzy Łukaszewski (former member of the Committee for European Integration 1997-2001, former Polish Ambassador to France 1990-96), 'Together with the Avant-garde', *Rzeczpospolita*, 23 January 2001.

⁷² Cezary Mik (2001), 'Reinforced Cooperation in the Light of the Nice Reform of the EU. Polish Point of View' MFA analysis, p. 54.

⁷³ If, in the future, it were allowed by the Treaty.

⁷⁴ Polish MFA document, *ibid.*, p.52.

⁷⁵ Buzek (2001), op. cit.

Even though the present government generally tries to pursue the same European policy as its predecessors, especially in relation to official rhetoric concerning the future of Europe, certain misgivings about the avant-garde have recently started to resurface. Polish Prime Minister Leszek Miller, in a joint article with his Czech counterpart Milos Zeman, published in the Polish daily *Trybuna*, voiced his sentiment that Poland and the Czech Republic could not support the creation of closed, exclusive groupings within the Union, which should remain a cohesive entity.⁷⁶ According to both statesmen, such a development could undermine solidarity, one of the most important principles on which the EU is based.⁷⁷

It is not at all strange that Poland's initial reaction to 'flexibility' was indeed one of caution. Certainly, the motivation behind the first attempts to create some sort of internal, closely integrated club was not at all 'benign', and even today many advocates of the 'flexible' Europe do have in mind an exclusive arrangement. However, it seems that in the present circumstances the philosophy of 'flexible' integration is aimed primarily at pacifying the unwilling, not at excluding the unfit. The Polish decision to change its rhetoric concerning 'flexibility' was based on very sound reasoning. Indeed, as the proponents of such a shift in policy argued, it did not make sense to oppose the seemingly irrevocable. Moreover, it is much easier to substantiate and defend a positive approach than a stance, which is overtly negative. The Polish government is slowly discovering the impor-

tance of marketing in politics. The way in which certain things are presented can be more important than what is actually being said. Poland has proved beyond doubt that its attitude towards 'flexible' integration is not based on alleged obsession. The time has come to convince its counterparts that Poland would be willing and able not only to become a member of the future avant-garde but also to endow it with some added value.

2.6 Other reforms – more effectiveness and transparency in the Council

The position on other issues concerning the improved efficiency and transparency of the institutional system was formulated quite late – after the official position on Nice had been published. Usually the views of the Polish authorities on this subject accompany their more general remarks on the future of the EU.⁷⁸ Most of these remarks are concerned with slogans such as greater efficiency in decision-making or greater transparency.⁷⁹ The only concrete proposals aimed at greater transparency and effectiveness in the Council which are supported by the Polish authorities are concerned with two major issues: greater transparency of the Council when it acts in its legislative capacity,⁸⁰ and the possible introduction of 'team presidencies'.

⁷⁶ Other politicians tend to take a much more relaxed view towards the idea of creating a EU of concentric circles, thus fully subscribing to the official discourse of the Polish MFA. Bronislaw Geremek, while noting that all of the concepts aimed at a creation of an avant-garde do assume the creation of two spheres within the Union, differing as to the depth of integration, does not see any reason to panic. According to Geremek, Poland has every chance of becoming a member of the avant-garde, especially due to its potential and geopolitical location, and therefore it should have an ambition of fulfilling all of the criteria necessitated by such membership. Bronislaw Geremek, 'What Union Do We Want?', *Gazeta Wyborcza*, 8 March 2002.

⁷⁷ Leszek Miller and Milos Zeman, *Trybuna*, no. 49 (3646), 27 February 2002.

⁷⁸ See Cimoszewicz (2002a), op. cit.

⁷⁹ See for example Miller and Blair (2001), op. cit., Cimoszewicz (2001), op. cit. 'The EU – Open for the Citizen, Open to the World. Non-paper on the Future of the EU', The Contribution of Polish Member of the Convention, Danuta Hübner, CONV 20/02, CONTRIB 5, Brussels, 3 April 2002.

⁸⁰ Kwasniewski (2001), op. cit., Cimoszewicz (2002c), op. cit., Miller and Blair (2001), op. cit.

The post-Nice debate

3.1 *Finalité politique*

Even though the Polish elite has slowly become ready to discuss specific questions concerning the future of the European Union, a cautious approach still characterises the debate. Most importantly, it should be stressed that Polish politicians tend to be least specific on the question of the Union's ultimate form.⁸¹ The opinion of the Polish representative to the Convention and former Prime Minister, Józef Oleksy, pronounced just after he was nominated as representative of the Polish parliament to the Convention, is perhaps most illustrative of the apprehensions of most Polish politicians about the Union's *finalité politique*. When asked about the vision of EU that he is going to promote during the Convention, Oleksy responded 'there is no need to jump the gun and officially take a detailed position, we are not going to pretend that the Polish formula is coherent, ideal and final.'⁸² When Danuta Hübner proposed a non-paper on Europe's future to the Convention, she made a conscious decision to limit herself to well-rehearsed references to transparency, openness, democratic deficit and the need to relate more closely to the citizen – without

making the effort to address in a detailed manner any of the issues on the Convention's agenda, with the notable exception of relations with the EU's Eastern neighbours.⁸³ The Polish representatives to the Convention will probably present their more detailed position in June; however, its content is also bound to be quite vague.⁸⁴

The dominant Polish view is based upon the premise that it is very difficult to define the *finalité* of the European project. That position stems both from intellectual conviction and from political calculation. Most Polish politicians and decision-makers are indeed convinced that at the present stage of integration it would be very difficult to define the Union's *finalité politique*. However, that position is also very convenient from the political point of view as it allows for vagueness, and many Polish politicians, as has been pointed out, still believe that it is better not to take sides in an institutional debate, as it can prove counterproductive.

The position taken by the Polish MFA on the issue of *finalité* has been consistent since the beginning. Both former Foreign Ministers, Bronisław Geremek and Władysław Bartoszewski, have always emphasised the *sui generis* character

⁸¹ Cautious – especially when it came to the question of European constitution – mainly because, as Tadeusz Mazowiecki pointed out, talking about a European constitution is confusing as it transplants the notions associated with a nation-state into the *sui generis* entity. (Tadeusz Mazowiecki, former Polish prime minister, former Chairman of the European Committee of the Polish parliament, 'Political Aspects of the Constitutional Treaty', at a conference 'The Future of the EU – a Polish Point of View', Warsaw School of Economics, 28 May 2001, published by the Polish MFA).

⁸² *Europap* (Polish News Agency), 28 February 2002. www.euro.pap.com.pl

⁸³ 'The EU – Open for the Citizen, Open to the World. Non-paper on the Future of the EU' op. cit. It was only in the plenary sessions in which the Polish representatives to the Convention decided to be more detailed on specific issues concerning the future of Europe. See *Europap*, 14 April 2002, 15 April 2002. .

⁸⁴ See the interview with Józef Oleksy ('There Might Be a Breakthrough', *Unia-Polska*, op. cit.), in which the former prime minister enumerates the elements of the future Polish position: 'We will support drafting the constitutional document, however, we will not engage in the debate concerning its name . . . We will support the creation of a second chamber but we will not as yet decide whether it should be composed of representatives of national parliaments or governments.' The only concrete proposals concern the election of the Commission's President by the European Parliament and the extension of the right of initiative to the EP, which in itself is debatable.

of the Union, pointing out that the EU is an organisation which has its own logic and dynamics, and that therefore it should not be reduced to known historical federal models such as the German or the American.⁸⁵ The EU needs a completely original system that facilitates the realisation of its objectives and does not imitate any known organisational forms.⁸⁶ In his famous speech at the Centre for European Studies, Wladyslaw Bartoszewski argued the following: ‘The aspiration to make a “final” reform of the EU is an enterprise as laudable as it is unrealistic, similar to the pursuit of the philosopher’s stone . . . In a constantly changing world shrunk to the size of a global village, it is difficult to imagine an institutional *ultima ratio* . . .’⁸⁷

The Minister for Foreign Affairs, Włodzimir Cimoszewicz, has declared his position on the issue in very similar terms, defending the functional character of the Union.⁸⁸ Polish Prime Minister Leszek Miller agrees with that point of view. In a joint article, written with Tony Blair and published by the Polish daily *Rzeczpospolita*, they both agreed that the functional character of the enlarged EU should be maintained and that ‘closer integration should be reached step by step along with identification of new objectives’.⁸⁹

Taking into account the rationale behind the Polish position, it would thus be unrealistic to expect Poland to take a clear-cut position on the exact future shape of the European Union. For Poles it is simply psychologically easier to enter a

Union whose final shape has not yet been determined, a Union which is not strongly federal in character.⁹⁰ It is very difficult to detect voices on the Polish political scene that would opt for a very specific vision of the EU’s future. The views recently expressed by many major European authorities have not received any concrete support. Only the politicians who do not occupy any governmental position can allow themselves to be a little more specific, but even then they remain remarkably careful.⁹¹ Bronislaw Geremek, long after he had ceased to be Foreign Minister, confessed that his different political status offered him a unique chance to be less ambiguous about the federal idea. However, when it came to specifics, he was only able to express very vague support for Jacques Delors’s idea of the federation of nation-states as best depicting the current situation within the EU.⁹²

Leaving aside the Eurosceptics, it is very difficult to find any important Polish politician taking a clear position on the subject of the EU’s future shape. Even when Polish politicians do overcome their misgivings and say something concrete on the matter, they do so solely in a personal capacity. To give a concrete example, only Jan Rokita of the opposition, liberal Civic Platform, has had the courage to pronounce himself clearly in favour of a federal future for the EU.⁹³ In his opinion there are three possible scenarios for the EU’s development: crisis, exclusive avant-garde or federation, and therefore supporting the creation of a federation would be in Poland’s

⁸⁵ Exactly the same sentiment was shared by the previous Polish negotiator, Jan Kulakowski (2001), who, in his Paris speech, explained quite convincingly that the EU should not be based on any existing political blueprints – ‘as Europe cannot be built according to any concrete and preconceived model’. Speech at Friedrich-Ebert-Stiftung, Association Europartenaaires and Temoin, Paris, 25 June 2001.

⁸⁶ Bronislaw Geremek at a Conference ‘What Political System for a Unified Europe?’ organised by the Poland in Europe Foundation, Warsaw, 13 December 2001; see also *Gazeta Wyborcza*, 8 March 2002, op. cit. Geremek was defending similar thesis much earlier; see *Europap*, 5 March 2001, www.euro.pap.com.pl.

⁸⁷ Bartoszewski (2000a), op. cit.

⁸⁸ Włodzimir Cimoszewicz (2002a), forum ‘Together on the Future of Europe’, Warsaw, 18 February 2002.

⁸⁹ Leszek Miller and Tony Blair (2002), ‘Together Towards a Future Europe’, *Rzeczpospolita*, 14 March 2002.

⁹⁰ See for example the opinion of former Polish Prime Minister Jerzy Buzek, press conference, Brussels, 25 June 2001, *Europap*, 26 June 2001, www.euro.pap.com.pl.

⁹¹ When the Social Democrats (SLD) were in opposition, some of their representatives were a little bolder on the issue of the future of the EU. In March 2001, Ewa Fryberg said that SLD supported a federal Union and opted for strengthening of the Community method. *Europap*, 5 March 2001, www.euro.pap.com.pl. However, such opinions were soon to be ‘censored’, and the word ‘federal’ was dropped from the official SLD discourse.

⁹² Bronislaw Geremek (2001), op. cit.

⁹³ *Europap*, 6 December 2001.

best interest. Moreover, Rokita believes that only a federal structure can save the Union from bad organisation and lack of effectiveness.⁹⁴

As in many other European countries, in the Polish context one also has to be very careful when using the word 'federal', because it is widely associated with a very substantial transfer of sovereignty to the supranational level. Włodzimierz Cimoszewicz, in a speech on the future of Europe that officially inaugurated the opening of the Polish forum 'Together on the Future of Europe', clearly stated that the idea of creating a European federation without the existence of a European *demos* was utopian. However, he also defended the federal idea as such, pointing out that federalism does not necessarily imply more centralisation, and that it makes it possible to cope more effectively with the challenge of diversity. He also observed that the current EU system was characterised by many federal features, such as the common currency.⁹⁵ Even though he did not advocate the idea of creating a European federation in the present political circumstances at any point in his speech, it was interpreted by Eurosceptics as advocating a move towards federalism.

Press commentary paid special tribute to the alleged differences between Cimoszewicz's speech and that of the Polish President, Aleksander Kwasniewski, who in turn stated that in his opinion it was better to withhold radical, federalist ideas. According to him, Poland's experiences suggest a need to respect the national factor and therefore Poland should rather opt for the creation of a Europe of nation-states.⁹⁶ Previously, on only two occasions had the Polish authorities made more specific statements on the issue of Europe's *finalité*. The Polish MFA issued a statement⁹⁷ that the Polish position

was closer to the conception of federation of nation-states. That position was later corroborated by Jerzy Buzek, at a press conference following his speech at the Royal Institute of Foreign Affairs in Brussels, during which he said that the French idea of a federation of nation-states was closer to his view than the German federal concepts.⁹⁸

Even though there has been quite a shift in the Polish official position on the future of Europe and Poland has taken a stance on many detailed issues, the authorities still withhold their detailed views on the question of *finalité*, partly because they are convinced that such an exercise would be fruitless, partly to avoid controversy, both internally and externally, and partly because their preferences are for the most part still being worked out. Sometimes, when pressed, Polish politicians let their opinions be known. It is natural that there is more sympathy in Poland for the French concept of a federation of nation-states, firstly because it is vague and secondly because it seems to be more sensitive to the question of sovereignty. Germany's ideas are regarded, with more apprehension, as imposing a German federal model on the EU. Moreover, some Polish analysts point to a rupture in Germany's European policy, which advocates institutional deepening along with a substantive watering-down (re-nationalisation of crucial EU policies). Even though, as mentioned earlier, Józef Oleksy was very reluctant to pronounce his views concerning the Union's *finalité* in his intervention before the plenary, while admitting that the Convention did not have to settle the final shape of the EU, he said that Poland would rather subscribe to the idea of a federation of nation-states, albeit with strong Community institutions.⁹⁹

⁹⁴ Radek Sikorski (former Deputy Minister of the MFA) was one of the few other politicians who were so straightforward in their argumentation. In an article in *Rzeczpospolita*, 26 February 2001, entitled 'Polish way to federalism', he argued that the EU needs more not less federalism.

⁹⁵ Włodzimierz Cimoszewicz (2002a), op. cit.

⁹⁶ Aleksander Kwasniewski (2002), forum 'Together on the Future of Europe', Warsaw, 18 February 2002.

⁹⁷ Quoted in *Rzeczpospolita*, 29 May 2001.

⁹⁸ *Zycie*, 27 June 2001; *PAP*, 26 June 2001.

⁹⁹ Contribution by Mr Józef Oleksy, Representative of the Polish Sejm in the Convention on the Future of Europe, Brussels, 21 March 2002.

3.2 Support for the Community method

Support for the Community method is one of the most important features of the Polish government's position concerning the future of the EU, and it is slowly becoming an official mantra. However, it should be noted that the adoption of that stance has not resulted from the full conviction of the political class, and that it was largely concocted by the people responsible for the formulation of the Polish integration doctrine, to a large extent behind the political scenes. Most importantly, taking into account the dominating view of the party authorities, a firm endorsement of the Community method by the conservative government was in itself revolutionary.

For quite some time, Poland as such did not take any position on the issue of the EU's future. When the first tentative position of the Government on the issue was being formulated, the majority of the Polish political class had not yet fully grasped all of the intricacies of the dynamics of integration. Therefore, on the European front, most politicians were, and sometimes still are, led more by instinct than by a belief firmly based on an understanding of the complicated reality.

In the light of the fact that, as already mentioned, the Polish conservative parties have a natural reflex to defend intergovernmentalism, the strong backing that former Prime Minister Jerzy Buzek gave to strengthening of the Community method was fairly revolutionary. Buzek announced his backing for the Community method before the Polish parliament during a debate on European policy in December 2000 and then repeated it in numerous speeches. 'Poland strongly advocates a strengthening of the Community method, which guarantees the continuity and momentum of integration. This method, which takes into account the interests of all the EU member states, will be of special importance to new member states.'¹⁰⁰

Support for the Community method has been corroborated by the present SLD government. However, the Minister for Foreign Affairs, Włodzimierz Cimoszewicz, admits himself that Polish thinking on the subject of *finalité* has undergone an important transformation, stating 'We are now committed proponents of the community method'. However, according to the minister, at an earlier stage the intergovernmental method seemed more attractive because of its allegedly greater effectiveness in promoting the national interest. The evolution of the Polish position took time. Such change was possible also, as Cimoszewicz readily admits, thanks to intensive interaction with the Commission.¹⁰¹

A change in the official rhetoric resulting in a proclamation of support for the Community method, introduced by the previous centre-right government and endorsed by the Social Democrats, was the single most important decision concerning the official Polish position on the future institutional structure of the enlarged EU. This crucial shift in policy was primarily spin-doctored by the advisers. However, with time it received the backing of the governing élite. This conscious decision to support strengthening of the Community method proves that Poland started to base its position on an objective and correct analysis of Polish interests, realistically assessing the situation after accession. Poland, as a newcomer and a relatively poor country, will have to rely on the Community institutions in order to secure a more effective defence of its interests. Playing an intergovernmental game could turn out to be very tricky for a country that has limited resources. The history of European integration proves beyond any doubt that the Community institutions, most notably the Commission, by defending the Community interest, curb any temptation by the most powerful to usurp decision-making prerogatives.

The decision to back strengthening of the Community method, and thus seek a balance between intergovernmental and *communautaire*,

¹⁰⁰ Buzek (2001), op. cit.; see also Bartoszewski (2001), op. cit.

¹⁰¹ Cimoszewicz (2002b), op. cit.; see also Cimoszewicz (2002a), op. cit.

which in its eyes should coexist, also proves that the Polish government pays attention to external expectations. It is clear that, while presenting its position, Poland cares about its correct marketing. Poland wants to be perceived as a constructive future member that will add to the dynamics of European integration. It does not want to be seen purely as a careful and defensive partner obsessed solely with the material benefits of accession.

The support for the Community method strongly voiced by the present government is consistent with the Polish stance on detailed issues, which has already been seen in its support for the extension of QMV. As Leszek Miller and Milos Zeman have proclaimed, 'Taking into account the effects of globalisation we need more not less Europe'.¹⁰² Both the Polish and the Czech prime ministers support not only the extension of QMV but also all initiatives aimed at strengthening the Commission, in its role as guardian of the treaties, and the European Parliament, through new prerogatives (greater powers of co-decision and more control over the budget).¹⁰³ The Parliament should also be strengthened by giving it responsibility for election of the President of the Commission.¹⁰⁴

However, in assessing Poland's support for the Community method, one ought also to mention important inconsistencies. The Polish government boasts its full endorsement of the Community method, yet at the same time Leszek Miller writes an article with Tony Blair that may be construed as supportive of intergovernmentalism, as it contains strong backing for strengthening of the European Council (in setting the EU's strategic agenda).¹⁰⁵ When one

reads that article and the article written by Miller with Zeman, one has the impression that they were written by different people. It is clear that Tony Blair is not one of the most ardent supporters of the Community method, so when one reads that Leszek Miller fully agrees with a British advocate of strengthening the Council, one is led to question the seriousness of the Polish commitment to strengthening of the Community method. It is one thing to do everything to appear constructive, and an altogether different thing to try to please everyone by publishing contradictory statements.

Exactly the same criticism can be levelled at the support that Józef Oleksy recently gave to the idea of Tony Blair, Jacques Chirac and Jose Maria Aznar to strengthen the EU Presidency – including eventual election of a President of the European Council.¹⁰⁶ Obviously one may try to defend a very nuanced position aimed at protecting the equilibrium between the Community and intergovernmental methods. However, one has to take into account the context in which an opinion is expressed. One has to be very careful when there is a great debate between those who support more intergovernmentalism, advocating the need for a strengthened Presidency and even formulation of a special steering group whose character is clearly that of a directorate,¹⁰⁷ and those who support the recent blueprint for the EU's future prepared by the Commission.¹⁰⁸ It should come as no surprise that Oleksy's statement was unequivocally interpreted by the Polish press as supportive of intergovernmentalism,¹⁰⁹ casting doubts yet again on the seriousness of Poland's commitment to strengthening of the Community method.¹¹⁰

¹⁰² Miller and Zeman (2002), op. cit.

¹⁰³ Miller and Zeman (2002), op. cit.; see also Cimoszewicz (2002c), op. cit.

¹⁰⁴ Miller and Zeman (2002), op. cit.; Kwasniewski (2001), op. cit.

¹⁰⁵ Miller and Blair (2001), op. cit.; Cimoszewicz (2002a), op. cit.

¹⁰⁶ Contribution by Mr Józef Oleksy, Representative of the Polish Sejm in the Convention on the Future of Europe, Brussels, 23 May 2002.

¹⁰⁷ Jack Straw, British Foreign Secretary, 'Reforming Europe: New Era, New Questions', The Hague, 21 February 2002.

¹⁰⁸ Communication from the Commission, 'A Project for the European Union', Brussels, 22 May 2002, COM (2002) 247 final.

¹⁰⁹ See *Europap*, 23 May 2002, www.euro.pap.com.pl.

¹¹⁰ Similar inconsistencies can be found in the political discourse of politicians coming from different candidate countries. For example, see the speech by the Romanian Prime Minister, Adrian Nastase, in which, in the same paragraph, he supports the strengthening of the Community method and wonders how to elect the President of the Council. Adrian Nastase, Speech at the European Policy Centre, Brussels, 6 June 2002.

3.3 *The post-Nice Protocol*

3.3.1 The division of competencies

Of all the questions contained in the Nice Protocol, the question of the division of areas of competence is by far the most difficult and controversial, and has been recognised as such in the Polish MFA's official document assessing the results of the Treaty of Nice.¹¹¹ Poland's position on the division of competencies has therefore been very cautious, and consistent throughout. Both the former and current ministers for foreign affairs have agreed that Poland could support all moves aimed at a more specific and clearer definition of responsibilities between the different levels of governance (the Union, the nation-state and the regions). However, both governments also opposed a strict definition of competencies, as the creation of any kind of catalogue of competencies could slow down or even halt the process of European integration.¹¹² Poland considers that flexibility is crucial in that particular matter.¹¹³ Both Leszek Miller and Milos Zeman have stated very clearly that it is impossible to lay down a division of competencies once and for all, as the integration process is continuously evolving.¹¹⁴ The Polish president put it most bluntly when he declared

that 'We should not draw a rigid distinction between the EU level and the home territory.'¹¹⁵

The Polish position on the division of competencies is consistent with support for the Community method and the deepening of integration as such. The Polish authorities are genuinely convinced that a strict division of competencies could hamper the dynamics of integration. However, the most important rationale for that highly sceptical position stemmed from an overwhelming concern that an exercise of competence delimitation could lead to regression of integration, specifically a re-nationalisation of certain common policies.¹¹⁶ Such apprehension is, no doubt, fuelled by the fact that the idea of radical competence delimitation is most strongly advocated by Germany – the same country that favours re-nationalisation (or more specifically re-regionalisation).¹¹⁷ Therefore, Poland supports rather clarification and greater reliance on the principle of subsidiarity than the division of competencies as such.¹¹⁸ However, the Polish government is of the opinion that if subsidiarity is to work in practice, there is a need for appropriate tools. Therefore, the representative of the Polish government to the Convention, Danuta Hübner, decided to side with other countries (Britain, Germany, France and Ireland) in supporting the setting up of a political committee, consisting of national parliamentarians. The Committee's role would

¹¹¹ Polish MFA document 'The Treaty of Nice – The Polish Point of View', op. cit., p. 64.

¹¹² That position has also been consistently defended by the Polish representatives to the Convention. See the statements by Danuta Hübner, who said that strict delimitation of competencies may adversely influence the effectiveness of the EU, *Europap*, 14 April 2002, www.euro.pap.com.pl

¹¹³ See Bartoszewski (2001a), op. cit., Cimoszewicz (2002a), op. cit., and Cimoszewicz (2000b), op. cit.

¹¹⁴ Miller and Zeman (2002), op. cit. A very similar sentiment was voiced in a joint article entitled 'Together Towards a Future Europe' written by Leszek Miller and Tony Blair (2002), op. cit.; see also Buzek (2001), op. cit. The Prime Minister explicitly stated that 'The issue will not be resolved through a formulation of a detailed catalogue.'

¹¹⁵ Aleksander Kwasniewski, 'Enlarged EU: Moving Towards a Political Union', Stockholm School of Economics, 10 May 2001.

¹¹⁶ Bartoszewski (2001a), op. cit.; Buzek (2001), op. cit.

¹¹⁷ Gerhard Schröder in his European speech (see for example *Le Monde*, 8 May 2001) advocates the delimitation of competencies and partial renationalisation of structural policy in the same paragraph. A very similar position is defended by the last CDU-CSU paper on European policy; see Wolfgang Schäuble, Reinhold Bocklet, European Constitutional Contract, Berlin, 26 November 2001, www.cdu.de/europapolitik.pdf.

¹¹⁸ See contribution by Mr Józef Oleksy, Representative of the Polish Sejm at the session of the Convention on the Future of Europe, on the subject of the missions of Europe, Brussels, 18-19 April 2002.

be to ensure that the EU does not claim any competencies for itself that would be better dealt with at a national or regional level (i.e. subsidiarity).¹¹⁹

When it comes to all the ideas on specific modes of competence delimitation discussed during the Convention, the Polish government is cautious. The Government representative, Danuta Hübner, has stated that the only solution she could envisage was based on drafting a statement in which the exclusive competencies of member states were to be established. According to her, other competencies should be delineated with flexibility.¹²⁰ Józef Oleksy went a little further, and even though he too was against a rigid catalogue, he declared that all responsibilities not covered by EU missions should remain within the competencies of member states.¹²¹

It should also be noted that maintaining the principle of 'solidarity', alongside that of equal treatment, constitutes one of the most important questions for Poland, and in most speeches on the future of Europe that subject has been evoked.¹²² For Poland, it makes no sense to strengthen the institutions while simultaneously dismantling the most crucial policies. Therefore, in Poland's view, a stronger Europe must be founded upon solidarity, both economic and political.

3.3.2 Simplification of treaties

Poland supports all efforts aimed at simplification of the existing treaties, acknowledging that this is not a technical question but a political process,¹²³ and therefore that it will be by no means automatic. The Polish authorities are seemingly not afraid to explicitly address the need for a 'constitutional treaty'¹²⁴ or 'a basic treaty of constitutional character'.¹²⁵ Aleksander Kwasniewski has declared even more boldly that he is sure that we will have a European Constitution at some point in the future.¹²⁶ Poland favours dividing the existing treaties into two parts. In accordance with a proposal by the European University Institute in Florence, the first part would include all of the quasi-constitutional articles, especially the Union's values and goals (basic Treaty) and the second, all of the other detailed provisions. What is important is that the second part should be easier to amend (requiring a vote in the Council rather than ratification by all member states). Such reformulation of the treaties would have one major virtue: it would reduce the obstacles to revision of Community policies.¹²⁷

In the context of simplification of the treaties, the Polish minister for foreign affairs has also broached the subject of simplifying and streamlining the EU's legal instruments. Cimoszewicz has advocated greater recourse to framework directives, which would provide national

¹¹⁹ See , 14 June 2002, *Rzeczpospolita*, 15-16 June 2002.

¹²⁰ Danuta Hübner, the representative of the Polish government to the Convention, 'What Do Our Citizens Expect From the European Union?', personal statement at a session of the Convention on the Future of the EU, Brussels, 21 March 2002.

¹²¹ See contribution by Mr Józef Oleksy, Brussels, 18-19 April 2002, op. cit.

¹²² See for example Buzek (2001), op. cit., Cimoszewicz (2002a), op. cit.

¹²³ Miller and Zeman (2002), op. cit.

¹²⁴ Bartoszewski (2001a), op. cit., see also Geremek (2001) op. cit. and Buzek (2001), op. cit. The Prime Minister said: 'The goal should be the construction of a single EU Treaty – a Constitutional Treaty.'

¹²⁵ Cimoszewicz (2002a), op. cit.

¹²⁶ Kwasniewski (2001), op. cit. The alternate Polish member of the Convention, Janusz Trzciński, in his contribution, clearly opts for a constitutional treaty and not for a constitution proper, because as he argues there is no objective justification for the creation of a document of such magnitude. CONV 34/02, CONTRIB 17, Brussels, 17 April 2002.

¹²⁷ See the analysis by Krystyna Michalowska-Gorywoda, 'Simplifying the European Treaties' at a conference 'The Future of the EU – a Polish Point of View', Warsaw School of Economics, 28 May 2001 (published by the Polish MFA).

parliaments with more autonomy in implementation of Community legislation – a desirable evolution that could allow the ordinary citizen to monitor European policy better, thus increasing the legitimacy of the Union’s undertakings.¹²⁸ Leszek Miller, in his joint contribution with Tony Blair, was even more radical: he explicitly supported more deregulation, stating that redundant laws should be abolished and that the *acquis* should be kept under constant review.¹²⁹

3.3.3 The status of the Charter of Fundamental Rights

The MFA document concerning the IGC 2000 was very vague on the question of the Charter. The Polish position stated not only that Poland had been closely following the work on the Charter but also that it supported it fully. However, the document also expressed a certain apprehension that work on the Charter might slow down the pace of the IGC.¹³⁰ In the official assessment of the Treaty of Nice, the Polish foreign affairs ministry welcomed the signing of the Charter, acknowledging with particular satisfaction the fact that its representatives had been invited to express their opinion on the matter. The document noted that, even though the Charter set a difficult challenge for the candidate countries, it specified the nature of the accession criteria, making them less ambiguous and thus facilitating the application of Article 46 TEC.¹³¹

In the following months the Government made a conscious decision to be more precise on the issue and move beyond rhetoric – such as the statement appearing in the official documents ‘we support the Charter because it pronounces values and aspirations common to our nations’. Former Minister for Foreign Affairs Wladyslaw Bartoszewski claimed that it was necessary to include the common, fundamental values in the treaties, because without such an initiative it would be impossible to talk about a constitutional treaty and further integration. Therefore, he saw the introduction of the Charter into the treaties, albeit after certain (unspecified) improvements, as indispensable.¹³² That position was corroborated by Prime Minister Jerzy Buzek himself, who also believed that a catalogue of shared values should be included in the treaties.¹³³ The representative of the new government and the Polish representatives to the Convention went even further, asserting that the Charter of Fundamental Rights, as a part of the constitutional treaty, should become legally binding.¹³⁴

The Polish authorities quite rightly assumed that the inclusion of the Charter of Fundamental Rights into the Treaty might have an enormous ‘public relations’ effect. Such a move will provide yet another proof that the Union is not only about economy but that it is a political entity, guided in its activities by universal human rights, an entity which, moreover, is devoted to protecting these rights. ‘Consequently, the EU will cease to be perceived as a hostile bureaucratic structure, and will become more understandable to the man in the street.’¹³⁵ The only potentially controversial

¹²⁸ Cimoszewicz (2002a), op. cit.

¹²⁹ Miller and Blair (2001), op. cit.

¹³⁰ CONFER/VAR 3964/00, op. cit.

¹³¹ Polish MFA document ‘The Treaty of Nice – The Polish Point of View’, op. cit., pp. 58-60.

¹³² Bartoszewski (2001a), op. cit.

¹³³ Buzek (2001), op. cit.

¹³⁴ Cimoszewicz (2002a), op. cit.; Cimoszewicz (2002b) op. cit.; Edmund Wittbrodt, representative of the Polish Parliament to the EU Convention, Intervention Concerning the Future of the EU, Brussels, 15 April 2002.

¹³⁵ Elzbieta Kawecka-Wyrzykowska, ‘Charter of Fundamental Rights of the EU’, at a conference ‘The Future of the EU – a Polish Point of View’, Warsaw School of Economics, 28 May 2001 (published by the Polish MFA), p. 142.

issue connected with the Charter concerns the insistence of the Polish representatives to the Convention that an *invocatio Dei* (a reference to God) should be included in the Charter. That initiative might not be welcomed by certain member states.

3.3.4 The role of national parliaments

The previous government was rather sceptical about the idea of creating yet another chamber within the EU institutional system.¹³⁶ Former Minister for Foreign Affairs Wladyslaw Bartoszewski was of the opinion that the democratic deficit could not be diminished simply through the creation of new structures. He would rather have preferred to see a strengthening of the role of the national parliament in the domestic decision-making system concerning European integration.¹³⁷ Current Minister for Foreign Affairs Wladyslaw Cimoszewicz has proposed the creation of a special committee within the European Parliament, consisting of national parliamentarians whose role would be to monitor the practical application of the subsidiarity principle, and a special Legislation Council alongside the Council of Ministers which would give an opinion on draft Community legislation.¹³⁸

Leszek Miller, has taken a slightly different, more ambitious view. Convinced by the British, he decided to back the idea of Tony Blair, first voiced in his Warsaw speech, in which he advocated the creation of another chamber within the EU decision-making system. That chamber, composed of national MPs, should have the task of monitoring subsidiarity.¹³⁹ It seemed that there was a qualitative difference between an

independent chamber and a committee, as proposed, among others, by Cimoszewicz. However, according to the Polish minister for foreign affairs there is absolutely no discrepancy between the two ideas. Cimoszewicz simply assumes that when Miller and Blair talk about a chamber they do in fact mean some sort of 'parliamentary subsidiarity committee', and readily agrees that that avenue could be explored,¹⁴⁰ which is seen in Poland's support for the previously mentioned initiative by four current member states aimed at setting up such a committee.

However, it should be noted that Tony Blair himself seems to be scaling down his ambitions. When he floated the idea of 'another chamber' in the Warsaw speech, it seems that he meant quite an ambitious entity having equal status to the European Parliament. With time, and as more and more European authorities have voiced their scepticism about the idea, Blair's initiative seems to have evolved towards the concept of a subsidiarity-monitoring (non-permanent?) body. Therefore, the Polish minister for foreign affairs might in the end be right to conclude that there is no substantial difference between his ideas and that supported by his prime minister.

3.4 The role of the EU in a global context¹⁴¹

The question of the role of the European Union in a global context, as well as questions concerning the attitude to the Common Foreign and Security Policy or European Security and Defence Policy, are not usually considered when the question of the future of the EU is being

¹³⁶ Bartoszewski (2001a), op. cit.; Buzek (2001), op. cit.

¹³⁷ Bartoszewski (2001a), op. cit.

¹³⁸ Cimoszewicz (2002a), op. cit.

¹³⁹ Miller and Blair (2001), op. cit.; Miller and Blair (2002), op. cit.

¹⁴⁰ Cimoszewicz (2002b), op. cit.

¹⁴¹ In this section a general description of the attitude towards the role of the EU in the global context will be described, as all of the concrete issues concerning ESDP and CFSP were covered in detail in Antonio Missiroli (ed.), 'Bigger EU, wider CFSP, stronger ESDP? The view from Central Europe', Occasional Papers 34 (Paris: European Union Institute for Security Studies, April 2002).

addressed.¹⁴² If they are ever discussed in detail, it is on separate occasions. When the subject of European security is broached in the context of institutional reform, it is not done in a substantial manner. Usually, while emphasising that the EU should be more effective, Polish politicians tend to imply also a strengthening of CFSP.¹⁴³

The official Polish assessment of the Treaty of Nice was limited to remarks emphasising the hope that the changes introduced in the decision-making procedures would help achieve a better functioning of CFSP. The Polish MFA also expressed its view that the EU, after taking over the tasks of WEU, ought to develop a broader approach to security problems 'based on common participation and cooperation with all the countries having the will and potential to undertake such cooperation'. However, in the same paragraph, the Polish position stresses that ESDP should be based on close cooperation with the North Atlantic Alliance.¹⁴⁴

The Polish official position on the question of the role of the EU in the global context, even if formulated separately from that on the future of Europe, has the same features. First and foremost, the Polish official attitude to the issue shows a certain degree of continuity, as both former and current governments subscribe to the same policy.¹⁴⁵ However, the Polish position is also evolving, becoming much less defensive and more detailed in scope.

According to official documents, it is clear that Poland fully supports both a strengthening of CFSP and the creation of ESDP. Former

Polish Minister for Foreign Affairs Wladyslaw Bartoszewski has declared that there is nothing more wrong than the idea that Poland has reservations on ESDP.¹⁴⁶ The Polish parliament's representative to the Convention, Józef Oleksy, during a session of the Convention concerning EU missions, strongly supported the enhancement of EU competencies in both CFSP and ESDP.¹⁴⁷ However, the official Polish position is not restricted to voicing support for strengthening of the European policy in the area: it also contains a critical analysis of it. That analysis concerns two aspects of ESDP: its place and role in the European security system, and Poland's attitude to the new policy. First of all, Warsaw emphasises that the development of ESDP must not weaken the effectiveness of NATO or lead to questioning of American involvement in Europe. Poland therefore supports full coordination of all action and a common planning system between NATO and the nascent ESDP structures.

Second, Poland is not satisfied with its position within ESDP. To quote Bartoszewski's speech again: 'consultation and dialogue will not substitute cooperation'.¹⁴⁸ Poland has always expected greater participation of the non-EU NATO members in decision-making within ESDP, maintaining its right to be treated on an equal footing.¹⁴⁹ Therefore, it did not view the Helsinki decision, according to which the position of non-EU NATO members as regards operations that do not make use of NATO assets, was to be equal to all the other countries

¹⁴² The official Polish Statement concerning the Laeken European Council simply states that CFSP should be more effective and that synergy should be created between external and internal security. See the website of the Polish MFA www.msz.gov.pl/Unia_Europejska/laeken_oswiadczenie.html.

¹⁴³ The only exception to this rule being the future of the EU Eastern policy, which is sometimes discussed in detail in order to prove that Poland has an idea how to contribute practically to European integration.

¹⁴⁴ Polish MFA document 'The Treaty of Nice – The Polish Point of View', op. cit., p. 58.

¹⁴⁵ However, it should be pointed out that the present Social Democrat government is inclined to support solutions of a more European character.

¹⁴⁶ See Wladyslaw Bartoszewski (2001b), 'European Security Policy – Polish Point of View', conference organised by the Polish MFA and Warsaw University, 11 May 2001.

¹⁴⁷ Contribution by Mr Józef Oleksy, Brussels, 18-19 April 2002, op. cit.

¹⁴⁸ Bartoszewski (2001b), *ibid.*

¹⁴⁹ Some politicians even point out that Poland's associate status in WEU fulfilled its aspirations to a greater degree than the status proposed in the realm of ESDP.

willing to participate in them, positively. At the EU Feira summit Poland put forward its own solution aimed at greater participation in ESDP decision-making and planning through regular cooperation in the '15+6' formula.¹⁵⁰

One can see a qualitative change in Poland's attitude towards European security. Just a few years ago, many Polish authorities were against the development of autonomous European capabilities in that area. Warsaw was worried that any attempt to create European security structures might in the end undermine NATO. And it is precisely the North Atlantic Alliance which in Poland has always been widely recognised as the only force able to effectively take care of the security of the European continent. For there to be any change in the Polish attitude on the issue it had to be absolutely clear that the new structures, however ambitious, would not duplicate or endanger the cohesion of the Alliance. But even after Poland had declared its strong official backing for ESDP, its attitude towards the issue remained ambivalent. Moreover, the concept of ESDP is sometimes misunderstood in Poland. Numerous Polish military authorities and politicians alike are quite often not able or simply do not want to see the difference between ESDP and ESDI, which is essentially about strengthening the European pillar of NATO, not creating independent European capabilities, as if nothing has changed within the EU during the last few years.

A partial explanation for the perceived lack of understanding of the need to develop European policy in the area of defence is that Poland's political class tends to focus on collective security guarantees. There is limited understanding of the importance of soft security measures in Poland. The attention of most politicians dealing with defence focuses on meeting the NATO

requirements instead of identifying areas in which Poland could prove its potential. The situation is paradoxical, because it is precisely in soft security that the Polish military, with its remarkable peacekeeping record, could make its greatest contribution to European security.

Formulation of Poland's position on the issue of European security and defence is also influenced by 'marketing', maybe even to a greater degree than its position on the future of Europe *per se*. Poland wants to be seen as a constructive future member of the EU, and therefore its rhetoric on questions related to the role of the EU in the global context has been progressively positive. One of the primary goals of the Polish MFA's policy on the issue is to challenge the perception of America as a Trojan horse that has built up in Poland over the years.¹⁵¹ In May at a press conference the Polish Minister for Foreign Affairs, Włodzimierz Cimoszewicz, tried to convince journalists that such opinions were completely groundless: 'There is no rational justification in the political and economic fields for the logic that in American-European competition we have to opt for one of the two sides. Poland has no interest in making that sort of choice.' The minister added that opting for a US presence in Europe was not only in Polish interests but also for those of the EU, as it stabilised the whole of the Continent.¹⁵² It seems that the minister fully subordinated his personal views to the official MFA position, precisely in order to eradicate firmly established stereotypes. It should, however, be pointed out that just a few months earlier, when he was not in office, he defended the thesis that Europe was more important for Poland economically, but the United States in the sphere of security.¹⁵³ In this context, it is interesting to quote a leading politician, Jan Maria Rokita, of

¹⁵⁰ 'Initial Proposals for Practical Development of Feira Decisions Concerning the EU Co-operation with non-EU European Allies', Polish MFA website www.ms.gov.pl/english/unia/position_18082k-ang.html.

¹⁵¹ Even though in the eyes of many Polish politicians it is only the EU itself which is responsible for that description, forcing upon Poland an alleged conflict of loyalty. See for example Jerzy Marek Nowakowski (the foreign affairs adviser to former Polish Prime Minister Jerzy Buzek) at the conference 'Poland Between Europe and the US', *Europap*, 17 May 2001, www.euro.pap.com.pl.

¹⁵² Włodzimierz Cimoszewicz (2002d), 'Between Russia and America – Polish-Russian and Polish-American Relationship', *The Warsaw Voice*, 20 January 2002.

¹⁵³ See Włodzimierz Cimoszewicz (2001) at the conference 'Poland Between Europe and the US' *Europap*, 17 May 2001, www.euro.pap.com.pl

of the main opposition party Civic Platform, who has asserted that, in dealings with the United States, Poland should be as pro-European as possible, and in contacts with the EU as pro-American as possible.¹⁵⁴ It seems, nevertheless, that the Polish élite is not as yet ready and mature enough to implement such Machiavelian advice.

It is still a fact that in the sphere of security most of the Polish élite remain very pro-Atlantic in their reasoning, which is not at all strange. First of all, in Poland there is a great deal of enthusiasm for NATO, which is only natural for a new member that has just realised its aspirations. Second, there is a lack of understanding as to the goals and future role of ESDP: many Polish politicians and military authorities, not believing in its effectiveness, simply think that in the end it might prove redundant. Third, not many people in Warsaw are aware of the changing nature of NATO. It is quite interesting to note that Poland would very much prefer to be in the 'old' NATO rather than in the 'new' one.

It is quite telling that official Polish rhetoric is much more concerned with ESDP than with CFSP in general. Poland shares all of the EU's foreign policy priorities, subscribes to all of its *démarches* and supports all of the common positions when invited. However, the Polish debate does not really address the question of the future role of the EU on the international scene or the geographical scope of its policies. The question what specific foreign policy the enlarged Union should have is never officially asked. Granted, when it comes to official catch-phrases the Polish authorities would support a policy that is effective, ambitious and far-reaching. When it comes to specifics, nothing is certain. Nevertheless, it is doubtful that Poland could interfere with any of the Union's ambitions in that particular field, given its track-record.

The only exception to the rule of 'disinterested support' concerns the enlarged Union's

future Eastern policy. It is absolutely clear, that Poland intends to make a great contribution in this area – adding to it a sorely needed dynamism and assertiveness. Poland would like to become a bridge between the Union and its future Eastern neighbours, sharing with them its experience and 'transition know-how'. In particular Poland wants to make the EU's Eastern policy less restrictive and more open-minded and constructive.

The Polish MFA has taken the EU's invitation to become actively involved in shaping EU strategy towards its future Eastern neighbours seriously. In the official document, the Polish MFA states all of its objectives towards the East, noting at the same time that it is avoiding any obligations as to future institutional relations between the EU and its neighbours. The document stresses the need for a deepened dialogue between the EU and the ex-Soviet republics on the consequences of enlargement. The Polish view of the Eastern policy pays particular attention to the organisation of training for both the administration and small and medium-sized enterprises.¹⁵⁵ Many of the theses put forward in that document have been repeated and elaborated upon in a non-paper submitted by the representative of the Polish government to the Convention. The non-paper proposes creating a deepened political dialogue (in a form of a Confederation Council), symmetrical trade liberalisation, as well as involvement in modernising the energy and transport infrastructure, regular consultation on ESDP, tight cooperation in the area of internal security, assistance in regional policy development and wide cooperation in education and research.¹⁵⁶ Polish foreign policy is looking for an area in which it can realise its potential and exploit its know-how; clearly the Eastern policy of the EU provides a perfect opportunity to do just that, and in the future that may also become the Polish *spécialité de la maison*.

¹⁵⁴ Jan Maria Rokita (2001), *ibid*.

¹⁵⁵ Polish MFA document 'The EU Eastern Policy in the Perspective of an Enlargement – The Polish Point of View', *op. cit*.

¹⁵⁶ 'The EU – Open for the Citizen, Open to the World. Non-paper on the Future of the EU', *op. cit*.

Conclusions

Poland's position on the future of Europe, when it comes to the subject matter as such, does not differ much from those of all other candidate countries.¹⁵⁷ Features such as ambivalence towards flexibility, emphasis on solidarity and equal treatment for all candidates, support for the extension of QMV within the first pillar, a cautious attitude towards too strict a division of competencies and a general dislike of strong and definite statements on the EU's *finalité politique* characterise the position of most of the candidates.¹⁵⁸

Obviously, there are differences concerning specific aspects of official national positions but they are not substantial. They concern details, and one can detect minor differences within the declared positions of individual countries. For example, Poland, the Czech Republic, Slovakia, Bulgaria, Romania and Lithuania lay much greater emphasis on their support for strengthening of the Community method, whereas other candidate countries (especially Hungary and to a lesser extent Slovenia) tend to stress the fact that there is no contradiction between the Community and intergovernmental methods, and that there is a need to maintain the right balance between them.

Romania and Slovakia are less equivocal in their support for a European Constitution that would set out the fundamental principles on which the Union is based, whereas other candidates do not address the issue in such decisive language, mostly agreeing with former Czech Deputy Prime Minister Jan Kavan, who has said that a fundamental document is needed but that it does not necessarily have to be called a constitution.

To give a few more examples of divergence, one has to note that certain countries, like Latvia, are much more vague in their official position than other candidates. Hungary is much less concerned about the implications of the division of competencies and seems to have adopted a much more relaxed view on flexibility. Slovakia allows itself to be a little more specific on the EU's *finalité*, whereas the Romanian and Bulgarian authorities have recently voiced their support for a federation of nation-states. Some of the candidates, notably Bulgaria, are lukewarm when it comes to creation of a second chamber; others like Poland, Hungary and Romania think that such an avenue should be explored.

Different geographical locations give rise to different preoccupations, just as different political statuses may cause different attitudes towards certain issues. See, for example, the insistence of Slovenian, Latvian and Estonian on maintaining the equilibrium between small and large member states, or the divergence between NATO and non-NATO members when it comes to modalities of cooperation with the Alliance. In their official position, all candidates support development of ESDP and the strengthening of CFSP. When it comes to the details, however, their positions and degree of commitment may differ. None of the examples quoted, however, changes the fact that the attitude of all candidate countries towards the future of Europe is characterised by a great degree of convergence.

Poland's position seems to be the most developed and comprehensive of all the candidates. Poland was one of the few countries to produce

¹⁵⁷ Especially that there has been a certain exchange of ideas between the candidates; see for example the 'Villa Faber Group Report', Bertelsmann Foundation, which was prepared with the full participation of experts from candidate countries.

¹⁵⁸ See Petr Drulak, 'A Look at the EU Future from Candidate Countries'. For national positions see the Future of Europe – debate website (www.eu.int) unless otherwise indicated.

a very detailed, official position on the Treaty of Nice. Official discourse on the future of Europe and all the issues that are going to be discussed during the next IGC is also quite rich. It addresses all of the specific questions raised in the debate. An ability to state its views in such an extensive manner largely depends on human resources, in which Poland is better off than many other, relatively small candidates. Most importantly, however, it seems that, because of its quite far-reaching aspirations, the Polish government has decided to actively engage in the debate on the future of Europe, thus fully liberating itself from its previous strategy of institutional non-commitment.

Poles, along with Slovenes and Romanians,¹⁵⁹ have also so far been the most active participants in the Convention. Speeches by Polish representatives have been the most numerous of all candidate countries, as have their written contributions to the debate.¹⁶⁰ Moreover, the majority of the candidates (with a possible exception of Slovenia, Romania, Hungary and Estonia)¹⁶¹ have limited themselves to very general aspects of European integration – such as effectiveness, transparency and closeness to the citizen, or equal participation of candidates in the workings of the Convention. Whereas, when it comes both to their breadth and quality, the Polish contribution to the debate was also the most extensive, relating to such diverse issues as EU missions, the powers of EU bodies, competence delimitation, CFSP and Eastern Policy of the enlarged Union, to name just a few.

Polish politicians quite often repeat that accession to the Union is just the means to achieve a certain end – the most effective realisation of Polish national interests. At the outset, no link was made between promoting essential

Polish interests and the EU's particular institutional shape. With a few notable exceptions, the majority of Polish politicians had no clear blueprint in their minds and their institutional preferences have remained unspecified. Hence, the official Polish position on the future of Europe has been largely formulated in response to specific questions raised in the EU's internal institutional debate, and not according to an overall, ambitious master-plan based on knowledge, conviction or belief. Most of what has been said on the future of Europe has simply constituted a Polish reaction to the unfolding debate. The unique Polish perspective on the future of European integration and on the role that Poland could play in the enlarged Union is in the process of development.

Once the effort had been made, however, and Poland took sides in the institutional discussion, the élite slowly began to realise that there was an important relationship between the successful promotion of Polish interests and the Union's institutional shape. Decision-makers, while working out the Polish strategy, progressively made an effort to anticipate Poland's future position in the enlarged EU. Warsaw nurtures an ambition to play a constructive and important role within the EU, a role fully commensurate with its size and potential but also with its present handicaps. During the Nice negotiations, Poland was forced to participate, albeit indirectly, in the bargaining game within the Council, and did so successfully – proving its potential to become a pivotal member of important coalitions. If Nice is ratified, Poland will no doubt try to capitalise on the number of votes that it has acquired in order to find its way into the club of the big states, which have the most substantial impact on the formulation of the Union's ambitions. This anticipatory behaviour

¹⁵⁹ See the very interesting, extensive and erudite contributions by Matjaz Nahtigal, the representative of the Slovenian government to the Convention, his speech delivered on 21 March 2002 and his written contribution on delimitation of competencies – CONV 39/02, CONTRIB 20, Brussels, 22 April 2002, as well as the contributions by the representative of the Romanian parliament, Adrian Severin, 'Exerting Competencies', Brussels, 23/24 May 2002 and the representative of the Romanian government, Hildegard Puwak, Brussels, 15-16 April 2002.

¹⁶⁰ Of 19 speeches made between March and May 2002 by the representatives of the twelve candidate countries, 6 were made by Poles; of 5 written contributions, 2 were Polish.

¹⁶¹ See the contributions by the representative of the Estonian government, Henrik Hololei, 'Division of Competencies between the EU and the Member States', Brussels, 24-25 May 2002, and a written contribution by the representative of the Hungarian government, Janos Martonyi, 'La mission internationale de l'UE', CONV 28/02, CONTRIB 11, Brussels, 12 April 2002.

has been visible during the opening stages of the Convention – where the Polish representatives have proved to be lukewarm towards the idea of creating a coherent bloc with other candidates, as they aspire to act as an independent force.¹⁶² Poland wants to be perceived as a future member that has a certain ambition, and not as a candidate struggling to fulfil the Copenhagen criteria. Its greater aspirations are by far the most important difference between Poland and other candidates. Even now, Warsaw is being treated differently by current member states and its greatest, though rarely expressed, hope is in the future to join the unofficial ‘directorship’ of big member states.¹⁶³ As we have seen, the Polish representatives to the Convention have displayed a great willingness to support the initiatives of the big member states, sometimes without even thoroughly considering the Polish interest. One should be aware, however, that there is a certain contradiction between grand political aspirations and the present, mediocre economic reality, which may in the future impair Poland’s bargaining position.

There is nothing surprising in the Polish official position on the future of Europe. Since at a certain moment the Polish authorities, from both political and administrative circles, decided that the Polish position had to take into account the future interests of the country, their main intellectual effort centred on the identification of those interests. After a tentative evaluation, the Polish position has become much more supportive of the Community method.

The spin-doctoring has proved to be very effective, as many Polish politicians have been convinced by the official reasoning. However, it should be stressed that the shift in Poland’s policy-making on Europe has not resulted solely from cynical calculation. Poland’s administration and political élite are undergoing a continual socialisation process with their European counterparts – which is leading to the progressive ‘Europeanisation’ of their mindset.


One should not expect a more concrete stance concerning the future institutional shape of the Union from any candidate country. With rising Euroscepticism among the political opposition and a largely uninformed public opinion, taking a much more clear-cut position could turn out to be counterproductive.¹⁶⁴ The official position seems thus to be as ambitious as possible in the present circumstances. The problem in the case of Poland, and indeed in the case of most of the other candidates, lies elsewhere – in the lack of debate within the political parties and a weak effort on the part of the Government to engage public opinion. Neither the political nor the intellectual élite realises the full importance of the issues being discussed and their implications for the future. Without such realisation the Polish position, strong as it may be due to its substantive merits, will be formed largely in a political vacuum. Any official position needs strong political foundations, otherwise its credibility will be low and its very essence may be questioned.

¹⁶² Poland is very open when it comes to cooperating with other candidates in the course of accession negotiations, as this strengthens the position of the whole grouping (the Union has difficulty playing one candidate against another). However, in the institutional area the added value of such cooperation seems to be much less.

¹⁶³ For example see the interview with Józef Oleksy, ‘There Might Be a Breakthrough’, *Unia-Polska*, op. cit.

¹⁶⁴ Self-Defence and the League of Polish Families in Poland, Vladimir Meciar’s party in Slovakia, ODS of Vaclav Klaus in the Czech Republic, Justice and Life (MIEP) in Hungary (which fortunately is not present in the current Hungarian parliament) to name just a few. In the view of the Eurosceptic opposition, one can detect nationalistic undertones even in the discourse of the governing parties – it is enough to analyse the electoral speeches of former Hungarian Prime Minister, Viktor Orban, or even the discourse of Vladimir Spidla’s Czech Social Democrats (CSSD).

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