

Ryszard Piasecki* - 12 November 2024

Full Democracy in Poland Has Not Yet Been Restored

Poland has experienced several periods of foreign dominance in its history. The country regained independence in 1918 after 146 years of occupation by three superpowers (Prussia, Austria and Russia). In the years 1919-1920, Poland won the war against Russia which tried to take over the country and establish a communist regime. The short period of independence (1921-1939) was not enough to rebuild the country's economy and create solid democratic institutions. Then followed the terrible era of German occupation (1939-1945). As if that was not enough, Nazi rule was then replaced by a Stalinist communist regime (1945-1989). By an extraordinary twist of fate, the independent trade union Solidarity emerged, triggering a momentum leading to the recovery of independence and ultimately the fall of the Berlin Wall in 1989.

A new era of Poland's economic and political reconstruction began after 1990.

Over the last 33 years, there have been enormous positive market changes in the economy and significant achievements in building democratic institutions.

Particularly important events include Poland's entry into NATO (1999) and the European Union (2004).

From the very beginning of this transformation, there have been clashes between a conservative and a modern, pro-European camp in the political arena. In the period 2015-2023, the populist conservative camp (PiS), led by Jaroslaw Kaczynski took power, supported largely by the Catholic Church, and set about making numerous dangerous moves to jeopardise democracy and the independence of justice, violating common EU standards. The situation was reminiscent of Orbán's rule in Hungary. Almost every day the PiS made decisions that moved the country further away from EU rules.

Fortunately, on 15 October 2023 an unexpected surge of voters, ready for change, ousted the populist coalition government in favour of a pro-EU and more moderate group of leaders. It was a striking victory

for Donald Tusk, former Prime Minister from 2007 to 2014, and his Civic Coalition. It was also great news for the European Union, which could expect a new government in Warsaw that would respect EU rules on democracy and the rule of law. The biggest surprise on election day was a **turnout estimated at 74%**, the highest figure in post-communist Poland's history, with strong participation of young voters.

Once in place, Poland's new government began working on making the changes its leaders had promised, and the European Union had called for. In particular, it is attempting to restore the political independence of the judiciary and media in line with EU rules. These reforms, in turn, have helped Poland to receive as much as possible of the **€35 billion** that Poland can claim as part of the so-called Recovery and Resilience Facility, money that Brussels set aside for member states to help with the pandemic recovery and the EU's ambitious green and digital transition plans.

The EU withheld that money from the previous PiS government in response to its bid to bring judges and journalists under government control. For eight years (2015-2023), the populist PiS government in Warsaw boosted its popularity by demonising the European Union, its rules on democracy and its social policy. It turned state media outlets into a propaganda tool of government (or, more precisely, of the PiS party) and filled the country's courts with political cronies. It did all this knowing that EU punishment depended on unanimous support and that its ally in Hungary would veto any punishment. The EU had withheld badly needed funds to pressure Poland's government into changing, but that strategy was undercut by the need to help Poland absorb Ukrainian refugees (almost 3 million) following Russia's invasion in February 2022.

On 15 October 2023 Poland's voters ejected that conservative government and replaced it with one that is led by Donald Tusk, a former President of the European Council. This political shift in Poland was especially timely for the EU given a recent election victory

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for populists in Slovakia, and strong support for populist parties in Italy, Germany, France and Austria.

The leaders of this new coalition (The Civic Platform, Poland 2050-Third Way's moderate conservatives and some progressive hardliners on the Left) also face tough economic conditions, including high price inflation. A dramatic debt problem has been exacerbated by its plans to keep some of the more generous social benefits offered by the outgoing populist government.

But for Poland's winning alliance and its supporters in Brussels, these are problems for another day. For now, a major source of division between the EU and one of its biggest member states is on its way out, thanks to an unexpectedly large surge of Poland's voters.

The results of the 15 October parliamentary election in Poland did not come as a big surprise. The PiS had created a worrisome atmosphere in society, inciting a sense of isolation and betrayal by the other Europeans. This appealed to the darkest side of conservatism in Polish society and, in the end, swept over public opinion. The losing Morawiecki government did not want to accept its electoral defeat on 15 October 2023. As a result, conservative PiS supporter President Andrzej Duda waited for as long as two months before entrusting Donald Tusk with the mission of forming a democratic and pro-European cabinet. In fact, the new government did not become operational until 13 December 2023.

Kaczyński and the PiS have devastated Poland's judiciary system, culture, education and economy (by dangerously throwing the country into debt). At the same time, they have set numerous legal traps for the new government:

- 1) The biggest impediment is President Andrzej Duda, who vetoes most of the laws voted through the Polish parliament. His presidency does not end until August 2025 (new elections will be in May 2025);
- 2) Kaczyński has set up the Constitutional Tribunal with his own people - neo-judges - who regularly block initiatives to restore the rule of law in Poland;
- 3) The Supreme Court is also blocked by PiS conservatives who obstruct any action by Justice Minister Adam Bodnar attempting to restore the rule of law.

The PiS has left a great many institutions obstructing the restoration of democracy, the rule of law and a

functioning market economy. The functioning of the Central Bank (NBP) under President Adam Glapinski is also a fundamental problem. The NBP is failing to meet its inflation target and is allowing inflation to remain high (over 5%, and previously inflation has even reached a drastic 20% between 2020 and 2023). In addition, the symbolic and iconic trade union Solidarność is now completely subordinated to the PiS and only pursues the goals of this party. Paradoxically the new Solidarność is hostile to its founder Lech Wałęsa. This is the result of Kaczyński's destructive rhetoric.

Despite the election promise to restore basic abortion rights to Polish women, these rights have not been liberalised to date because of the veto of President Andrzej Duda. Unfortunately, a very negative role is played by the Catholic Church, which supports the PiS and blocks all attempts to modernise the state. At the same time, the Church is regularly shaken by moral scandals (paedophilia etc.). The obstructive attitude of the Polish Church today is surprising after its period of high standing in the fight against communism (1945-1989).

Pro-democratic forces are pursuing a strategy of waiting for a new president in May 2025, hoping that he will be a democratic and pro-European political figure. The impossibility of restoring the full rule of law in the country means that very many cases of larceny and abuse by PiS politicians remain unprosecuted. For the time being, this situation has not yet affected the electoral ratings of The Civic Platform and the entire government, but the threat is quite real.

The PiS takes every opportunity to discredit, generally unfairly, the Donald Tusk government, e.g. on the occasion of the recent floods in the south of the country. The great asset of the current government is its ability to cooperate with the European Commission which has unblocked funds withheld during the PiS period due to violations of the rule of law by Prime Minister Morawiecki, Minister of Justice Ziobro and other conservative politicians.

In summary, we can say that the victory of democratic forces exactly one year ago has not yet led to the restoration of full democracy in Poland. Only now can we see how great a threat the eight years of PiS rule was, which not only devastated legal institutions, public enterprises, state media (Public Television was turned into a grotesque institution for in-

sulting the opposition, the so-called ‘Incitement’ was widespread), but also led to a dramatic polarisation of Polish society. This should provide an unequivocal lesson to the European Union that democracy in member states can be greatly threatened by populist parties. Polish experiences with populism, without forgetting the experience of other countries in this area such as Hungary, should be analysed very carefully in the European Union when planning its next enlargement. The weakness of the new candidates’ democratic institutions may further slow down the deepening of EU integration.