



Weekly Briefing

Poland Political briefing:
Poland Politics in 2017
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Discussing the 2017 year in Polish politics we should take into consideration two issues: the controversies over the reform of judiciary system and the old/new formed government by Mateusz Morawiecki. First should be discussed in the context of domestic reforms and the relations within the European Union, second as the important part of power transition inside the Law and Justice Party and winning the new electorate for the future election in 2019.

The major issue presented in the amendments of the Law on the Court System departed from the previous more self-governing oriented framework. The newly established questioned model of having the minister of justice appoint the presidents of the appellate and district courts after obtaining the opinion of the general assembly's of the courts. Then according to the amendments the Minister of Justice, and the Attorney General was given the "super-power" over the personal nomination in the judiciary system. As the government said the reform was the move in the good direction and in fact was a necessary and long overdue reform that will make access to justice easier for everyday citizens. Moreover, as elsewhere in the Ministries, the Law and Justice believed that Poland's court system is still a "stronghold of post-communists" and this should be defunct.

According the parliamentary opposition the proposed reforms aim to bring the rest of the justice system under the control of the Law and Justice. As was said the was the attempt to mirroring the government's interests and inconvenient and independent judges would be removed from their posts. The decision taken by the parliament majority took the public opinion to the protest.

What should be noticed that concerns were also shared by the President of the Republic of Poland Andrzej Duda. Her advisor former oppositionist Zofia Romaszewska added that not even one party, but the Minister of Justice, the Attorney General decided what would happed in our country in the matter of

justice. As she mentioned: *You can not introduce the one-man rule because you want to change a few personal details.*

As the final decision goes the president decided to veto two laws prepared by the Law and Justice on the Supreme Court and on the National Court Register. As was said in July the President's Office within two months the president would prepare the new versions and present them to the Polish Parliament. Moreover Andrzej Duda admitted that he was not consulted or even informed before the adoption of the new laws. At the end of June and beginning of July the political atmosphere were tense. The opposition parties and non-governmental organization organized the protests against the amendments. According to the police information there were approximately 45 thousand participants, while the organizers the Civil Platform and Democracy Defense Committee informed that in the manifestation more than 240,000 people took part. To ease the tensions the President's Office offered the consultations in all parties from the Parliament.

The major concerns aroused also from the judiciary self-government associations like Justitia. According the point of view delivered by Justitia these changes are in violation of the Constitution of the Republic of Poland (especially Articles 2, 7-8, 10, 173, 178-180, 186 (1) and 187) and international standards established by the Council of Europe, as well as the Copenhagen criteria, the fulfilment of which allowed Poland to become a member of the European Union.

The opposition party of Civic Platform discussed that Poland could ultimately *“lose its EU membership, because no democratic country would want to be in a union with a country where politicians ruled over judges”*. Moreover Donald Tusk – president of the European Council, considered the Law and Justice move as against European values, and standards and finally it risks damaging Poland's reputation in the European Union. *“It is my belief that its most recent actions go against European values and standards and risk damaging our reputation”* Tusk said.

On the other hand, the government tried to persuade that delivering the judicial reform is due to the judiciary system has some problem, and build the normal, serve people judiciary. The rightwing journal “Nasz Dziennik” (Our Diary) commented that the whole discussion is the clear political battle with Poland. As was said: *There are influential groups and politicians behind this, in whose interests it would be for Poland to be a weak country that was open to outside interference.* The further questions of why the European Union did not take a stance towards a border dispute between member states Slovenia and Croatia and an independence referendum in Catalonia on 1 October, which Spain considers illegal was raised by the government.

In July 2017 the European Commission delivered the statement "letter of formal notice" requesting the Polish government to respond within a month. As said in the statement the commission identified several issues that might violate European law e.g. including “discrimination on the basis of gender” as well as the “discretionary power” of the minister of justice. The biggest concerns was that *"the new rules allow the minister of justice to exert influence on individual ordinary judges through, in particular, the vague criteria for the*

But apart from the political debates we need to take into consideration the reality of Polish judiciary system. According to surveys in the opinion of 48% of Poles the length of detention is one of three the most important problems of the Polish judiciary. Then the procedure of appointing and promoting judges, threatened the independence. Only 35% of judges examined by the European Network of Judicial Councils stated that promotion to courts of higher instance takes place in Poland only on the basis of substantive criteria. Furthermore 48% of judges examined by the European Network of Judicial Councils that the leadership of the court exerted a pressure on them to adjudicate on specific matters at a given time. Moreover 13% of judges admitted that they had to adjudicate according to the guidelines of this judge the same level. Threatening the right to the competent court, there is no transparent and objective procedure for the assignment of civil law warehouses 7% of judges examined by the

European Network of Judicial Councils admitted that they knew cases of assigning cases to judges in a way that would affect the outcome. Insufficient use of professional legal assistance every fourth person whose case was watched by the volunteers of the Court Watch Poland Foundation, stood before a court without a professional representative or defender. As was said by the survey only 1.3% of spending on justice in Poland is allocated to legal aid for people in need.

The second important issue this year was the change of the Prime Minister. As expected before the changes in the government happened after the voting in Parliament. Members of Parliament voted on a motion of censure against the government and it was rejected. Although they know they do not have parliament majority they placed this issue during the last Parliament's session. Against the request 239 members voted, for 168 and 17 members abstained from the vote.

Few hours after the voting, that in fact supported previous Prime Minister Beata Szydlo, she was asked to resign. An interesting issue is that it was delivered not in the Prime Minister Office, but in the Law and Justice Headquarter. The journalists agreed that 30 people voted for Morawiecki, and one was deferred.

When it comes to more detailed scope of understanding we need to discuss at least few perspective of the decision taken by Jaroslaw Kaczynski. First, Kaczynski perceived the government of Beata Szydlo as ineffective, and the former Prime Minister failed to alleviate the conflicts between ministers and Kaczynski was asked to settle most disputes by himself. The second argument here is that Morawiecki as having career in business in banking system, was better prepared to exercise the function of the Prime Minister. What should be also taken into consideration Mateusz Morawiecki has a vision for the future of Polish economy, and public finances, and proved his abilities as the Minister of

Development and Finances. Moreover, being a relatively "new persona" he is not perceived as the threat to the current leader of Law and Justice party, and might be even seen as the future leader of the party. Morawiecki is perceived as the very balanced person, even technocrat. Having this kind of position he might balance factions inside the Law and Justice Party. It is worth mention that Jaroslaw Kaczynski is When it comes to the international politics, the newly established government is expected to ease tensions with the European Union, France and Germany, shaped by the government of Beata Szydlo. Apart from above mentioned factors, Morawiecki will alleviate the image of the government and will acquire more trust among the business circles. Needless to say, that Morawiecki is not supported by far right wing in the Law and Justice Party, and from this perspective might win more central electorate in the upcoming elections in 2019.

Conclusion

The debate over the judiciary reforms become the focal point in Polish politics in 2017. The growing concerns in the social-democrats and liberal cycles drawn the European Union attention. But this should not be understood as only Polish case, but should be understood as the part of further discussion of the future of the European Union. The line here is laid between social-democrats like Martin Schulz (Germany) that called for more federal union, and more conservative cycles that see the European Union as only economic zone without further political integration.

The second important issue was the appointment of new Prime Minister Morawiecki. Although, the perspectives over the decision was discussed above, one should be mentioned in particular. This step should be understood as the move towards more economic oriented electorate. Winning the elections in 2019 might not be a uncomplicated issue. Morawiecki, having experiences in the banking sector, fits to this plan. From this perspective Prime Minister Morawiecki will strengthen the role of the state in economy, continue pro-social

policy of the previous government, and what should be noted will ease the tension with the European Union.