

The Conference of (fmr) Ambassadors Of the Republic of Poland

Polish Foreign Policy in Ruins

Law and Justice Period (2015-2023)
Selected Problems



"What else would you screw up here gentlemen, what else would you ...".
(W. Młynarski)

An undemocratic, illegitimate, constitution-breaking, authoritarian state is incapable of pursuing an effective and far-reaching foreign policy that defines the *raison d'etre* of the Republic.

Warsaw, September 2023

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Introduction

When it took power in 2015, the United Right sought to demonstrate that the legacy of previous governments, including foreign policy, was in need of radical corrective action. This was done to emphasize the unique significance of the Law and Justice (PiS) takeover and proclaim a “positive change.”

However, the long list of alleged examples of corruption and abuse in all ministries presented to the Sejm at the beginning of the first term of the United Right government turned out to be fiction. The prosecution, ruled by Zbigniew Ziobro, failed to formulate any charges that could be brought to court. For the next eight years, persistent attempts were made to charge Civic Platform (PO) and Polish People’s Party (PSL) politicians with corruption, but not a single charge was proven. PiS thus gave its predecessors an exceptional certificate of honesty.

Let us recall what this “positive change” in foreign policy consisted of. By the end of 2015, Poland's foreign policy had clear objectives and was an integral part of the country’s transformation into a democratic state with respect for the rule of law and a market economy. It realized the Polish *raison d’état* by integrating with and building a strong position in NATO and the EU and supporting the sovereignty and democracy of countries to the east of Poland. This strategy was consistently implemented by successive foreign ministers and experienced diplomats. By 2015, the Polish government was in the process of improving the country's security and development capabilities through an increasingly strong Polish presence in the Western world.

After 2015, foreign policy was subordinated to the interests of the ruling party. The populist-authoritarian United Right sought arbitrary power. Its focus on domestic policy resulted in far-reaching marginalization of the foreign ministry. This is evidenced by the successive foreign ministers, all of which held a weak position in the ruling party. Since 2015, experienced, successful civil servants have been replaced by people with no professional background who are loyal to the ruling party. From the outset, many decisions have been taken not in Szucha Avenue but in Nowogrodzka Street by a complacent man with a parochial mentality and no understanding of international relations. At the same time, the expectations of the Law and

Justice authorities towards Polish diplomacy have generally been and continue to be, to put it mildly, unrealistic.

Since the end of 2015, the foreign policy of the United Right government has sought to weaken the EU and fend off pressure from Western countries that expect Poland to respect democratic standards and the rule of law. To this end, it has collaborated with populist governments and parties (i.e., Orban's Hungary, Johnson's United Kingdom, France's National Front, and Spain's Vox) and mobilized its electorate at home by propagating nationalist phobias (e.g., anti-German and, previously, anti-Ukrainian phobias).

Eight years of PiS rule have seen the accumulation of a massive collection of actions that are irresponsible, unwise, and even blatantly contradict Poland's interests.¹ As the parliamentary elections approach, it's crucial to remember that PiS in power threatens Poland's vital interests.

1. Degeneration in Europe, Clientelism in Relations with the U.S.

1.1 Poland's Position in the European Union

During the last eight years of PiS rule in Poland, the country's influence on the course and outcome of decision-making processes in the EU has been significantly reduced, and its coalition power within the EU has been marginalized. This is primarily due to PiS's usurpation of power and its consecutive attempts, contrary to EU law and principles, to politically subordinate the judiciary and permanently destroy the democratic tripartite division of power; extend its control over the media; and, through successive purges, politically subordinate the country's civil and diplomatic services. PiS's actions have caused tangible, large-scale damage to the interests of society and the Polish economy. The country lost EUR 556.5 million in penalties for disregarding and failing to respect the Court of Justice of the European Union's (CJEU) ruling on the Supreme Court's (SN) Disciplinary Chamber. A series of inept moves by the authorities in the Turow case, including violation of environmental law and subsequent disregard for the

¹ The Conference of Ambassadors of the Republic of Poland responded to the most important of these. See statements, positions, and letters from 2018-2023, published in three volumes posted on the conference's website: <https://ambasadorowiedotorg.wordpress.com>. Members of the Conference of Ambassadors of the Republic of Poland also analyzed the scope of reforms and measures that will be necessary to heal Poland's foreign policy after the damage inflicted during PiS rule. See *Poland in the World. Reactivation*. Edited by A. Jelonek and R. Schnepf, Krakow, 2022.

Czech Republic's complaint and lawsuit against Poland, led to Prague's request to impose penalties on Poland for failing to comply with the CJEU ruling, which cost Poland EUR 68.5 million.

Similarly, the incompetence and indolence of the Polish authorities has resulted in the government still being unable to meet the commitments agreed with the European Commission and approved by the EU Council in relation to the National Reconstruction Plan (NRP). Unlike all of the other EU countries (excluding Hungary), Poland has failed to secure an advance of several billion zloty under the NRP and has still not applied for the first tranche of funds under the Polish portion of the EU Reconstruction Fund, which amounts to almost PLN 160 billion.

Poland is also the only EU country (apart from Hungary) that has so far been unable to meet the horizontal, one-size-fits-all conditions set out for accessing EU Structural and Investment Funds for 2021-2027, which are based on the Charter of Fundamental Rights of the European Union.

All these penalties, losses, and costly delays to the economy have an identical basis: PiS's unwillingness to back down from its damaging attacks on the rule of law, the judiciary, and pluralism in the media.

Poland under the Law and Justice party has been and remains on the margins of the Union in relation to many other important issues. This includes:

- Attempts to block or dilute EU climate policy, led by the “Fit for 55” legislative package. Having failed to achieve these goals, it continues to challenge elements of the package at the CJEU. This waste of time and energy, which is doomed to fail, will only result in greater alienation of Poland within the EU.
- Being one of two countries (i.e., with Hungary) to vote against a key element of EU migration policy under the Asylum and Migration Pact negotiated by the countries of the EU.
- A lack of substantively innovative or constructive contributions to EU debates on how to maintain the EU's causal effectiveness on global issues, including adaptation of sectoral policies; action for strategic autonomy and EU resilience to external shocks while preserving NATO's primacy on security issues; global cooperation on climate issues; and institutional improvements in the EU.

- Enacting counter-productive measures against the country's position in the EU. This is illustrated, for example, by Poland's vote against 27 other EU members to extend Donald Tusk's mandate as President of the European Council and its continued inability for several years to select a competent candidate for the CJEU.
- Clinging to ideological mirages, headed by the outdated concept of a "Europe of the Homelands," which has resulted in fierce opposition to any EU decision that would entail entrusting the European institutions with broader decision-making or executive powers.

Despite the existence of objective premises conducive to strengthening Poland's role in the European Union in recent years, including the relatively good state of the economy; the increasing attractiveness of the location for reshoring and shortening of value chains; and the importance of Poland as a neighbor, refuge for refugees, and the main logistical hub for Western aid to Ukraine, the Law and Justice government has not been able to capitalize and make effective use of these opportunities. Even in the strategically crucial matter of Ukraine's accession to the EU and NATO, Poland does not exert influence or play a role commensurate with its overall potential and status as Ukraine's closest geographical and historical neighbor.

The "Ukrainian grain" case. In the case of Ukrainian grain, Law and Justice functionaries failed to agree with the EU on a rational program for the transit of Ukrainian agricultural products and allowed corrupt practices (i.e., "technical grain"), which resulted in the uncontrolled entrance of Ukrainian agricultural products into the Polish market. In recent months, the embargo on Ukrainian agricultural products has been clung to with the threat of a veto or the unilateral introduction of an embargo in defiance of the rules of the EU's Common Agricultural Policy and Common Commercial Policy. The European Commission has lifted the embargo; thus, the continued unilateral maintenance of the embargo by Poland, governed by the Law and Justice party, is a blatant breach of both EU law and European solidarity.

This situation and the response of PiS functionaries confirms that they have no solution to the problem. It also shows that they have no coalition and negotiating capacity in the EU; the Commission's position is further proof of how marginalized PiS-ruled Poland is within the bloc. Given the government's lack of willingness to comply with EU law, it is more than likely that the Commission will complain to the CJEU and the court will issue a ruling ordering the lifting of the embargo. If Poland fails to comply with such

a ruling, it will pay hefty financial penalties and risk further issues with the WTO, given that Ukraine has filed suit there as well. The decision of the PiS government to maintain the embargo puts Polish-Ukrainian relations at risk at a crucial, difficult time, when anti-Ukrainian sentiments are already growing in PiS's circle and voter base. The threat of blocking Ukraine's accession to the EU put forward by one PiS functionary may not be coincidental.

Poland's entry into the eurozone. The attitude of PiS functionaries in relation to Poland's entry into the eurozone, which Poland is obliged to do under the Accession Treaty, is also significant. Immediately after taking power, PiS dismantled all structures that had been preparing Poland for membership and unequivocally declared that it does not envision Poland in the eurozone. It can be argued that the matter is irrelevant because the state of public finances in Poland governed by PiS is such that it will take years for Poland to meet the convergence criteria; besides, a lawbreaking country will not be accepted into the eurozone. Nevertheless, other considerations should also be noted. Membership in the eurozone means financial security for the state, which is an extremely important aspect of Poland's security. Reforms in the European Union are also currently centered around the euro area. The EU has adopted a strategy based on the "common path," which assumes that all member states will gradually find themselves in the euro area. A member state which intentionally distances itself from the eurozone with no programs leading to membership relegates itself to the margins of the integration process. By rejecting Poland's entry into the eurozone, PiS is excluding Poland from a fundamental debate on the future of the European Union.

PiS's vision of the European Union. Related to the topic of the eurozone is the question of PiS's vision of the EU. In its first months of power, the party's leading functionaries spoke of their intention to carry out a thorough reform of the European Union, with Jarosław Kaczyński announcing the submission of a "new European treaty" draft that would depart from the principles set out in the Lisbon Treaty and "even more from the practice that came after the Treaty." This was accompanied by statements from prominent Law and Justice functionaries advocating for the process of European integration to be limited to only a "well-functioning common market," with a system of confederalism (i.e., renationalization) envisioned for the rest of the process. However, nothing came of this. To this day, no PiS proposal for a "European treaty" has emerged.

This kind of idea is frivolous. To submit a draft revision treaty, a coalition comprising a majority of member states must be assembled and the remaining states have to be convinced, given that a revision treaty requires ratification by all member states. The crux of the problem, however, is that Law and Justice has no coherent vision for Europe. Its actions, instead, are based on negative interests: blocking; vetoing; threatening; making unrealistic proposals for institutional changes (e.g., abolishing the European Commission or reforming the CJEU by setting up a higher chamber within the CJEU that consists of judges from the highest courts of member states); and looking for coalition partners in anti-European (and usually pro-Russian) political groupings.

The theoretical concepts presented by academics affiliated with PiS also have little to do with reality. The lack of a clear conception of Europe on the part of the Law and Justice party is harmful insofar as it excludes Poland from serious debates on the reform of the European Union. It may also be another indication, due to the absurdity of the proposals put forward, that PiS is not so much concerned with reforming the European Union as it is with taking Poland out of it.

The Coordination Law. In the summer of 2023, the Law and Justice-dominated Sejm passed a law amending the Coordination Law of 2010, by which it radically expanded the powers of the President of the Republic of Poland on “EU matters.” This law is contrary to the constitution and the jurisprudence of the Polish Constitutional Tribunal, according to a 2009 judgment. Its core message is purely political: the president, on the orders of the Law and Justice party, is set to “supervise” the government (in the event of a change of power following elections), which would notably occur during the Polish Presidency of the EU Council, planned for the first half of 2025. Instead of “cooperation,” the act will introduce competence confusion, damage the prestige of the Office of the President of the Republic of Poland, and threaten to drastically weaken the efficiency of the state within the EU.

Brexit. The political environment surrounding Brexit should be a particular warning. The Law and Justice party was fascinated by Brexit and saw it as the beginning of a “chain reaction” that would lead to a radical weakening of the EU and, perhaps, become a model for “Polexit.” In 2016, on the threshold of Brexit, then Foreign Minister Witold Waszczykowski said that he saw the UK

as the only “strategic partner” of Poland. The campaign in the UK for Brexit (stimulated and financed, it has been confirmed, by Putin's Russia), which was full of falsehoods and hypocrisy, led - after turbulent negotiations and intra-political shifts in the UK - to its finalization. More than two years after Brexit, the scale of the damage and resulting problems faced by the UK, its businesses, and citizens is evident. The European Union, on the other hand, strengthened its compactness during negotiations with the UK; the entitlements associated with EU membership have become clearer to EU citizens, and talks of a “chain reaction” have faded. Law and Justice has now taken water in its mouth on the implications of Brexit.

Poland leaving the European Union. The issue of a PiS-ruled Poland leaving the EU, which is emerging in the political debate, unfortunately has an increasingly strong justification. It is not just the verbal dithering of the Union by functionaries of the Law and Justice party but also the activation of the conditionality mechanism against Poland. Its violations of the rule of law have deprived Polish citizens, local governments, and economic entities of massive amounts of EU funds. The CJEU's finding of a serious breach of the rule of law by the PiS authorities in over a dozen judgments and the related financial penalties have cost the Polish people approximately PLN 3 billion. Above all, the party's deliberate failure to implement judgments of the CJEU and respect the fundamental rights of EU citizens are undermining the legal foundations of the EU's operation, including the principles of the primacy and autonomy of EU law. There is no place in the European Union for an undemocratic state moving towards authoritarianism.

1.2 Poland – U.S. Relations

Donald Trump's presidency (2016-2020). The assumption of power in Poland by Law and Justice in 2015 coincided with the 2016 presidential victory of the populist candidate of the Republican Party, Donald Trump. In bilateral relations, the period of 2016-2020 saw an apparent blossoming of bilateral contacts but was characterized by the dominance of the party and personal goals of the leaders and governments of both countries over the interests of the state.

- Conflicted with the European Union and its most important European partners, the Law and Justice government felt that a close relationship with the Republican Party as well as President Andrzej Duda's

personal relationship with Donald Trump, achieved at any cost, would, at least in the eyes of the electorate, make up for weaknesses and shortcomings in other areas of its foreign policy.

- As a consequence of this approach, the Polish government became hostage to the Trump administration's gestures and declarations, which created a fundamentally false image of Polish-American relations: beautiful and lofty in words, but in reality, one-sided, “transactional,” and extremely unequal.
- The symbol of Poland's relationship with the U.S. during this period became the signing of a document, insignificant and secondary in content, by Andrzej Duda in a “half-sitting” at the desk occupied by Trump. At the same time, the party-state rapprochement of PiS power with the ideologically close Trump administration came at the expense of Poland's position in the world, particularly among European institutions and members of the EU.
- A practical example of the instrumental treatment of Polish diplomacy was the February 2019 Middle East Conference organized (and, indeed, imposed on Poland) by the Trump administration. The Middle East Conference in Warsaw broke the foundation of Poland's long-standing principle of balanced relations with all actors in the Middle East.
- In the broader dimension of inter-state relations, Poland fell into the role of a clientelist state, geared towards the implementation of the Trump administration's chaotic initiatives, mainly aimed at the cohesion of the European Union and the North Atlantic Alliance.
- In carrying out its mission, the Polish Embassy in Washington focused exclusively on strengthening the ties of Poland's ruling party with ideologically similar, ultra-conservative Republican circles. One of the aims of this activity was to cement the camp of the anti-EU European right. This intention failed.

Joe Biden’s presidency. The Democrats won the presidential election in November 2020 and President Joe Biden took his seat in the White House. This new situation caused consternation and chaos in the leadership of the

Law and Justice Party, which openly and, to the end, bet on Donald Trump, almost refusing to recognize the outcome of the election.

- On the part of PiS functionaries, there were gestures and comments that undermined trust in American democracy and, most importantly, harmed the Polish *raison d'état*, which imposes an obligation on the authorities to maintain the most intensive and beneficial relations possible with an ally that is crucial to the country's security, regardless of the political option it represents. Consequently, Polish-American relations in the political sphere have significantly cooled. Only American economic circles interested in continuing contracts signed with the PiS government remain active.
- The atmosphere of distrust and mutual dislike was changed by the war in Ukraine, which PiS leadership treated as political gold and an opportunity to rebuild relations with the U.S. PiS, under the pressure of the spontaneous and massive Polish aid campaign for Ukrainians, also corrected its previously cool attitude towards Kiev. Almost overnight, Poland, the largest frontline country in the North Atlantic Alliance, grew to become an important link in the safe delivery of humanitarian and military aid to Kiev.
- The tense international situation and the unequivocal support given to Ukraine led to a re-evaluation of U.S. policy towards Poland, which became subject to pragmatic measures to ensure that an unpredictable partner was maintained in the sphere of disciplinary influence. This was served, among other things, by two visits by President Biden and several high-ranking U.S. administration officials. However, these visits revealed an attitude of distrust rather than support by the Biden administration towards the PiS government. In particular, the notable absence of President Biden during Andrzej Duda's speech in February 2023 at the Arcade of the Royal Castle took on particular overtones.
- While encouraging state authorities to cooperate more responsibly in the field of security, the White House, the State Department, and the U.S. Embassy in Warsaw have been simultaneously critical of the Law and Justice party's methods of wielding power, particularly in relation to its violations of the rule of law and LGBTQ+ rights. The U.S. has also

advocated for free media as well as U.S. investments threatened by “re-Polonization” (i.e., attempted nationalization of TVN).

- In this confrontation between democratic values and the authoritarian Pisarist state, the ruling party and the Polish government have repeatedly resorted to measures that far exceed the principles of allied cooperation and even diplomatic norms of conduct. Series of incidents have multiplied, which began with efforts to obstruct the U.S. ambassador-designated obtaining of agrément. The summoning of the U.S. ambassador to the Ministry of Foreign Affairs, a measure used against countries in conflict who are hostile to each other, in connection with the broadcasting of a critical report on pedophilia in the Catholic Church and the passive attitude of Pope John Paul II on the American TV channel TVN, also rose to the rank of a scandalous act.

The current state of Polish-American relations. The importance of Polish-American relations for Poland cannot be overestimated. They are structured on several levels, some of which (i.e., the sphere of imports and investments) are characterized by intensity and, at the same time, far-reaching dependence bordering on clientelism. Other relations, relating to politics (i.e., credibility, predictability, and methods of state governance) are the subject of controversy and even the cause of resurgent crises. In the confrontation between the two attitudes, where PiS plays only to maintain power, U.S. diplomacy applies an effective pragmatism, which is misinterpreted by many observers as sympathy and support for the actions of the Polish right wing.

The temperature of relations between Washington and Warsaw is clearly cooling, which is reflected in the *de facto* absence of Poland from the group of countries with which the U.S. consults on strategic decisions concerning the war taking place near the Polish border. Instead, there is Paris, London, Berlin, and even Rome. The attention of the American administration is directed not towards Warsaw, but towards Bucharest, Helsinki, Tallinn, or Riga, which form NATO's increasingly integrated, democratic, eastern security belt. While the crisis in Polish-American relations takes on the shape of U.S. relations with exotic and dependent states, the words of PiS officials about the uniqueness and historical intensity of these relations proliferate. This is also an expression of weakness.

1.3 Poland – Germany Relations

The year 1989 represented a breakthrough not only in post-war history but also a fundamental change in the perspective of Polish-German relations, which were not just centuries of struggle. Poland and Germany were not and are not doomed to eternal enmity. They need each other, although sometimes to different degrees, and good Polish-German relations contribute to the stability of European politics and the Central European region.

German reunification and its accompanying recovery from the consequences of the war, including the Yalta order, led after 1989 - for the first time in centuries - to a convergence of the two countries' fundamental foreign policy goals. These common goals, however, do not imply an equal interpretation of the actions and policy instruments used and therefore do not preclude controversy over the current interests and methods of pursuing them by the two states.

Germany remains a neighbor of Poland and an important actor in European politics. After the political and legal confrontation caused by the years of the Cold War, the European breakthrough of 1989-1990 opened a new chapter in relations for the two countries. Many bilateral problems were resolved, and Poland's membership in the EU and NATO created a new framework for the future of German-Polish relations. Thus, many aspects of cooperation moved from the level of bilateral relations to multilateral structures.

The foreign policy of the PiS government, however, has squandered this legacy and contains no building blocks for Polish-German cooperation, neither bilaterally nor multilaterally. On the evolution of the Union, Poland's position clearly diverges from Berlin's proposals. Agreement with Germany has become undesirable for PiS party on many issues, and sensitizing Germany to certain legitimate elements of Polish policy is unrealistic.

Instead of concentrating on future-oriented elements of European cooperation in the economic and military areas, the PiS government has opted for the risk of an internal political instrumentality focused on the past to make it easier for it to remain in power. Poland's position in German politics has been marginalized at its own request, and making up for its

losses will be arduous and lengthy. PiS has also instrumentally used problems in bilateral relations to heat up anti-German sentiments.

The issue of “German claims.” In the autumn of 2018, Jarosław Kaczyński returned to the issue of “German claims” in Warmia and Masuria, even though the PiS party had already “dealt” with this issue during its first reign. This was one of the most important elements of the anti-German campaign that had begun, as well as the campaign against the judges: Kaczyński accused them of “ojkofobie”, i.e. hatred of one’s own nation, because the courts had confirmed such claims. In fact, this campaign was extremely hypocritical, stirred up hatred, and was offensive to the Polish native population of the Western and Northern Territories. These people had been subjected to migration pressure during the communist period and illegally deprived of their Polish citizenship and properties left in Poland after crossing the border. After 1990, their right to regain Polish citizenship and apply for the return of their property or receive appropriate compensation was confirmed. These were, therefore, not “German claims” but legitimate claims by Polish citizens. The case shamefully fell off the agenda and is hardly remembered today, even though it caused considerable damage to society and Polish-German relations. The promoter of this campaign, then MP Dorota Arciszewska-Mielewczyk, was rewarded with a lucrative position in a state-owned company after losing her Senate election in 2019.

Reparations campaign. Similar in its construction is the German reparations campaign of Arkadiusz Mularczyk, who currently serves as Secretary of State at the Ministry of Foreign Affairs. This campaign completely ignores historical circumstances, including the numerous international agreements concluded in the post-war period and agreements with a united Germany after 1990. What is particularly cynical, however, is that it completely ignores support for the victims of Nazi crimes who are still alive in Poland. The hypocrisy of this anti-German “campaign,” which is based on criticism of the PRL's renunciation of reparations in 1953, is demonstrated by the fact that successive PiS governments have also stood by the legal efficacy of this renunciation, including Undersecretary of State Marek Magierowski’s response to a parliamentary question in 2017 as well as the response to a parliamentary question in 2006 by then Foreign Minister Anna Fotyga.

The textbook *Europe. Our History*. PiS officials complain about the limited knowledge given to German pupils about Poland, particularly in relation to

the tragedy of the Second World War. However, they have only exacerbated this issue by blocking access in schools to the textbook *Europe. Our History*, which is the fruit of several years of work by the German-Polish Joint Textbook Commission. It is a modern textbook from which, among other things, a German pupil could learn more about the history of the Second World War and Poland.

German language teaching in Poland. At the beginning of 2022, Minister of Education and Science Przemyslaw Czarnek drastically reduced the number of hours of German language teaching for children of the German national minority on the grounds of “restoring balance,” arguing that the teaching of Polish as a minority language in Germany receives no funding from the federal budget. The decision sparked a wave of protests. Beyond the harm done to the education of ethnically German children in Poland, which biasedly ignores the large sum of money allocated in Germany to teach the Polish language at the state level (not the federal level, which has no competence in this area), representatives of Polish organizations in Germany have emphasized that they were not consulted on the decision and do not wish to “support it at the expense of the marginalization of others.” This decision contradicts international standards for the protection of human rights, including the protection of minorities in Europe as confirmed by the European Charter for Regional and Minority Languages and the Framework Convention for the Protection of National Minorities, signed in 1992 and 1995, respectively, within the framework of the Council of Europe. Minister Przemyslaw Czarnek has done the Polish community in Germany a disservice, and a Council of Europe report published at the beginning of September 2023 further highlighted Poland’s intolerance towards linguistic minorities and their cultures. This includes its restrictive approach to the Silesians' demands for teaching of the Silesian dialect.

1.4 Poland-France Relations

Polish-French relations in the period of 2015-2023 have been characterized by a series of affronts from the Polish side and dissensions caused by Polish institutions and economic actors.

Purchase of combat helicopters. In the autumn of 2016, Poland terminated its contract to purchase 50 Caracal combat helicopters on the orders of then Defense Minister Antoni Macierewicz under the pretext that

Airbus had not fulfilled its offset commitments. The offset commitments had amounted to 100% of the contract value (approximately PLN 10.8 billion), but just before the contract was broken, the Polish side demanded an additional 23% increase for VAT, which the astonished French side accepted, although there was no verification of this commitment because the contract was broken down. A settlement was negotiated and Poland paid PLN 80 million in compensation. After the contract was broken, then President Hollande cancelled a presidential visit to Poland. To date, Poland has still not been able to purchase a similar number of helicopters, apart from a few that did not offer any offsets. The transfer of technology and planned investment, which was set to create 6,000 jobs in Radom, Łódź, and Dęblin never materialized; instead, Airbus contracted with Hungary and invested there.

French rescue vessel OVP. A dispute has recently erupted over the patrol and rescue vessel OVP, which was supplied by the French shipyard Socarenam of Boulogne-Sur-Mer and built with the participation of Polish shipyards and four companies from the Tricity. Ordered in October 2020, the vessel is set to guard the EU's external border as part of Frontex operations. The Polish contractor questioned the legitimacy of the €5 million surcharge previously demanded by the French supplier, which cited a drastic increase in the price of materials and equipment since 2021. As a result, the participating Polish sub-supplier companies have not received payment from the French contractor and have argued that material prices had been seriously inflated during the contract. The Border Guard is withholding acceptance of the ship, which is waiting in the roadstead in Gdynia, and the French are suing Poland.

EDF's offer to build a nuclear power plant. In October 2021, Poland rejected the French company Électricité de France's (EDF) offer to build a nuclear power plant, despite the fact that France has extensive experience in this field and derives around 70 % of its electricity from nuclear energy. Instead, Poland elected to work with non-European companies from the U.S. and South Korea.

PiS's support for Le Pen. In the final round of the 2022 French election campaign, presidential candidate Emmanuel Macron described Prime Minister Mateusz Morawiecki as a "far-right politician who interferes in internal political debates in France." The issue at stake was the manifestation of support for Marine Le Pen by the PiS authorities. She was

hosted on December 3-4, 2021, in Warsaw with honors similar to those given to a head of state at a meeting with leaders of Western European conservative and right-wing parties.

Campaign against mandatory relocation of refugees. In the context of the PiS campaign against “forced relocation of refugees,” the government-affiliated media has repeatedly evoked drastic examples of riots in France. In reality, these protests were not attended by refugees from Asia, Africa, or the Middle East but by people from these regions who have lived legally in France for years and hold French citizenship. The social unrest in France is being used to arouse unfavorable sentiments towards France in Poland and evoke the idea that Polish society will be threatened by refugees’ acts of violence if they are resettled in the country.

The above, certainly incomplete, examples of issues of varying importance² illustrate the attitude of the Polish authorities towards Paris over the past eight years. The Polish government has been criticized in the French media for its violations of the rule of law and human rights, its attitudes towards LGBTQ+ people, and, most importantly, its efforts to erode democratic institutions. This has irritated the Polish authorities and become the reason for many attacks against France by media obedient to the PiS authorities. As a result, Poland’s relations with its second largest partner in the European Union are deteriorating, which is weakening its position in the Union's governing bodies. This is compounded by the radically different visions of the two countries’ current authorities regarding the prospects for further European integration as well as the role of the European Commission and its decision-making processes.

² In October 2016, Deputy Defense Minister Bartosz Kownacki made a grotesque statement that it was the French who learned to eat with a fork from the Poles several centuries ago. The statement infuriated the French and added to tension in bilateral relations. Incidentally, the use of a fork instead of a spoon is probably owed by the French, like the Poles, to the Italians.

2. Poland's Eastern Policy Under the PiS Government

2.1 General Conditions and Polish-Russian Relations

Poland under PiS has lost its role as a co-founder of EU foreign activity in relation to Eastern European countries.

Organized during the PiS rule, trips to Ukraine by high-ranking representatives of the Polish government accompanied by their counterparts from other European countries have created only a pretense of Poland's importance when it comes to influencing Western states and institutions' policies towards its eastern neighborhood. Suffice it to recall the visit of the heads of diplomacy of Poland and the UK to Kiev in 2017, or the visit of the heads of government of Poland, the Czech Republic, and Slovenia in 2022.

The Eastern Partnership. Initiated by Poland and Sweden and piloted by Poland from the outset, the Eastern Partnership has in fact slipped from the country's influence. Since 2015, the Polish Ministry of Foreign Affairs has contributed to this distancing through its repeated questioning of the legitimacy and need for this partnership, which, in the view of its Pisan critics, insufficiently promotes a course towards accelerating the eastern states' membership in the EU. It is also characteristic that in his June 2020 speech on the Eastern Partnership, Mateusz Morawiecki focused his rhetoric on Poland's cooperative efforts with the Baltic states, which has little to do with the Eastern Partnership's aspirations or members.

The potential membership of associated Eastern European states in the EU is perceived by PiS in geopolitical terms. PiS's strategic thinking on issues in the Eastern Neighborhood still orbits around a doctrinaire, old-fashioned approach, which at its essence, aims to establish Polish regional leadership in Eastern Europe. Such leadership, according to PiS's reckoning, would significantly raise Poland's profile in the EU and NATO. This "superpower" puffery of PiS's Poland is critically, and not without irony, received in the EU and its member states.

A manifestation of the above attitude of Poland ruled by the Law and Justice party was the initiative announced in Kiev in March 2022 by Jaroslaw Kaczynski for an "armored" NATO peacekeeping and humanitarian mission in Ukraine. It is, however, international practice that such initiatives are

consulted in advance with their potential co-participants (i.e., in this case, NATO and its member states), and if there is no agreement on their part, the initiative is not launched. The embarrassed silence of the Alliance after the initiative was announced proves that this kind of prior consultation was not undertaken by Poland. The initiative thus falls into the category of numerous political and diplomatic phantasms through which the ruling Law and Justice party has surprised and amused international opinion.

Policy towards Russia. The PiS government's policy towards Russia has been in limbo since 2015. Sporadic consultations at the vice-ministerial and director level have reassured the Russians that EU diplomacy distances itself from the actions of the PiS authorities. This state of affairs has not been altered by foreign ministers' talks, including a conversation on the sidelines of the 2019 multilateral international meeting in Helsinki, which, apart from courtesies and trivial commitments, did not yield anything substantial.

The response of Polish diplomacy to Russia's intensification of anti-Polish propaganda, which did some reputational damage to Poland before 2022, was inadequate and ineffective. In turn, Russia's aggression against Ukraine confirmed the PiS narrative of an “eternally” imperial and hostile Russia, which PiS supposedly anticipated and opposed. From this premise, the conclusions that resonate from the TVP *Reset* series come down to the fact that since 2008, the PO-PSL government, in its attempt to build good neighborly relations with Russia, has followed a path of betrayal. To portray the policy of the PO and PSL government in a bad light, the authors of *Reset* deliberately omitted the fact that the Polish government's actions were part of a coordinated attempt by Western countries, including the U.S., to “pacify” Russia by enticing it to increasingly cooperate with the West. In its relations with Russia, the PiS government has not achieved the slightest progress on an issue that is regarded as a major policy priority: the recovery of the wreckage of the presidential TU-154 that crashed in Smolensk in 2010. The lack of any result in this area testifies to the sterility of a policy, which, in essence, has amounted to nothing more than empty threats.

There is little success in the relations of PiS-ruled Poland with other post-Soviet states, despite high-level contacts with Georgia, Moldova, and Kazakhstan. These states, which are aware of Poland's diminishing stature in the EU, have become reluctant to intensify contacts. PiS's flirtation with Alyaksandr Lukashenka was also both unsuccessful and unnecessary.

2.2 Poland-Ukraine Relations

Two distinct periods can be discerned in the 2015-2023 policy of the PiS government towards Ukraine; these can be delineated into the period before Russia's large-scale invasion of Ukraine in February 2022 and the subsequent period.

2015-2022. Prior to the war in Ukraine, the PiS authorities' actions focused on "history policy." Contacts at the level of president (until 2019) and prime minister (until 2022) have already been reduced since 2016, and meetings of the intergovernmental commission on economic cooperation were abandoned for many years. Poland's diplomacy has, in fact, abdicated its long-held position as Europe's acknowledged expert on Ukrainian affairs and its main ally, a previous promoter of Ukraine's path to the European Union and NATO.

During this period, officially declared support for Ukraine's Euro-Atlantic aspirations was not accompanied by concrete actions. This was primarily due to the Law and Justice party's fear that it would lose electoral support among conservative and nationalist voters.

The hallmark of the Pisan policy towards Ukraine during this period was its incoherence and inconsistency. The Ministry of Foreign Affairs was only one (and hardly the most important) of the policymakers towards Ukraine. Its mistakes include a failure to ensure coordination with other centers of power, as well as the recalling before the end of its term, in early 2019, Ambassador of the Republic of Poland in Kiev.

Parallely, and in a generally unsynchronized manner, the presidential center, the prime minister's entourage, the Ministry of Defense, the Institute of National Remembrance (IPN), the economic ministries, and the Nowogrodzka (Headquarters of PiS), which oversees the whole, pursued their own objectives. The IPN and the PiS functionaries who patronize it were the perpetrators of a crisis in relations with Kiev triggered by an amendment to the IPN Act, which was belatedly averted by President Andrzej Duda's challenge of the amendment in the constitutional court.

Post-invasion period. After February 24, 2022, the PiS government supported Ukraine in its fight against Russian aggression. It did so, however,

not so much because it stood in solidarity with Ukraine but because of pressure brought on by the Polish public's strong reaction and its own hostility towards Russia, stemming to a significant extent from its "superpower" ambitions. In fact, it is important to remember that a significant portion of the PiS electorate has expressed aversion to Ukraine because of its historical past.

Poland under PiS supported Ukraine politically and materially in its fight against Russia. In particular, the supply of military equipment immediately after Russia's invasion was significant. Nevertheless, the value and significance of this support in the long term is incomparable to the aid contributed by Western countries, particularly the U.S., UK, and Germany.

Due to its political unreliability that resulted primarily from violations of the rule of law, Poland governed by the PiS party has been bypassed by the main Western actors in decision-making processes regarding Ukraine. This is illustrated by the fact that in February 2023, President Biden visited Kiev first and then "incidentally" visited Warsaw as well. If the U.S. considered Poland a credible, influential, and competent partner, the order of the visits would have been reversed.

When examining Poland's role in Western decision-making around Ukraine, several other relevant circumstances must be considered:

- Poland failed to convince and pull in its regional partners from the Visegrad Group. It was unable to influence the anti-Ukrainian and pro-Russian policy of Hungary, which was for many years PiS's most important regional partner.
- The building of a trilateral Warsaw-Kiev-Vilnius "Lublin format" was late and irrelevant to Ukraine's relations with the EU and NATO.
- Warsaw played a secondary role in discussions before the NATO summit in Vilnius in the summer of 2023, and it failed to build a coalition in favor of inviting Ukraine to join the Alliance with the countries of the "Bucharest Nine." During the summit, President Andrzej Duda's role was marginal.
- The Polish government failed to conduct in-depth analysis of the consequences of opening the EU market to imports from Ukraine.

The difficult situation at the Polish-Ukrainian border, the Polish government's failure to provide transit routes for Ukrainian agricultural goods, and its late introduction of joint controls on imported goods all contributed to a supply crisis on Polish market caused by Ukrainian grain and other agricultural products.

3. Conflicted Poland in a Dangerous International Environment

As the country in the region with the greatest military potential, Poland's role in NATO's eastern flank has increased in the wake of Russia's aggressive war against Ukraine. In line with the strategic interests of the state and the will of the people, Poland has provided significant political and military assistance to Ukraine. However, support for Ukraine has not translated into a significant strengthening of Poland's position in the Euro-Atlantic community due to the PiS government's ongoing conflicts with the European Union and its largest states. Key NATO members regularly omit Poland from close alliance consultation processes.

Due to the actions of then Minister of Defense Antoni Macierewicz, Polish military intelligence and counterintelligence were humiliated and the Polish military became effectively blind in the run-up to Russia's invasion of Ukraine. The "hostile takeover" and dismantling of the NATO Counterintelligence Center of Excellence (directed "to the East") further undermined confidence in the Polish authorities for NATO and EU member state's secret services.

Poland ruled by the Law and Justice party has become for Central and Eastern Europe what Turkey represents to NATO. It is militarily and strategically indispensable for security reasons but alienated because of the authoritarian domestic and foreign policy pursued by the Law and Justice party. This policy has led NATO and EU partners to question PiS-led Poland's commitment to the values of democracy, individual freedom, and the rule of law on which the Alliance is based, according to the preamble of the North Atlantic Treaty.

The war in Ukraine also exposed the withering of the political and security dimension of the Visegrad Group and indicated how important the Weimar

Triangle is for Poland. However, the “dignity” policy of Poland ruled by the Law and Justice party, consisting of adventurous and provocative moves, has in fact ousted Poland from any causal role in Weimar cooperation. In turn, the conflict in Ukraine has redefined the parameters of security, including its demonstration of the importance of financial security, which is a painful reminder for Poland as it faces increased exposure due to its lack of membership in the eurozone.

Domestically, the Law and Justice government is capitalizing on the situation by accentuating the state’s growing security crisis, which it claims can only be addressed through its ultra-nationalist policies. The use of xenophobia in election campaigns is neither a new phenomenon nor limited to this country, but it has become a recipe for electoral success in Poland in recent years. It has led to narratives that frame everyone from a refugee with a different skin color to a German neighbor, or even a Ukrainian farmer, as a threat.

PiS’s dispute with EU partners strikes at the foundations of Poland's security, development, and future. The need to radically reject anti-European policy and strengthen the European pillar of the Alliance, particularly in view of the prospect of Donald Trump's possible return to the White House, has become fundamental. Furthermore, integrated defense of Central European airspace together with Germany and other states in the region has become strategically important. This should be served by closer cooperation within the framework of EU initiatives, particularly the Permanent Structured Cooperation (PESCO) and its specific defense projects. In these projects of strategic importance, Poland, governed by the Law and Justice party, is mostly absent.

The PiS government clearly fails to see the immediate threat that hostilities across the eastern border pose to Poland. There is a complete lack of plans, instructions for the public in relation to civil defense, and interaction between civil defense and the armed forces. The irresponsible voices of government representatives about alleged threats from the West blunt the sense of real danger arising from warfare on the country’s eastern border.

Issues related to management of the armed forces. Serious problems under the current PiS government are associated with the management of the armed forces, including:

- The proclamation that the Polish Land Forces are the most powerful in Europe as part of an election campaign. Numerous procurements of top-of-the-range weapons systems are only at an initial stage. It will take many years before they are paid for, produced, and integrated into the Polish Armed Forces. At present, imported single units of these systems serve as a backdrop for the election campaign of PiS politicians. Of course, these campaigns have made no mention of the abrupt termination of the PO-PSL government's modernization plans or the *de facto* halting of the rearmament of the Polish Army during the tenure of Defense Minister Antoni Macierewicz. The eight Patriot batteries included in the previous government's cancelled modernization plan could already be defending Polish airspace, which currently faces the real threat of even an accidental incursion of Russian missiles or drones. The Law and Justice party has reacted to this threat by rejecting the German initiative to build a common air defense in Central and Northern Europe.
- Hasty and non-strategic efforts to modernize the Polish army. It was only the tightening of the international situation and the transfer of armaments in the stock of the Polish Armed Forces to Ukraine that highlighted to the present government the need for accelerated modernization of the army. Purchases of armaments have been made hastily without sufficient analysis of the needs of the Polish Armed Forces; contracts have concluded with vestigial "Polonization" of further production and servicing and without offsets. Most purchases are made from the U.S. and South Korea, which has only further weakened the country's relations with Western European partners and the EU.
- A lack of a transparent command structure and a shaky relationship between military command and political leadership. Issues of particular importance in this era of direct threats of warfare is the blurred competences between the Chief of the General Staff and the Commander General of the Armed Forces; exclusion from the supervision of the Chief of the General Staff of the Territorial Defense Troops (WOT) and Military Police (ŻW); the politicization of the foreign (SWW) and interior (SKW) intelligence service; the dismissal of experienced command staff from service; and the adoption of a fast promotion path for officers without the required seniority and professional experience.

- The decision by the Ministry of Defense to repeatedly create new land army divisions even though the process of forming earlier ones has not been completed. The lack of personnel to fill full-time positions in newly formed military units and transfer of soldiers from units with higher completion rates has thus weakened the combat readiness of these units.
- Failure to adapt military education to the increasing needs of the armed forces. The use of different criteria in admissions to the Polish Armed Forces (disparate for the WOT and the operational forces) allows for circumvention of regulations. As a result, it encourages opportunism and will lead to a deterioration in the quality of Polish Armed Forces personnel.
- A lack of public or parliamentary control over arms expenditures. Huge foreign debts are being incurred to cover purchases of military equipment outside of any parliamentary control. This blatantly violates the budgetary autonomy of parliament; this control is constitutionally guaranteed through the adoption of budget laws and, in international relations, through authorization to ratify international agreements that place a heavy financial burden on the state.

4. Instead of a Good Neighborhood, Thoughtless Actions and False Alliances

Poland is in conflict with the European Union, its institutions, and many of its member states. Poland's perception of its partners in the EU is overshadowed by poor relations with Germany while relations with France remain cool, at best. The Weimar Triangle has completely lost its role as a significant and influential grouping and a keystone of interests in the east and west of the EU. Following the exit of the UK, Poland's coalition capacity with large member states in the EU has been significantly weakened. As a result, Poland ceases to be a political and strategic pivot for the Baltic and Visegrad states.

The Weimar Triangle. The Weimar Triangle has been politically destroyed during the PiS government, a fact that cannot be obscured by the occasional

red carpet appearance. This was well demonstrated by the complete omission of Poland by France and Germany during negotiations and the 2019 signing of the Treaty of Aachen on Franco-German Cooperation and Integration. It would not have occurred to anyone in Germany and France to devalue the historical significance of the Elysée Treaty, signed on January 22, 1963, to announce the denunciation of this treaty or to renegotiate it (as the Law and Justice Party has been doing for years in relation to the 'large' 1991 German-Polish Treaty of Good Neighbourhood and Friendly Cooperation). Appreciating its historical significance, Germany and France instead signed the aforementioned treaty on the anniversary of the Treaty of Elysée. This treaty raised EU matters, security policy, social relations (i.e., culture, science, and research), regional cooperation, environmental protection, and climate change mitigation to the highest level of coordination. Under normal circumstances, such a treaty could have been discussed under the purview of the Weimar Triangle.

Nordic-Baltic cooperation. Against this backdrop and despite converging defense interests within NATO, the Baltic states' foreign and European policies have increasingly emphasized their Nordic ties. Finland's (and soon Sweden's) entry into NATO will only strengthen these Baltic-Nordic links as cooperation in the dimensions of European, economic, and energy policy as well as people-to-people contacts are intensified at the expense of relations with Poland.

The Visegrad Group. The Visegrad Group has lost its coherence not only in European affairs but also in security policy. This has happened primarily as a result of Hungary's stance towards the war in Ukraine. Slovakia's policy of support for Ukraine is not guaranteed after parliamentary elections one by Robert Fico, who is forming government in coalition with pro-Russian party. In European affairs, both Slovakia and the Czech Republic primarily orient themselves towards Berlin. Regionally, both are also strengthening their cooperation with Austria. The Slavic Triangle, a forum for consultation between the three countries, is growing in importance.

Relations with the Czech Republic. The Turów lignite mine case caused significant political harm to Polish relations with the Czech Republic and damaged the country's reputation both in the region and in the EU. The case cost Polish taxpayers more than PLN 500 million, while initially, in 2019, the Czech side expected an investment of around PLN 10 million as the settlement for the dispute. Such is the price of arrogance, complacency, a

lack of diplomatic skills, disregard for the interests of a neighboring state, and indifference towards international environmental regulations and the position of EU institutions. The Pisan authorities ignored both the European Commission's assessment indicating Poland's violation of EU law, the complaint filed with the CJEU by the Czech Republic in February 2021, and the interim measure provisions. As a result, the Polish taxpayer paid a €68.5 million penalty for failing to comply with the CJEU order, €45 million to the Czech Republic as part of the settlement, and must bear the costs of the necessary investments on the Polish side. Trivial in this light are the embarrassing personnel tussles surrounding the Polish Embassy in Prague.

Relations with Hungary. Despite its significantly greater political and economic potential, Poland under the PiS government has proved to be the weaker partner in its relationship with Hungary. It has been unable to impose nor even convince Orban's Hungary to change its European and security policy in a way that benefits Poland, the EU, or the North Atlantic Alliance.

Politically, the Law and Justice Party has fallen into all the Hungarian pathologies of illegitimacy and authoritarianism, and the virus of corruption has nested in economic relations, particularly those related to key industries such as energy, in which Hungary is linked to Russia despite sanctions.

PiS has not only failed to help the EU reverse authoritarian and anti-European tendencies in Hungary, but through its ideological alliance with them, has reinforced the anti-democratic drift of both countries. It has strengthened Hungary's blocking power over EU policies that would benefit the societal and economic development of both countries.

Together with Orban, PiS has destroyed the Visegrad Group and weakened the security of the region. It has not reformed the Hungarian-Russian relations that are harming it, nor has it forced a correction of Hungary's policy towards Ukraine or persuaded Hungary to abandon its ban on the transport of armaments through its territory for Ukraine's war efforts. Moreover, Poland under PiS has opened its own conflict with Kiev and, together with Hungary, dramatically mishandled, if not corrupted, the problem of Ukrainian grain transit through Poland.

PiS has been unable to influence Hungary not to play political games in the process of discussions around NATO enlargement for Finland and Sweden, which is intended to increase the security of the entire continent and

strengthen the protection of member states against threats from Russia. Hungary, like Turkey, has so far disregarded these concerns in enlargement discussions pertaining to Sweden.

For the last eight years, PiS and FIDESZ have based cooperation between the governments of Poland and Hungary on principles contrary to the spirit and tradition of the Polish and Hungarian freedom uprisings. They have dramatically undermined the achievements of the Polish-Hungarian Solidarity movement of 1989, and are united primarily by their hostility to democracy and the European Union.

To sum up, it can be said that by resisting cooperation with Germany and France within the Weimar Triangle as a format for Poland's "subordination" to European powers, a Poland governed by the Law and Justice Party has at the same time put itself under the sway of a peripheral and provincial Hungary.

Three Seas Initiative. The PiS government discredited this initiative, an important infrastructure project that would have created a transport route from the Baltic region to both the Black Sea and the Adriatic (the implementation of which would now be very useful to Ukraine, for example, in the important matter of grain transit). It was intended by the Law and Justice party to be a project around which a "political entity" with anti-German overtones would be created and prove "competitive" within the EU. These objectives were quickly identified by regional partners, who did not intend to take part in moves aimed at weakening EU. The project was thus frozen, and the PiS government squandered one of its most promising ventures. Now, in view of the war in Ukraine, the project has a chance of revitalization. However, this requires a fundamental change in the political subtext of the project and a strong anchoring with the EU as well as the full inclusion of Ukraine (Ukraine and Moldova have only recently been associated with the proposed format

5. Poland Closed to the World

5.1 Poland-Israel Relations

Polish relations with Israel have continued to strengthen since their resumption of diplomatic relations in 1989. In the first half of the 1990s, the legal basis for bilateral relations was established. In the ensuing years, both countries worked together to change the image of their counterparts in the eyes of their own societies. Stereotypes around Poland and Poles held by the Israeli public changed greatly during this period, in part, due to the success of the Polish Year in Israel (2008-2009), prominent Polish research on the Holocaust, and Poland's stance as an ally of the Jewish state in international forums, including the UN and the EU. In 2011, Prime Minister Donald Tusk and his Israeli counterpart, Benjamin Netanyahu, decided to elevate bilateral relations to a strategic level.

When PiS took power, the issue of the return of Jewish property and the status of Israeli youth travel to Poland remained the most significant issues between the two countries. In 2016 and 2017, the previous government's policy towards Israel continued in principle, although statements (often openly anti-Semitic) by many prominent representatives of the ruling camp, which were widely quoted by the Israeli press, began to negatively affect Poland's image.

Holocaust research in Poland. The first acute crisis between the two countries under PiS's rule occurred at the beginning of 2018 when the Sejm adopted an amendment to the IPN Act that criminalized, among other things, objective research on the history of the Holocaust in Poland. Under strong pressure from Polish and international public opinion, the government withdrew this regulation in June of the same year. However, this did not change the approach of the Pisan authorities to the subject of what they deemed "denigration of the Polish nation." Attempts have continued, unsuccessfully, to punish historians dealing with Jewish issues in Poland with private acquisition supported by government foundations. Intimidation and defamation of such scholars by United Right functionaries has become increasingly common.

Restriction of property redress rights. In 2021, the most serious diplomatic crisis in the post-1989 era between the two countries occurred after an amendment to the Code of Administrative Procedure restricted the possibility of redress for property (including "loan property") seized by the

State Treasury and local governments. Israel's reaction was immediate. The Israeli ambassador was recalled from Poland and the Polish ambassador was asked to leave Tel Aviv in an undiplomatic manner. Prime Minister Mateusz Morawiecki and then Israeli Foreign Minister Yair Lapid were at the forefront of the sharp, and often invective-laden, polemic. In June 2022, Israeli youth visits to Poland were cancelled and Poland, for the first time, voted against Israel at the UN. Relations between the countries became almost completely frozen.

The first signal of readiness on the Polish side to re-establish Polish-Israeli dialogue was Poland's acceptance of the EU definition of anti-Semitism. From the Israeli side, warmer tones began with the arrival of the new ambassador to Warsaw in July 2022. At the beginning of 2023, the two countries began discussions around the resumption of trips of Israeli youth to Poland and Polish youth to Israel. In March 2023, the ministers of the Polish and Israeli SZ signed a declaration on youth exchange, which is the undoubted (and only) success of the PIS government in its relations with Israel. Improved relations are also evidenced by the participation of the Israeli president in the celebrations of the 80th anniversary of the Warsaw Ghetto Uprising. Nevertheless, Poland still has no ambassador in Israel.

The law censoring Holocaust research, referred to as the “Holocaust gag law” in the West; the lack of balanced settlement of the problem of reparations for Holocaust victims’ property; and the anti-Semitic overtones of rhetoric propagated by the PiS government have all poisoned Poland's relations with Israel and its Jewish diaspora over the course of its tenure in power.

5.2 Poland’s Relationship with Asia

Poland under PiS has made numerous mistakes in Asia, which has led to a weakening of relations in political and economic terms with China, India, and Southeast Asian countries. The interest of Japan and South Korea in continuing political and economic engagement with Poland, initiated by previous governments and supported by the U.S., have been the primary impetus behind continued good relations.

The Law and Justice government’s lack of a new strategy towards Asia to respond to the dynamics of events in the region, particularly in the

institutional dimension, and the lack of political will to implement existing projects prepared by previous governments has resulted in tenuous and chaotic actions from the Polish side. As a result, Poland is an insignificant partner for most countries in the Asian region compared to its counterparts in the European Union.

China. In particular, the government's failure to define a policy towards China that is in line with Polish interests and considers the knowledge and practice of Poland's allies and European partners is glaring. The participation of Polish representatives in political and sporting events in China, despite the EU's negative stance on blatant Chinese violations of international conventions and the absence of representatives of other member states, has caused great reputational damage for Poland.

Poland's growing economic cooperation with some Asian countries has been limited to trade, and in many cases, imports to Poland exceed exports from the country. This has brought an increasing trade deficit for Poland.

These issues have been exacerbated by the fact that deputy ministers in the Ministry of Foreign Affairs who possess minimal or no knowledge or experience in region have been charged with driving Poland's relations with Asian countries. This lack of consideration in the PiS government's human resources policy has resulted in a spike in vacancies in all positions at Polish diplomatic missions in the Asian region.

5.3 Poland's Relationship with Latin America and the Caribbean

Poland's foreign policy in relation to Latin America and the Caribbean region reflects the country's broader approach to relations with foreign countries. In Poland's post-2015 foreign policy, Latin America is clearly undervalued, despite its increasing global importance. Furthermore, Poland's pursuit of an effective policy towards countries in the region has been further hampered by a lack of inter-ministerial coordination.

Poland's attractiveness as a partner for political and economic cooperation has decreased significantly. Declarations about the desire to develop relations with the countries of Latin America and the Caribbean have not been confirmed in practice; they have been largely limited to the declarative sphere and activities with no clear strategy for deeper cooperation.

Brazil. This lack of strategy is particularly evident in the case of Poland's relationship with Brazil, its largest Latin American partner. The fascination of President Andrzej Duda and the PiS government with the populist Brazilian president, Jair Bolsonaro (2019-2022), was at odds with the strongly critical attitude of most EU, as well as Latin American, countries towards this far-right leader. Moreover, it failed to bring any tangible benefits.

The disastrous personnel policy of the Polish Ministry of Foreign Affairs has also contributed to a drastic reduction in the level of professionalism and competence of some of the heads of posts (there remain few exceptions) in this region, further dampening opportunities for the revival of bilateral political and economic relations.

During meetings of the EU Foreign Affairs Council (FAC), the PiS ministers have behaved passively in debates and have rarely spoke on matters concerning the EU's policy towards Latin America and the Caribbean region. Furthermore, it is evident that Poland has lost its ability to create alliances with countries within the EU that hold similar positions on issues related to the region.

6. Gross Violations of International Human Rights Standards

The Polish-Belarusian border. Polish actions at the Polish-Belarusian border area not only align with the intentions of the Lukashenko regime, but above all, grossly violate basic standards of international and EU refugee protection. The actions of Poland's state functionaries under the Law and Justice regime meet the criteria of international crimes, including torture, persecution, contributing to the disappearance of persons, and other inhumane acts that have intentionally caused great suffering or serious harm to mental or physical health.

It has been proven thus far that approximately 50 refugees have died from torture on the Polish side of the border with Belarus. The actions authorized by the PiS government at the Polish-Belarusian border will disgrace Poland for years. At the same time, the country continues to suffer from a lack of comprehensive migration policy and an absence of practical supervision of migration, which is evidenced by the estimated 600 migrants per day that

have recently been arriving in Germany through Poland. Systemic smuggling of labor migrants, sponsored by part of PiS's leadership in the Ministry of Foreign Affairs, only adds to these violations of EU and international law .

Violations of women's rights. Equally shameful for a Poland governed by the Law and Justice party is its violations of the rights of women, whose dignity, right to privacy, and bodily integrity are continuously infringed on. This is particularly true in the case of overzealous practices associated with the "abortion compromise of 1993." Already at that time, the jurisprudence of the European Court of Human Rights and reports of international organizations reproached Poland for violating the statutory grounds for permitting the termination of pregnancy. These entities drew attention to the exposure of women to suffering and humiliation in connection with restricted access to contraception and prenatal tests as well as the blocking of abortion procedures in the case of fatal fetal impairment or a threat to a woman's life. The international standard is unequivocal: the prohibition of abortion in such a situation qualifies as cruel, inhumane, degrading, and discriminatory treatment, and it is prohibited under international law.

The October 2020 decision by the politicized and PiS-subservient constitutional court to deem abortion due to fetal defects unconstitutional further devastated women's rights in the country and provided yet another example of the government's disregard for international human rights standards. Endeavors directed at the denunciation of the Istanbul Convention, which upholds the prohibition of domestic violence and primarily affects women and children, at a time when the European Union is working on accession to this convention, have further degraded PiS's human rights record.

LGBTQ+ rights. In September 2020, unprecedented diplomatic action occurred in Poland as more than 50 ambassadors published an open letter (a similar letter was also published in May 2021), calling on the Pisan authorities to uphold the rights of people in the country who identify as LGBTQ+. These basic tenets of democracy include respect for human dignity, freedom, and democracy; equality before the law; the rule of law; human rights, including the rights of persons belonging to minorities; the prohibition of discrimination based on origin, race, gender, opinion, religion, and sexual orientation; and the prohibition of hate speech. The PiS government's actions *de facto* challenge the norms adopted in fundamental international documents, including the Universal Declaration of Human

Rights, the Covenants on Human Rights, and the European Convention on Human Rights, which are also guaranteed by European Union law. To maintain power, PiS has deliberately antagonized social divisions and triggered the lowest instincts of its base. This is evidenced by, among other things, the mindless and extremely harmful IPN Act (otherwise known as the Holocaust Gag Law) adopted in 2018, which was subsequently repealed under international pressure and widespread condemnation from even Poland's closest allies. President Andrzej Duda by cynically exploited homophobia in his 2019 election campaign was compromised.

Under the PiS government, Minister of Justice Zbigniew Ziobro began to support local governments declaring themselves an "LGBT-free zone" with public finances, an act that was met with gleeful approval from other PiS officials. These shameful actions were met by an appropriately harsh reaction from the European Union and the Council of Europe (through the ECHR). The Union has refused to disburse funds to those regional structures that have declared themselves "LGBT-free zones," and regions from other countries have begun to suspend partnerships with such Polish structures.

The Bialowieza Forest case. The case of the brutal felling of the Bialowieza Forest in contravention of international standards, including EU environmental regulations, has opened a catalogue of CJEU judgments indicating that Poland under the PiS government has escalated its illegal activities. In a judgment issued on April 17, 2018, the CJEU found an infringement on the EU's nodal directives under Natura 2000 following the felling of the Puszcza Forest; it concluded that Polish citizens' right to a healthy and sustainable environment had been violated. This case particularly hurt Poland's reputation in the international arena, given the international community's sensitivity to environmental crimes committed by public authorities.

The case was further complicated by the PiS authorities' refusal to comply with an interim measure brought by the court that ordered the immediate cessation of the felling of the Bialowieza Forest to prevent further irreversible damage. This refusal to comply was a historical first for the European Union and was met by a threat of financial penalty of at least €100,000 for each day of Poland's non-compliance with the court's order. Only then did the PiS government comply. Thus, the PiS government contributed in a peculiar way to the development of CJEU jurisprudence, initiating the practice of imposing financial penalties for failure to comply with interim measures. This measure

has since cost Polish taxpayers approximately PLN 3 billion through the government's refusal to comply with the court's orders.

The European Convention on Human Rights. The Law and Justice authorities have adopted a dangerous approach in their implementation of international obligations by questioning the provisions of the European Convention on Human Rights and EU law in respect to common values like the rule of law, fundamental rights (including the right to an independent court), and relevant ECHR and CJEU rulings. Here, the Pisan authorities resort to the perverse argument that such obligations will not be applied in Poland to the extent that they contradict the Polish Constitution. The perversity of this line of argumentation lies in the fact that the essence of this contradiction is between the laws adopted by the PiS-dominated Sejm and the rule of law and the Polish Constitution, which provides for the primacy of EU law.

The politically dependent, PiS-dominated constitutional court is in this case following in the footsteps of solutions used in Putin's Russia. In Russia, the constitutional court first ascribed to itself the right to decide which international obligations and international court rulings can be applied in the country; then, provisions were introduced into the Russian constitution in 2020, which stipulated that international obligations will not be enforced in Russia if the constitutional court finds them incompatible with the constitution. As is well known, Putin's Russia is no longer a member of the Council of Europe. Challenging the principles of membership of the Council of Europe, defying judgments of the ECHR, and undermining the legal foundations of the EU's operation, including the principle of the primacy of EU law and the obligation to comply with CJEU judgments, is in practice tantamount to a request to leave the European Union.

Incidentally, at the beginning of 2023, the European Commission complained to the CJEU on these matters, challenging the constitutional court's finding on the primacy of Polish law. The CJEU's verdict is foreseeable and possible failure of the PiS government to comply will be tantamount to questioning the foundations of Poland's EU membership.

Challenging the norms of international law. The actions of the PiS authorities are, in essence, aimed at challenging the direct application of the norms of international law, particularly those that guarantee the fundamental rights of citizens. It should be recalled that one of the most

important aspects of the restoration of independence and the political changes after 1989 was the constitutional guarantee of the right of citizens to directly invoke the norms of international law guaranteeing fundamental rights (above all, in the ECHR and the Charter of Fundamental Rights of the EU). In the event that national law fails, or national authorities abuse their powers, citizens can directly invoke their internationally guaranteed rights before the courts.

7. Degradation of the Ministry of Foreign Affairs and Destruction of the Foreign Service

On July 27, 2001, the Sejm passed the Foreign Service Act, which outlined for the first time regulations defining the organization and function of the foreign service and gave the duties of its members statutory status. The act was supported by all parliamentary factions in a symbolic move that emphasized that its scope was beyond that of party interests. Thanks to this act, the corps of officials connected with the Ministry of Foreign Affairs whose members had co-created Poland's success in the international arena during the period of political transformation, was gradually consolidated. These people contributed significantly to Poland's entrance into NATO and the EU, building good neighborly relations and gaining influence among important partners in the international forum.

After the Law and Justice party took power in 2015, a series of measures were taken which were directed towards two objectives:

- The full politicization of the foreign ministry and creation of foreign policy that emanates from party policy. This was combined with a decentralization of foreign policy making. "European affairs" were taken over by the prime minister's office, security policy was largely assumed by the minister of defense and the president, and UN affairs were appropriated to the president. Polish affairs were taken over by a separate government representative, and cultural and economic promotion was handled by various ministries. The Ministry of Foreign Affairs thus ceased to be the creator and coordinator of foreign policy; its role was limited to "managing" Poland's external relations, to a

certain extent. Consequently, the MFA's crucial activities abroad are linked to the directives of the Law and Justice party's domestic policies, including the issue of reparations from Germany; LGBTQ+, gender, and abortion rights; the "Smolensk assassination;" and "defense" of the ruling party in connection with allegations of violations of the rule of law.

- A thorough replacement of staff to ensure the dependence of the MFA and the foreign service on the ruling party. This began with a depreciation of the achievements of Polish diplomacy after 1989 and was accompanied by efforts to get rid of previous diplomatic staff. Along with the destruction of the civil service in public administration, the diplomatic service, understood as a corps of professional officials independent of current politics, was also destroyed. This deconstruction of the foreign service was carried out in blatant violation of applicable law and resulted in an avalanche of lawsuits from MFA employees who were sacked or discriminated against. A large proportion of these cases were won.

On January 21, 2021, a new law on the foreign service was expeditiously passed, which, among other things, sanctioned the expiry of employment for those who had reached the age of 65. This move aimed to rid the corps of experienced diplomats, who Jaroslaw Kaczynski referred to as "scraps," in a way that would not allow them the right to appeal.

Less stringent recruitment rules. New recruitment rules for the diplomatic corps have been introduced, allowing the corps to be fully partisan. These include:

- Lowering the competence requirements and facilitating a fast-track diplomatic career path for newly recruited cadres, which has helped PiS expedite the rise of "their own."
- A tragicomic regulation that ambassadors do not have to meet any of the requirements for a professional diplomat. They do not need to know foreign languages and are still permitted to hold the nationality of a foreign country. Ambassadors are, therefore, not expected to have substantive or managerial competence, only full political availability.

In addition to this, all responsibility for the management of diplomatic posts has been removed from ambassadors; each has a deputy that is responsible for finances, property, compliance with regulations, and legally protected secrets.

More changes aimed at facilitating a foreign ministry subservient to PiS's party policies can be found in the act. For example, the head of the foreign service no longer needs to be a professional diplomat; and the manner of verification for "foreign employees" (i.e., a new category of employees outside the Ministry of Foreign Affairs), accepted to work on the basis of an appointment to travel abroad, is not specified.

Whereas professional diplomats must be ready to undertake tasks in any foreign post, in any country, and at any time, and refusal to accept a post twice results in termination of their employment; thus a downright military discipline has been introduced into the foreign service corps; is this not a case of making it easier to get rid of an inconvenient employee? This question is all the more pertinent given that the act does not regulate a fundamental issue in the functioning of the foreign service: the logistics of rotation. The foreign service, due to the specific nature of its operations at home and abroad, requires a definition of rules and protocols related to the transfer of employees between Poland and foreign posts. Further to this, the new foreign service law also deprives career diplomats of the opportunity to hold office in trade unions.

An April 2022 amendment to the Foreign Service Act further damaged the diplomatic corps when it was used to relieve 30 people of service from the Ministry of Foreign Affairs who had studied at the Moscow Institute of International Affairs. They were dismissed due to the "potential" that they could be spies at Moscow's service, even though they had worked in the Polish foreign service of an independent Poland for under thirty years and had been vetted several times.

The Pisan Foreign Service Act. This act introduced a vague concept of "diplomatic secrecy," which has been used to prevent employees of the Ministry of Foreign Affairs from making public statements. This practice directly contradicts constitutionally guaranteed civic access to public information, and is punishable by dismissal for employees who violate it.

At the same time, the PiS government is unreflectively opening the archives of the Ministry of Foreign Affairs to subservient academics and journalists who are using material solely for the purposes of furthering PiS party propaganda. There are instances of “employment” in the MFA merely for the purpose of bypassing formal barriers that guard classified documents. Consequently, diplomatic documents are being biasedly published according to political “needs” without allowing such documents to be accompanied by professional commentary or contextualization. The Conference of Polish Ambassadors drew attention to this practice in a statement on June 6, 2023 in regards to the publication of the Olszewski deposition. During the election campaign, Jarosław Kaczyński brandished a memo from 2011, which purported to show that Prime Minister Donald Tusk had discussed raising the retirement age with Chancellor Angela Merkel. However, Kaczyński failed to add that, at the beginning of 2011, the European Council had held talks on strengthening the competitiveness of EU member states in the wake of the 2008 financial crisis. The result of these discussions was the Euro Plus Pact, which was a political document that outlined the key areas for strengthening the competitiveness of member states, including the problem of the retirement age (although it explicitly left the issue in the hands of the individual countries). During this process, the prime ministers of EU states exchanged views with each other on this subject, which was neither strange nor unusual.

The Paderewski Institute. The partisanship of the Ministry of Foreign Affairs and the abolition of transparent criteria for recruitment to the foreign service has involved an unprecedented eruption of party based and political chutzpa. Devastating personnel fights, mobbing, cases of extreme incompetence, and embarrassing conflicts at foreign missions have become all too common for the ministry. In doing so, the Paderewski Institute, a center for the training of young diplomats that had gained international recognition, was destroyed from the onset of PiS’s governing. The present-day Diplomatic Academy was turned into a residential school where the expectations from students and lecturers have little in common with the standards of modern diplomacy.

Labor migration schemes. A recent example of this kind of foreign policy embarrassment is the creation, through the Ministry of Foreign Affairs, of a system that allowed the influx of a group of thousands of economic migrants into Poland. There are many indications that this is an international corruption scandal and that Poland under the Law and Justice government

has become one of the most important routes for smuggling migrants into Europe and the U.S. In fact, there is currently an ongoing international investigation into this matter. This undermines Poland's credibility as a member of the Schengen area. It is also extremely cynical in the context of the inhumane treatment of migrants in the Polish-Belarusian border area.

The servility in today's Foreign Ministry towards those in power is also expressed in its involvement in manipulations to limit the possibility of Polonia's participation in the elections. At the height of preparations, Secretary of State Piotr Wawrzyk, who was also responsible for preparing elections outside Poland, was sacked from the MFA. Cultural institutes have ceased to fulfil their role as promoters of Polish culture as they become dominated by various party-affiliated organizations dedicated to promoting "historical politics."