

THE WARSAW INSTITUTE REVIEW

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How China Outsmarted Europe?



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**THE
WARSAW
INSTITUTE
REVIEW**

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Dear Readers,



I would like to encourage you to read another issue of the quarterly magazine in which you will find articles on the most significant world events that represent the Polish point of view – the perceptions of the observers in Poland and the region. Our ultimate goal is to provide you with reliable geopolitical analyses written from the perspective of Central and Eastern European countries. We are striving to expand our activity to attain the set goals even better, hence the upcoming issues of the quarterly could be purchased on our website. I encourage you to support our activities and subscribe!

Recently, the foreign policy discourse in Poland has largely focused on European affairs. Decisions regarding further development of the organization and member states, including Poland, were made at the EU level. The Multiannual Financial Framework, i.e., the budget that the EU will allocate to individual member countries, was negotiated. This is significant because the pace of growth of these nations and the entire Union is contingent upon it. Moreover, the European Green Deal is still on the EU agenda. It includes paths towards a sustainable EU economy (achieving climate neutrality by 2050), which are not unequivocally well received in Poland. An article by Prof. Grzegorz Grosse offers solutions to dilemmas related to the present state of the European Union.

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Polish foreign policy and its priorities were also addressed in an interview with Paweł Soloch, Head of the National Security Bureau. Additionally, it includes an evaluation of regional policy since this year marks two important anniversaries – 30 Years of the Visegrád Group and the Weimar Triangle.

I encourage you to read the magazine, check our website frequently, and order the upcoming issues of the quarterly!

IZABELA WOJTYCZKA
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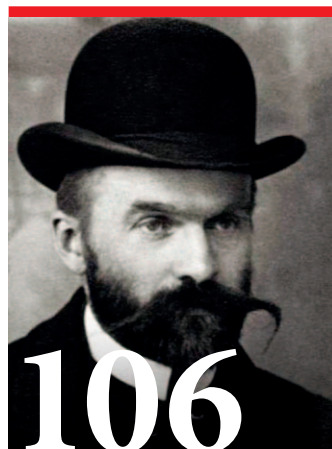


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POLAND'S FOREIGN POLICY IN THE BIDEN ERA

IZABELA WOJTYCZKA'S INTERVIEW WITH PAWEŁ SOLOCH

The opening of a new chapter and line of cooperation in Poland's relations with the United States right after the beginning of Joe Biden's presidency is what now regulates the foreign agenda of Poland and Europe. 2021 is not only the year of the evident challenges of the COVID-19 pandemic but also of two anniversaries – of the Weimar Triangle and the Visegrad Group. All this will shape the plans of individual countries towards the new Biden administration. In our interview, Paweł Soloch, Head of the National Security Bureau, speaks about relations with the US and security challenges.



HEAD OF THE NATIONAL SECURITY BUREAU PAWEŁ SOŁOCH AND EDITOR-IN-CHIEF OF THE WARSAW INSTITUTE REVIEW IZABELA WOJTYCZKA. WARSAW, FEBRUARY, 2021

WHAT ARE THE MAIN AXES OF COOPERATION BETWEEN POLAND AND THE UNITED STATES IN THE NEW REALITY – THE ERA OF JOE BIDEN'S PRESIDENCY?

Close cooperation between Poland and the US is in the interest of both Warsaw and Washington. This will not change in our relations regardless of who resides in the White House or the Presidential Palace in Warsaw. One of the main goals will certainly be implementing the Polish–American agreement on enhancing the defense cooperation. This document, ratified last year by President Andrzej Duda, is supported by the key authorities both in the US and Poland. This is what gives us confidence and stability – also in relations with the administration of President Joe Biden. Increasing US military involvement on NATO's eastern flank is of crucial importance not only for Poland but also for other countries in the region.

One of the main goals will certainly be implementing the Polish–American agreement on enhancing the defense cooperation.

Another valuable line of transatlantic cooperation is the Three Seas Initiative. It remains important to the new administration, which, like the previous one, will invest in this project. Washington treats the Three Seas Initiative in the broad context of its partnership not only with the countries interested in the Initiative but with Europe as a whole. The most important fields of cooperation are energy, transport, digital infrastructure, or current political challenges – not only on

We should expect actions to improve or intensify cooperation between the US and Germany, and this will be beneficial for transatlantic relations. Their strength and vitality are in Poland's interest.

the Old Continent. For a long time now, the Three Seas Initiative has not been seen as an insignificant project. Now we can consider it one of the pillars of the new opening of the US to Europe manifested not only by granting \$300 million to the Three Seas Initiative Fund by the Congress – which has been approved already by the new administration – or by the calls of Congress members for stronger support of the Three Seas Initiative by their president. What adds to that is the constantly growing interest of the strongest economies in this international project. Rebuilding relations between the United States and Europe is no longer just about US–EU ties. It is very important to us that the Three Seas Initiative constitutes an addition and a new dimension to them.

Another important issue is Chinese activity in Europe. Relations with China are also one of the main issues in transatlantic ties of the European Union. Before President Joe Biden was sworn in, Brussels – acting mainly under the influence of Germany and France – had signed a strategic agreement with China on mutual investments. In this context, I would like to remind you of the good relations between the presidents of Poland



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and China, manifested this year by the two talks between President Andrzej Duda and President Xi Jinping within the 17+1 format and as part of bilateral contact of the two countries.

There's also, of course, the question of relations of the US with Europe and Russia. Americans pay great attention to German–Russian ties conveyed by the symbolic and, at the same time, tangible investment – Nord Stream 2. The position of the United States remains unchanged in this respect. This initiative is of primarily political rather than economic nature and



HEAD OF THE NATIONAL SECURITY BUREAU PAWEŁ SOLOCH SPEAKS AT THE DEFENSE INDUSTRY CONFERENCE DEFENCE24DAY. WARSAW, SEPTEMBER 22, 2020.

its construction costs are enormous. At the same time, it carries a certain political threat that could lead to escalating tensions. Russia has already used the issue of gas supplies as a tool of pressure on countries in our region. Moreover, the investment will run along the Baltic Sea, which means that Germany and Russia will cooperate in protecting it. This could create dangerous precedents.

WHAT DOES IT MEAN?

We have to take into account here that there will be an attempt to reset relations between the United States and the

countries of Western Europe, especially with Germany. And we have to consider this both in the context of the presence of American troops and in terms of ties between Germany and Russia, Germany and China, and Germany and the Three Seas Initiative. But certain American interests are clear, and they are unlikely to change with regard to China or Russia. We should expect actions to improve or intensify cooperation between the US and Germany, and this will be beneficial for transatlantic relations. Their strength and vitality are in Poland's interest.



© PAWEŁ SUPERNĄK (PAP)

VISIT OF THE US SECRETARY OF STATE. US SECRETARY OF STATE MIKE POMPEO (FOURTH LEFT), PRESIDENT OF THE REPUBLIC OF POLAND ANDRZEJ DUDA (FOURTH RIGHT), DEFENSE MINISTER MARIUSZ BŁASZCZAK (THIRD RIGHT), FOREIGN MINISTER JACEK CZAPUTOWICZ (THIRD LEFT), US AMBASSADOR TO POLAND GEORGETTE MOSBACHER (SECOND LEFT), CHIEF AIDE TO THE PRESIDENT OF THE REPUBLIC OF POLAND KRZYSZTOF SZCZERSKI (SECOND RIGHT), HEAD OF THE NATIONAL SECURITY BUREAU PAWEŁ SOŁOCH (RIGHT) UPON SIGNING A DEFENSE COOPERATION DEAL AT THE PRESIDENTIAL PALACE. WARSAW, AUGUST 15, 2020

INDEED, THE FIRST STEPS OF THE BIDEN ADMINISTRATION POINT TO THE IMPROVEMENT OF TIES BETWEEN GERMANY AND THE USA. AN EXAMPLE OF THIS WAS SUSPENDING THE DECISION TO REDUCE THE US MILITARY PRESENCE IN GERMANY. SHOULD WE EXPECT MODIFICATIONS TO THE POLISH-AMERICAN RELATIONS, FOR INSTANCE IN TERMS OF ENERGY POLICY, IN THE TIMES OF THE NEW ADMINISTRATION? IN YOUR OPINION, WILL IT AFFECT THE CURRENT POLICY, FOR EXAMPLE IN TERMS OF IMPOSING SANCTIONS ON THE NORD STREAM 2 PROJECT?

American interests and a certain vision are in many ways fixed in this area. It's certainly not the aim of the United States

to weaken economic ties with Germany. It's the strongest country in Europe when it comes to the economy, which makes it one of the most serious partners for the United States on the Old Continent. For this reason, Americans treat Germany as a much more important partner than Russia. And we should talk about the Nord Stream 2 issue in this very context.

Meanwhile, Poland is trying to reduce its dependence on the Russian gas. By building alternative sources of energy, we show that there might be other possibilities. Through the construction of LNG infrastructure, the aim of which is to make Poland a hub for the region – not only to secure our own needs but also perhaps those of other countries – we prove our potential and become an attractive cooperation partner.

The will of the US Democrats to improve relations with their traditional large partners in Europe, such as Germany or France, does not necessarily mean a decrease in the intensity of Polish–American relations. I am convinced, based among others on my direct conversation with my American counterpart Jake Sullivan, National Security Advisor to US President Joe Biden, that our main projects will be continued, for example, the increase in the US military presence in Poland, plans related to energy, a common view on Nord Stream 2, the wish to cooperate in the field of nuclear energy and projects related to the members of the Three Seas Initiative. And the traditional topics of the Polish–American dialogue on security matters, which are Ukraine, Belarus, or Russia, will still be discussed.

THIS YEAR, WE ARE CELEBRATING TWO MAJOR EVENTS – THE 30TH ANNIVERSARIES OF THE WEIMAR TRIANGLE AND THE VISEGRAD GROUP. I WOULD LIKE TO REFER TO THE FIRST OF THEM. WE KNOW THAT THE TIES WITHIN THE WEIMAR TRIANGLE HAVE NOT BEEN CONSISTENT FOR SEVERAL YEARS. THE ALLIANCE OF GERMANY AND FRANCE OR PRO-RUSSIAN POLITICS IN FRANCE ARE AT ODDS WITH POLAND'S VISION OF FOREIGN POLICY. WHAT IS THEN THE PLAN FOR THE WEIMAR TRIANGLE ON ITS 30TH ANNIVERSARY?

This 30th anniversary takes place in view of the upcoming elections in Germany in the fall. Paradoxically, out of these three countries, a partner with whom long-term cooperation can be established is Poland. This is due to the ending of the electoral cycle with at least a three-year break. Some time ago we observed certain signs of France's willingness to revive the Triangle.

Unfortunately, the pandemic interfered with that. For this reason, the project of enlivening the Weimar Triangle, presented last year by President Macron during his meeting with President Duda, was not implemented. Previously, it seemed that Germany and Poland were more interested in this cooperation than France. Certainly, the Weimar Triangle has the potential to play a key role in the context of European–US relations.

CAN THE WEIMAR TRIANGLE BECOME A FORUM FOR COOPERATION AND THE DEVELOPMENT OF A COMMON AGENDA TOWARDS THE UNITED STATES?

The circles in the US associated with the current administration indicate that they envisage cooperation with Poland, which liaises with Germany in this respect. Closer teamwork of Poland, Germany, and France would be a good thing because it would be easier for Washington to manage.

We certainly need to pay more attention to the context of US–European relations and to our European partners, with whom the United States will most likely try to activate certain fields of cooperation – especially those inactive during Donald Trump's presidency. However, this does not mean that we will be marginalized. Poland and the United States have common interests at the strategic level. However, we must pay more attention to Europe in our calculations when striving to maintain a high level of relations with the United States.

WHAT IS THE PURPOSE OF THE WEIMAR TRIANGLE WHEN WE SEE TODAY THAT WE HAVE MANY OPPOSING STRATEGIC INTERESTS?

Speaking of contradictions, let's not forget that there are more strategic advantages to this cooperation. We should

Many allies inside Europe also see it this way – the notion of a European army as an initiative outside NATO serves, in fact, the weakening of transatlantic ties, and this is not what Poland or the rest of Europe needs.

remember that the French and German troops are present on the eastern flank of NATO as part of the Enhanced Forward Presence. This shows that, in practice, these countries are ready to defend our security. Of course, there are also some contradictions between us, but in different fields. The biggest problem in Polish–German relations is the issue of Nord Stream 2, a political and economic fact – precisely in that order. Nord Stream 2 is an unfavorable manifestation of German–Russian relations, and not only for Poland but also for the countries of the region. France, on the other hand, is the only EU state with nuclear weapons, it is also Europe’s largest economy after Germany. If we act together, we can achieve a lot.

IN THE CONTEXT OF THE SECURITY ISSUE YOU HAVE RAISED, I WOULD LIKE TO ASK YOU ABOUT THE EUROPEAN UNION ARMY THAT WE HEAR ABOUT FROM TIME TO TIME IN THE MEDIA. IS IT TODAY A REAL POSSIBILITY, SUPPLEMENT, OR AN ACTUAL INDIVIDUAL ENTITY?

Speaking about this today, especially in a way that leads to the undermining of transatlantic relations, including

ties with the United States, is harmful. We should say it clearly – Poland has been thinking this way for many years, and we are not alone. Not only the countries on the eastern flank but also, for example, the Scandinavian countries have a similar attitude towards this idea. Many allies inside Europe also see it this way – the notion of a European army as an initiative outside NATO serves, in fact, the weakening of transatlantic ties, and this is not what Poland or the rest of Europe needs. Besides, there are objectively no reasons to think otherwise.

It is hard to imagine that any country other than the US could provide a continent-wide assurance. It is equally difficult to imagine security or the foundation of certain mechanisms of military security in Europe without the United Kingdom, already outside the European Union. Similarly, when looking at our region or our eastern neighbors and the Baltic Sea area, we cannot imagine building a security system, also concerning the military, without cooperation with non-NATO countries such as Sweden or Finland, which are simultaneously developing close military cooperation with the United States.

For most countries, the idea of a European army without US participation is unacceptable. There is also the conviction that it is possible to treat it as a complement to the alliance with the United States, but for the time being, I cannot see such mechanisms. The primary field of cooperation between the EU and NATO today is investing in infrastructure and creating procedures to facilitate the movement and dislocation of troops – especially American ones – from the Alliance. We can talk about it in such terms but using the phrase ‘European army’ does more harm than good.



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PRESIDENT OF THE REPUBLIC OF POLAND ANDRZEJ DUDA (SECOND LEFT), HEAD OF THE NATIONAL SECURITY BUREAU PAWEŁ SOŁOCH (LEFT), CHIEF COMMANDER OF THE STATE FIRE SERVICE BG ANDRZEJ BARTKOWIAK (RIGHT), AND COMMANDER OF THE VOLUNTEER FIRE DEPARTMENT WALDEMAR PAWLAK (SECOND RIGHT) ATTEND A MEETING WITH STATE AND VOLUNTARY FIRE BRIGADES INVOLVED IN THE FIGHT AGAINST THE COVID-19 PANDEMIC. THIS IS THE THIRD OUT OF A WHOLE RANGE OF MEETINGS HELD WITH REPRESENTATIVES OF VARIOUS CIRCLES TO DISCUSS PROGRESS IN THE YEAR-LONG FIGHT AGAINST THE PANDEMIC. WARSAW, MARCH 8, 2021.

WHAT IS CLOSER TO ALL OF US IN THIS CONTEXT – AT LEAST FROM THE POLISH PERSPECTIVE – IS THE STRENGTHENING OF NATO'S EASTERN FLANK THROUGH THE B9 GROUP, AN ALLIANCE FORMED TO INCREASE SECURITY IN THE REGION.

The main success of the B9 is that, despite the initial distrust of our NATO allies, we have convinced them that the group has neither divisive nor weakening effect on the military bloc. Second, our unified voice makes other allies understand how serious the threats and challenges are in our part of Europe. The group was initiated by two states with outstanding potential – Poland

The group [B9] was initiated by two states with outstanding potential – Poland and Romania – which integrate the block between the Baltic and the Black Sea.



THE HEADQUARTERS OF THE HEAD OF THE NATIONAL SECURITY BUREAU

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and Romania – which integrate the block between the Baltic and the Black Sea. In a sense, the B9 is a military complement to the Three Seas Initiative. The vitality of the group, despite its varying sensitivities and planning, is seen in its entirety, not least because it stretches from north to south. Such massive military cooperation, including with its main partner, the United States, reduces the risk of potential conflict.

The non-NATO countries, Sweden and Finland, should be added to this since it is the line of threat stretching from the Arctic Sea through the Baltic Sea to the Black Sea.

IN LATE 2019, WE LAUNCHED THE “B9: JACU” FORUM AT THE WARSAW INSTITUTE REVIEW, WHICH BROUGHT TOGETHER WARSAW EMBASSIES AND THINK-TANKS FROM B9 COUNTRIES. IN ADDITION TO THE SUBJECT OF STRENGTHENING NATO’S EASTERN FLANK, MUCH TIME WAS DEVOTED TO CYBERTHREATS. WILL THIS BE THE MOST IMPORTANT FOCUS OF B9 TODAY?

The B9 group focuses on both traditional and emerging security threats. I think that at this stage there is a noticeable difference in sensitivity to hybrid threats across Europe. The southern countries have migration experience, whereas the countries on NATO’s eastern flank face more traditional threats. When it comes to cybersecurity, there are certainly two organizations involved – NATO and the European Union. Undoubtedly, this is something that we need to hurry up with and we should actually fight on various levels – national and supranational, or at least local. A future potential war will certainly include cyber factors. Actually, I think we will continue to face mixed threats. New dangers appear, but the old

The B9 group focuses on both traditional and emerging security threats. I think that at this stage there is a noticeable difference in sensitivity to hybrid threats across Europe.

ones are still there, an example of which is the war in Ukraine.

2021 HAS JUST STARTED, AND THERE IS ALREADY A LOT GOING ON IN THE WORLD. WHAT DO YOU THINK ARE THE MOST IMPORTANT CHALLENGES FOR THIS YEAR IN TERMS OF SECURITY?

Pandemic is a topic that will engage 80 percent of public attention for at least the next six months, if, unfortunately, not longer. I think some new dangers may arise from unrest resulting from social fatigue and stress. When it comes to our immediate environment, there is a social revolt against the rigged elections in Belarus and the ongoing Russian–Ukrainian conflict. There is the situation of positional warfare, but the balance of power can always change abruptly, as in the war in Nagorno-Karabakh. We should not ignore issues involving the Far East or China. For Poland, however, the traditional key security focus will be on the processes taking place directly east of our borders.

Thank you for the interview.

INSIDE THE US ELECTORAL COLLEGE

DANIEL POGORZELSKI'S INTERVIEW WITH OMAR AQUINO

The Electoral College in the United States is one of the most unique institutions of American democracy, albeit a perplexing one. Its 538 members, drawing from all 50 states and the District of Columbia, meet every four years for only one purpose: to select the President and Vice President of the United States of America. To help explain what this electoral body does and how it functions, we interviewed Illinois State Senator Omar Aquino (D). Senator Aquino was selected as one of the Electoral College's 20 members from the State of Illinois. We spoke with him shortly before he cast his vote in December of 2020.



SENATOR OMAR AQUINO

© COLLECTION OF ILLINOIS STATE SENATOR OMAR AQUINO



Barack Obama

SENATOR OMAR AQUINO MEETING PRESIDENT BARACK OBAMA AT THE WHITE HOUSE.

© COLLECTION OF ILLINOIS STATE SENATOR OMAR AQUINO

BEFORE WE DIVE INTO TALKING ABOUT THE ELECTORAL COLLEGE, TELL US ABOUT YOURSELF AND WHY YOU DECIDED TO GET INVOLVED IN GOVERNMENT AND POLITICS.

After I graduated from college I worked as a caseworker for low-income seniors that needed various assistance from our state such as home care services and meals. I witnessed firsthand how the policy changes that were implemented at the state level to save money would negatively affect their quality of life. It made me understand how policymakers have the ability to affect the everyday lives of people in the United States. This inspired me to run for public office. We need representation that will understand the struggles that working-class people face in their daily lives.

LIKE YOU, PRESIDENT BARACK OBAMA SERVED IN THE ILLINOIS SENATE. IS HIS LEGACY

CELEBRATED IN THE STATE CAPITOL?

It definitely is. President Obama and the work of his administration are a source of great pride for the “Land of Lincoln” and its lawmakers. Just this year the Illinois General Assembly made the decision to replace a portrait of Stephen Douglas, a controversial US Senator representing Illinois just before the US Civil War, with a portrait of Barack Obama. It is a fitting commemoration of Obama’s public service on behalf of the citizens of the State of Illinois.

YOU HAVE BEEN TO THE WHITE HOUSE BEFORE. HOW DID THAT COME TO PASS?

In late 2016, before President Barack Obama left the White House, he invited a number of elected officials and community members that played a pivotal role in his early political career. I attended the reception with David Feller, a well-known political operative from

Chicago who worked alongside Obama for almost a decade, where we both met with the 44th president and enjoyed an engaging conversation. It was an incredible experience, an honor that was further distinguished by virtue that the president not only came from Chicago, but also served in the same legislative body that I myself currently serve.

MOVING ON TO THE MAIN TOPIC OF OUR INTERVIEW, GIVE US SOME BACKGROUND ON THE ELECTORAL COLLEGE, ITS HISTORY, AND HOW IT FUNCTIONS.

In 1787 our country's founding fathers held a constitutional convention during which one of the hardest debates to resolve would be how we would elect our nation's president. After months of going back and forth with various solutions, the founding fathers settled on a compromise known as the Electoral College. This system calls for the creation, every four years, of a temporary group of electors equal to the total number of representatives

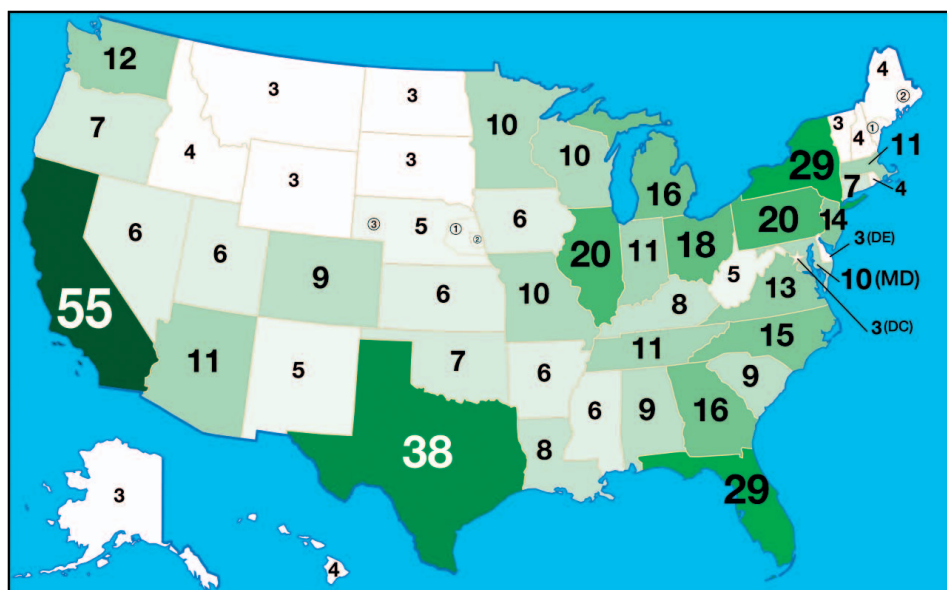
in Congress. It is these electors, and not the American people, who vote for the president. In modern elections, the first candidate to get 270 of the 538 total electoral votes wins the White House.

WHERE IS THE ELECTORAL COLLEGE MENTIONED IN THE US CONSTITUTION?

The Electoral College can be found mentioned in Article II, Section 1 of the US Constitution as well as the 12th Amendment. These sections of our constitution allow for the creation of the Electoral College and give the states the authority to decide how their presidential electors will be chosen.

HOW DID YOU COME TO BE APPOINTED AS AN ELECTOR IN THE ELECTORAL COLLEGE?

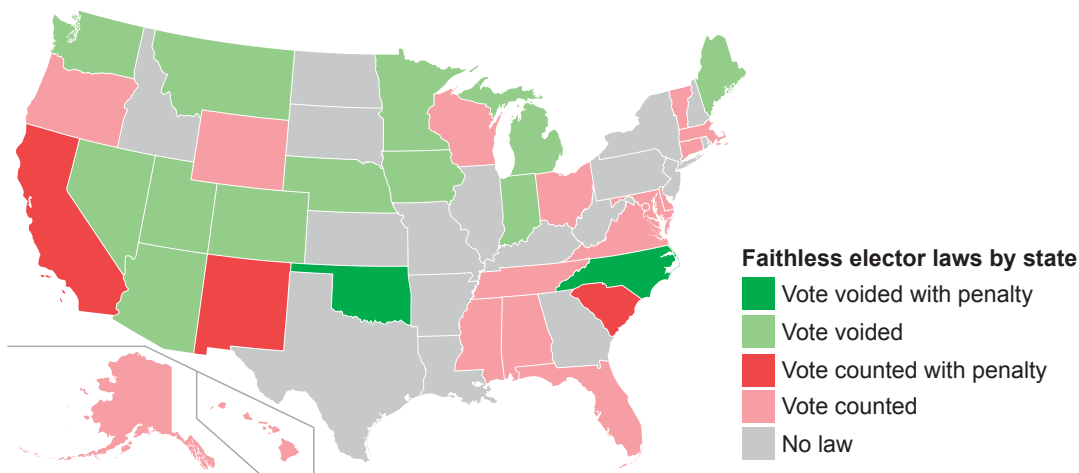
Congressman Jesus Garcia of Illinois was appointed an elector by the Democratic Party of Illinois' state central committee back in July of 2020. But as the aforementioned Article II, Section



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ELECTORAL MAP 2020

ELECTORAL VOTES, OUT OF 538, ALLOCATED TO EACH STATE AND THE DISTRICT OF COLUMBIA FOR PRESIDENTIAL ELECTIONS HELD IN 2012, 2016 AND 2020, BASED ON CONGRESSIONAL REPRESENTATION, WHICH DEPENDS ON POPULATION DATA FROM THE 2010 CENSUS. EVERY JURISDICTION IS ENTITLED TO AT LEAST 3. IN MAINE (UPPER-RIGHT) AND NEBRASKA (CENTER), THE SMALL CIRCLED NUMBERS INDICATE CONGRESSIONAL DISTRICTS. THESE ARE THE ONLY TWO STATES TO USE A DISTRICT METHOD FOR SOME OF THEIR ALLOCATED ELECTORS, INSTEAD OF A COMPLETE WINNER-TAKES-ALL.



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1 of our constitution states: “no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector”. This means that federally elected officials may not be appointed electors in the Electoral College. Because we hold our constitution in high regard and follow the rule of law, Congressman Garcia decided to step down from the position and asked me to take his place as an elector for the State of Illinois and I humbly accepted.

HOW ARE ELECTORS TYPICALLY SELECTED? IS THE PROCESS FOR CHOOSING ELECTORS DIFFERENT IN ILLINOIS THAN IN OTHER STATES?

The most common method of choosing electors is by state party convention. This is how we select electors in Illinois. Each political party's state convention nominates a slate of electors, and a vote is held at the convention. Those that are selected as electors are usually state legislators or other local elected officials.

HOW MANY VOTES DOES EACH STATE RECEIVE?

The United States Constitution gives each state a number of electors equal to the combined total of US representatives and US senators who represent that state in the U.S. Congress. Each of the 50 states

has a different number of electoral votes.
Illinois currently holds 20 electoral votes.

HOW MANY ELECTORAL VOTES DOES A CANDIDATE NEED TO WIN IN ORDER TO BECOME PRESIDENT?

The first presidential candidate to receive 270 electoral votes is elected president of the United States. There are a total of 538 electoral votes in the Electoral College across 50 states along with the District of Columbia.

WHEN AND WHERE DOES THE ELECTORAL COLLEGE MEET?

The Electoral College members of each of the respective states must meet in their state capitols on the first Monday after the second Wednesday of December. Thus, I will be joining my fellow Electoral College members on Monday December 14 in the Illinois state capitol in Springfield to cast my vote. The votes are then tabulated before a joint session of Congress on January 6.

WHAT HAPPENS IF NO CANDIDATE WINS A MAJORITY OF THE ELECTORAL VOTES?

In the rare scenario that no candidate wins the special winning number of 270 electoral votes then a “contingent election” is the procedure that will be

used. In this contingent election, the US House of Representatives votes for the next president while the US Senate votes for the next vice-president.

HOW ARE ELECTORAL VOTES APPORTIONED?

Electoral votes are allocated to each state by the number of senators and representatives it has in congress – two votes for its senators in the U.S. Senate plus a number of votes equal to the number of its Congressional districts. The number of each states’ congressional districts are determined by the US census that is conducted every 10 years to count the nation’s population growth.

SEVERAL US PRESIDENTS HAVE BEEN ELECTED WITHOUT WINNING THE POPULAR VOTE, INCLUDING MOST RECENTLY IN 2016.

Yes. Our 2016 presidential election between Donald Trump and Hillary Clinton is an interesting example of where we had a candidate (Clinton) that won the popular vote by approximately 3 million votes, but because Trump won the Electoral College, the presidency ended up going to Trump.

DO YOU THINK IN THIS ELECTION THERE WILL BE ANY ‘FAITHLESS ELECTORS’, UNDERSTOOD AS THOSE VOTING FOR SOMEONE OTHER THAN THE PERSON THEY HAVE PLEDGED TO?

The focus on faithless electors in the media is not too surprising, given that a number of electors in other states either voted or attempted to vote for a candidate different from the ones to whom they were pledged to in 2016. While there are no laws penalizing faithless electors in Illinois, I have faith (*pun intended) that when the time comes that every elector in our state will fulfill their duties as specified in the constitution.

IN RECENT YEARS, SOME HAVE CALLED FOR THE ELECTORAL COLLEGE TO BE ABOLISHED. DO YOU AGREE?

I agree that it’s time to start having the discussion to reform and modernize our electoral system for the benefit of the people.

ILLINOIS IS A STATE WITH A SIZABLE POLISH-AMERICAN POPULATION, INCLUDING IN YOUR SENATE DISTRICT THAT IS LOCATED MOSTLY IN THE CITY OF CHICAGO. WHAT ARE YOUR RELATIONS WITH THE POLISH COMMUNITY?

The Polish community of Chicago is a vital part of our great state. Like other immigrants who settled here, they helped build Chicago into the world-class city it is today. I have a great working relationship with members of the business, civic, and religious leaders of our beloved Polish community not only here in my district, but all over the city and state. Having grown up with countless friends who trace their heritage to the lands along the Vistula River, I have been lucky enough to learn through them about the resilient culture which Poles take such pride in.

In the last capital bill passed by the General Assembly of the State of Illinois, I am proud to have secured a grant for the Polish Museum of America for \$125,000. While the museum is located in my senate district, this priceless ark of Polish-American history, which preserves relics of patriots Tadeusz Kościuszko, Ignace Paderewski, and Saint Pope John Paul II has a significance for people throughout the world.

Daniel Pogorzelski ■
March 2021

CHINESE VACCINE DIPLOMACY

PAWEŁ PASZAK

Global crisis, inequalities between north and south, and Beijing's "window of opportunity"

Over 2.5 million people have lost their lives due to the COVID-19 pandemic that triggered the worst economic crisis since the end of World War II¹. The cumulative loss in output relative to the pre-pandemic projected path will grow from \$11 trillion over between 2020 and 2021 and next to \$28 trillion until 2025². The total toll could be even higher if to acknowledge the hidden victims of COVID-19. The mass-scale losses forced the world's mightiest countries, businesses, and research centers to make unprecedented efforts to develop an effective vaccine. As infection outbreaks

tended to recur, bringing back restrictive measures, both people and officials realized that it was best to reach herd immunity with widespread vaccination campaigns.

The world's biggest drug manufacturers rushed to develop a vaccine while governments gave them billions of dollars to fund the study. The U.S. government alone spent \$13 billion on the Operation Warp Speed³. Of course, those more likely to win the race for a vaccine are developed countries whose agencies have at their disposal both funds as well as research and development facilities. OECD members secured the delivery of vaccines much in advance, while some, such as Israel, paid more to achieve herd immunity faster. Now,

¹ A. Kose, N. Sugawara, *Understanding the depth of the 2020 global recession in 5 charts*, <https://blogs.worldbank.org/opendata/understanding-depth-2020-global-recession-5-charts>

² G. Gopinath, A. Long, *Uneven and Uncertain Ascent*, IMF, October 13, 2020, <https://blogs.imf.org/2020/10/13/a-long-uneven-and-uncertain-ascent/>

³ U.S. Department of Health and Human Services, *Fact Sheet: Explaining Operation Warp Speed*, <https://www.hhs.gov/coronavirus/explaining-operation-warp-speed/index.html>



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CHINESE AMBASSADOR TO SOUTH KOREA XING HAIMING (RIGHT) POSES FOR A PHOTO WITH JEROME KIM (LEFT), DIRECTOR GENERAL OF THE INTERNATIONAL VACCINE INSTITUTE, AT THE INSTITUTE IN SEOUL, SOUTH KOREA, AUGUST 25, 2020. THE CHINESE ENVOY DONATED 20,000 US DOLLAR TO THE INTERNATIONAL NONPROFIT ORGANIZATION DEDICATED TO DEVELOPING AND SUPPLYING VACCINES TO THOSE IN DEVELOPING COUNTRIES.

developing nations are most vulnerable because their access to the vaccine pool through the WHO-managed COVAX mechanism is limited. A report by the Economist Intelligence Unit⁴ (EIU) predicts that most developing countries will not be able to inoculate their citizens until early 2022, where in some places vaccination coverage may not be possible until 2023. OECD nations could see their mass inoculation campaigns between September 2021 and June 2022. Non-Western nations will receive their doses through the COVAX mechanism, a global initiative led by the World Health Organization.

It is planned to deliver around 1.8 billion doses to developing countries in 2021 by Western drug makers, such as AstraZeneca, Pfizer-BioNTech, and Novavax as well as

The growing vaccine inequality is most likely to affect poorer countries, which paves way for China to strengthen its influence there (...)

Johnson&Johnson and Sanofi/GSK at a later date⁵.

The growing vaccine inequality is most likely to affect poorer countries, which paves way for China to strengthen its influence there while building the country's image of a multilateral power

⁴ Vaccine nationalism means that poor countries will be left behind, The Economist, <https://www.economist.com/graphic-detail/2021/01/28/vaccine-nationalism-means-that-poor-countries-will-be-left-behind>

⁵ Gavi Vaccine Alliance, *The COVAX Global Supply Forecast*, January 20, 2021, <https://www.gavi.org/sites/default/files/covid/covax/COVAX%20Supply%20Forecast.pdf>

and the frontrunner of the global South whose leader stands ready to “build a community of common health for mankind⁶.” Since the early 21st century, the Chinese authorities have been consistent in boosting their country’s political and economic involvement in Latin America, South East Asia, and Africa. For China, vaccine diplomacy opens a new window of opportunity to solidify its footprint in these areas all the more if the world’s northern states are unable to offer a useful alternative. Vaccines – like masks and ventilators some time ago – have turned into an element of competition to win influence and prestige across the globe. With its two vaccines CoronaVac and BBIBP-CorV from the companies Sinovac Biotech and Sinopharm as well as some political aid, China will seek to use these advantages. As the pandemic broke out, the Chinese authorities put emphasis on the Health Silk Road (健康丝绸之路), an extension of the Belt and Road Initiative (BRI⁷), to build its position as a global actor in the fight against the pandemic and dim critical opinions on Beijing’s initial response to the outbreak.

Yet, Beijing’s vaccine diplomacy is not bound to succeed. Like in traditional diplomacy, it entails a series of risks that might disrupt one’s image or strain ties with foreign partners. As for Chinese vaccines, there is no transparent data allowing to objectively assess their efficacy and research methods. A coronavirus vaccine developed by China’s Sinovac has been found just 50.38% effective for mild cases in Brazilian clinical trials, according to the latest results released by researchers at the renowned Butantan Institute, a far worse result than a 78% efficacy as declared by the Chinese biopharmaceutical company. The figure is right at the bottom limit for

the country while being far below a 70% efficacy, as recommended by the World Health Organization. The CoronaVac case shows that China’s vaccine diplomacy may suffer image losses as soon as its quality-related problems or adverse events become apparent. As Chinese jabs are delivered to developing countries, and not developed ones, the risk of scandal is lower. Fragile state structures, along with Beijing’s political and economic influence, will also make it challenging to determine the actual efficiency of the Chinese vaccines. There is a risk that officials in Beijing could exert pressure on local governments not to publish any data that might harm China’s image worldwide because otherwise Beijing could withhold its loans or projects.

Nonetheless, the biggest obstacle to China’s vaccine diplomacy will be the efficiency of Western companies and their jabs whose quantity will be sufficient to reach countries through the COVAX mechanism. Chinese shots have so far occupied a minor role in the global distribution network. As of February 12, out of 9.6 billion reserved doses, around 600 million came from Chinese drug makers⁸. Also, Sanofi-GSK and Johnson&Johnson are working to develop vaccines that may solidify Western standings in the global health management system. Moreover, it is worth looking at some export possibilities of the Russian-made Sputnik V vaccine that some researchers claim to perform better than its Chinese counterparts⁹. Russian state-run media said a total of 20 countries have expressed an interest in purchasing a billion doses of the Russian jab and available data

⁶ Xi calls for building community of common health for mankind, Xinhua, March 21, 2020, http://www.xinhuanet.com/english/2020-03/21/c_138902701.htm

⁷ Health Silk Road (健康丝绸之路), <http://theory.people.com.cn/n1/2020/0324/c40531-31645276.html>

⁸ Covid-19 Deals Tracker: 8.56 Billion Doses Under Contract, Bloomberg, January 29, 2021, <https://www.bloomberg.com/graphics/covid-vaccine-tracker-global-distribution/contracts-purchasing-agreements.html>

⁹ I. Jones, P. Roy, Sputnik V COVID-19 vaccine candidate appears safe and effective, The Lancet, February 2, 2021, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)00191-4/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)00191-4/fulltext)



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PRO-GOVERNMENT SUPPORTERS SHOUT SLOGANS IN FRONT OF A PHOTO OF SERBIAN PRESIDENT ALEKSANDAR VUCIC SHAKING HANDS WITH CHINESE PRESIDENT XI JINPING. BELGRADE, SERBIA, MAY 11, 2020.

suggests that the real numbers are close to 765 million doses. Thus, Chinese vaccines saw strong competition and fueled some skepticism among potential customers who see them as a second option rather than their primary drug.

CHINESE VACCINES, OR MUCH ADO ABOUT NOTHING?

As of January 31, China offered two vaccines – BBIBP-CorV and CoronaVac – approved for general use in the country. The former is one of two vaccines developed by Sinopharm whose Phase III trials were conducted in Argentina, Bahrain, Egypt, Morocco, Pakistan, Peru, and the United Arab Emirates. The drug maker tested its vaccine abroad as at that time there was no sufficient number of the infected in the country. Sinopharm said on December 30 that its vaccine had a 79.34% efficacy rate although, like for CoronaVac, its efficacy and safety results need to be further confirmed by an independent lab, and in fact might be lower than that. The vaccine was been given “conditional” approval by Hungary, Bahrain, Egypt, Iraq, Pakistan, Serbia, and the United Arab Emirates. Its largest potential customers include Pakistan (88 million doses), Egypt (40 million), Indonesia (60 million), and Morocco (10 million).

CoronaVac, a vaccine developed by China’s Sinovac, had its Phase III trials conducted

in Brazil, Indonesia, and Turkey. At least eight countries procured some doses of the Sinovac-made vaccines, according to available data, and Indonesia has secured a deal for 125.5 million doses. Also, Turkey signed a contract to buy 100 million doses of the vaccine from the Chinese company after it had shown a 91.2% efficacy in Phase III clinical trials in the country. Brazilian researchers said the vaccine developed by China’s Sinovac Biotech is 50.38% effective based on trial data, a piece of information that fuelled concerns over its widespread use. Despite this, Indonesia, Brazil, Turkey, Philippines, and Malaysia placed an order, buying 126 million, 100 million, 100 million, 20 million and 14 million doses, respectively (as of February 12). According to data from the Chinese foreign ministry, Beijing supplies its COVID-19 vaccines to 14 countries around the globe, while the rollout may include another 38 states in the future.

CHINESE VACCINE DIPLOMACY WORLDWIDE

The rollout of widespread inoculation using Chinese shots in developing states is still at dawn, so it is too early to comment on its results. Yet, it is possible to make some first cautious hypotheses on China’s motivation, based on whether Beijing sold its vaccines, and the lesson it had learned from mask diplomacy. China has an appetite for

becoming an alternative to Western powers worldwide, especially in the eyes of developing states. But Chinese efforts to win the favor of developed countries could be doomed to failure amid discrepancies in axiological systems on which both Western and Chinese political models were founded. China's vaccine diplomacy has no chance to surface in the West whose countries have more efficient drugs at their disposal – produced locally, in the Euro-Atlantic area. This stands in stark difference to what happened in the first and second quarter of 2020 when Western-based businesses were short of capacity to satisfy the demand for medical equipment. There are also some political factors and the matter of prestige. With other countries purchasing Chinese-developed vaccines, Beijing will improve its public image and appeal for its propaganda message, according to which the West is in decline, while hailing China's political and development system. Officials and societies in developed nations cannot accept this due to the issues mentioned above and the growing rivalry between the United States and China.

The situation looks different in postcolonial countries in the south that show a somewhat hesitating stance on the West and its policy. China sees nations at the outskirts of the world politics and the economic systems as its potential partners and allies in its efforts to rebuild the international order according to Beijing's vision. Less developed countries see efforts to bridge the economic gap and improve their living conditions as a real priority, while not necessarily paying attention to the human rights policy as currently promoted by Western nations. With its vaccines, China has a chance to fill the void left by Western countries and increase its already sizeable political and financial capital in the regions in question. Any potential success of Chinese diplomatic efforts in developing countries will not result only from vaccine inequalities. Officials in the states that

secured deals with Chinese drug makers probably know what goals Beijing seeks to attain. By purchasing less efficient vaccines, they consciously take a bigger risk, hoping that this cooperation will bring some loans, direct investments, or infrastructure projects. For instance, between 2000 and 2018, China signed \$148 billion worth of credit deals with African nations¹⁰. There are similar data sets available for Latin America whose countries have secured \$137 billion in loans since 2005¹¹. As a government is becoming more dependent on Chinese money, its vulnerability to Beijing's political pressure is growing, and so is its willingness to buy Chinese jabs.

Countries that receive Chinese vaccines are mostly those for which China is the top trading partner – Chile, Brazil, Ukraine, Indonesia, Malaysia, and Singapore. In Europe, only Serbia, Ukraine, and Hungary secured Chinese-made vaccines. The decision made by Budapest and Belgrade is another manifestation of the multi-vector policy followed by Viktor Orbán and Aleksandar Vučić, who have for years done efforts to cement economic ties with Beijing. Their purchase of vaccines should come as a political investment possible to recoup in the form of new projects or preferential loans.

Vaccine promotion is an element of a broader plan to make China a key player in the global health management system and back its future health investments in countries along the Belt and Road Initiative. Networking will also facilitate the future export of medical supplies. The Joint Statement of the High-level Video Conference on Belt and Road International Cooperation: Combating COVID-19 with Solidarity on June 19, 2020, included the

¹⁰ China Africa Research Initiative, *Chinese loans to Africa*, John Hopkins University, 2020.

¹¹ K. P. Gallagher, M. Myers, *China-Latin America Finance Database*, Washington: Inter-American Dialogue, https://www.thedialogue.org/map_list/



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VIALS OF CORONAVAC COVID-19 VACCINE DEVELOPED BY SINOVAC SIT ON A TRAY AS THE NATIONAL INOCULATION PROGRAM FOR HEALTH WORKERS AND AT-RISK GROUPS KICKS OFF, AT BAMRASNARADURA INFECTIOUS DISEASES INSTITUTE IN NONTABURI PROVINCE, THAILAND, FEBRUARY 28, 2021.

demand for “availability, accessibility, and affordability of health products of assured quality, particularly vaccines, medicines, and medical supplies¹².” The declaration could serve as the first big step to cement or forge permanent trade ties between China’s medical industry and its partners through the Belt and Road Initiative. Chinese officials intend to broaden cooperation by training healthcare from partner states and setting up a network between clinics and health facilities.

Internally, vaccine diplomacy is governed by a similar logic as mask diplomacy and its primary goal is to build the CCP’s authority in society and a belief in China’s growing position in the international system. Whether vaccines are efficient or not is of secondary importance as such reports are little likely to become widespread.

CONCLUSIONS

Governments across the world now enter a decisive stage in their efforts to combat the pandemic. It remains unknown how

big China’s role – and that of its vaccines – will be in this process. Authorities in Beijing seek to ensure that aid provided to developing countries will not only result in the improvement of health situation, but also strengthen the PRC’s political and economic influence. China’s growing efforts in the global health management system seek to build its image of a “responsible shareholder” across the globe, being an attractive alternative to the West. Any potential success of China’s vaccine diplomacy will depend on whether Western nations and businesses can deliver enough doses to developing countries. As vaccine inequalities grow, Chinese vaccine diplomacy is also likely to succeed. What might also be a plausible obstacle is the dubious efficiency of Chinese jabs that protect people only to a limited extent. Despite some differences and political strains between them, Western governments and Beijing should use the resources at their disposal to tackle the crisis rapidly. While Western nations are unable to secure enough doses to their developing peers, it is best to bear in mind that China might get involved to an even greater extent.

Paweł Paszak ■
March 2021

¹² PRC Ministry of Foreign Affairs, *Joint Statement of the High-level Video Conference on Belt and Road International Cooperation: Combating COVID-19 with Solidarity*, https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/t1790079.shtml

HOW CHINA OUTSMARTED EUROPE

ALEKSANDRA RYBIŃSKA

“The United States should warm to the idea that in a world of interdependence there will be no economic decoupling with China,” states the German Transatlanticists Group at The German Marshall Fund of the United States (GMF) in a report whose title expresses the need for more ambitious relations between Berlin and Washington. According to analysts, the deterioration of these relations throughout Donald Trump's presidency caused a “strategic crisis” in Germany. Without the US, there will be no Western alliance or stable and united Europe. The only hope lies in the new US President Joe Biden as well as the leadership and political will of the successor of Angela Merkel, as she leaves the political stage this fall.



FRENCH PRESIDENT EMMANUEL MACRON ATTENDS A EU-CHINA VIDEO-CONFERENCE MEETING ALONG WITH CHINESE PRESIDENT XI JINPING, GERMAN CHANCELLOR ANGELA MERKEL, EUROPEAN COMMISSION PRESIDENT URSULA VON DER LEYEN AND PRESIDENT OF THE EUROPEAN COUNCIL CHARLES MICHEL, WHO WERE ALL TUNING IN ON VIDEO LINK. FORT DE BREGANCON, BORMES-LES-MIMOSAS, SOUTHERN FRANCE, DECEMBER 30, 2020. © SEBASTIEN NOGIER (PAP/EPA)

The desire to revive transatlantic relations does not mean, however, that Germany is ready to abandon its economic interests in the People's Republic of China (PRC), among others. In late January, at the Davos Economic Forum, the German Chancellor made it clear that Europe should not choose sides in the trade dispute between Washington and Beijing. "I would very much wish to avoid the building of [Cold War] blocs. I don't think it would do justice to many societies if we were to say this is the United States and over there is China and we are grouping

around either the one or the other," she stressed¹. Simultaneously, she agreed with the words of the Chinese leader Xi Jinping and said that "we see a need for multilateralism." As she added, this multilateralism is reflected, among others, in the China-EU Comprehensive Agreement on Investment (CAI), which was signed in December 2020 under pressure from Berlin and Paris. The head of the German government pointed out that she is "so satisfied" with this deal. It seems that Germany

¹ *Merkel sides with Xi on avoiding Cold War blocs*, Politico, January 26, 2021, <https://www.politico.eu/article/merkel-sides-with-xi-on-avoiding-cold-war-blocs/>.



EUROPEAN COUNCIL PRESIDENT CHARLES MICHEL (LEFT) ATTENDS THE 'EU-CHINA LEADERS' MEETING VIA VIDEO CONFERENCE. BRUSSELS, BELGIUM, SEPTEMBER 14, 2020.

wants to “have a cake and eat it too” – to improve transatlantic relations and parallelly develop trade relationships with the PRC. The question is whether this is possible, given that the current status quo, beneficial to Germany, is not accepted by either China or the US.

CHANGE THROUGH TRADE

As noted earlier, Berlin’s (and Paris’) aspiration to normalize relations with Beijing was reflected in the CAI, concluded after seven years of painstaking negotiations marked by Beijing’s lack of interest. The signing of the agreement was so unforeseen that it astonished even the most experienced

analysts². Although the asymmetry in trade relationships between Europe and the PRC has been discussed for years, and the European Union has been trying to cope with it just as long, so far, China was reluctant to open its economy to European investors. The German public broadcaster *Deutsche Welle* described the atmosphere of June’s EU-China summit as “frigid” – not even one joint press release was issued throughout it. An earlier summit was canceled, officially because of the COVID-19

² Dempsey J., *Is the EU-China Deal a Mistake?*, Carnegie Europe, January 7, 2021, <https://carnegieeurope.eu/strategieurope/83572>.



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pandemic, but unofficially due to Beijing's lack of interest³.

So why was the agreement eventually concluded? The reasons may include the desire to underline the “strategic autonomy” of Europe, an idea stemming from Gaullism that French President Emmanuel Macron has been talking about for years, and to establish relations with the PRC before Joe Biden is sworn in as President of the United States. Consequently, it would provide French and German companies, such as Daimler, Merck, or Airbus, with the best

³ Bielecki T., *Lodowata atmosfera na spotkaniu UE z Chinami*, Deutsche Welle, June 22, 2021.

HOW CHINA OUTSMARTED EUROPE

possible access to the Chinese market⁴. In 2020, China edged out the United States as the European Union's largest trading partner, with a trade turnover of EUR 500 billion. Furthermore, Paris and Berlin feared that their companies would lag behind the American or Asian ones following the establishment of the Regional Comprehensive Economic Partnership (RCEP) by China in November 2020 between 15 Asia-Pacific nations (including New Zealand and Australia) and the “phase one” trade deal between Beijing and Washington, concluded in February 2020.

From the standpoint of Berlin and Paris, China and the US sometimes get along and occasionally argue, so being stuck between the two may be quite undesirable in the long run. Stepping out of line seemed to be the wisest idea from this perspective. Some analysts also point to the policy of change through trade that is a part of German politics since Willy Brandt's *Ostpolitik* and as a result of which Germans do not mind autocracies, kleptocracies, or theocracies as long as they are able to do business with them – in the name of political realism and preserving peace⁵. Eventually, German democratic principles will reach even the most distant autocracies along with German goods.

It is true that a number of German social democrats still believe that Brandt's policy, i.e., doing business with the East German dictatorship, contributed to the unification of Germany. But that happened a long time ago, and China is not East Germany. The world has

⁴ Ewing J., Myers S.L., *China and E.U. leaders strike investment deal, but political hurdles await*, The New York Times, December 30, 2020, <https://www.nytimes.com/2020/12/30/business/china-eu-investment-deal.html>.

⁵ Szabo S.F., *No Change Through Trade*, Berlin Policy Journal, August 6, 2020, <https://berlinpolicyjournal.com/no-change-through-trade/>.

The PRC is known for using the so-called hard power instruments such as punitive tariffs it imposes on trading partners for expressing harsh criticism of Xi Jinping's policies.

changed since then, and the change through trade policy, applied to post-Soviet Russia, has not produced any tangible results to date. On the contrary, Vladimir Putin stays strong while Berlin is co-financing his rule through the Nord Stream 1 and 2 projects. Already in the early 2000s, during Gerhard Schröder's chancellorship, the German SPD began to abandon *Ostpolitik*.

Change through trade has been replaced by mere hypocrisy. Berlin pretends to care about the state of democracy in Russia or China as long as it can do business with them. Nobody in Berlin believes – despite declarations in this matter, for instance those of Minister for Economic Affairs Peter Altmaier – that China will democratize as a consequence of buying German cars⁶. This is a smokescreen expected to cover Berlin's ruthless pursuit of interests. The German car manufacturers have just emerged from a serious crisis and need new markets. Angela Merkel refrains from criticizing Beijing for its brutal actions

related to Hong Kong or the Uyghurs not because she believes that free trade leads to political freedom, but since she fears the economic consequences of such action. The PRC is known for using the so-called hard power instruments such as punitive tariffs it imposes on trading partners for expressing harsh criticism of Xi Jinping's policies. This has happened to Australia quite recently⁷. Moreover, China believes that “it is the center of the world, and the rest are smaller or bigger barbarous lands,” as Michał Lubina, PhD, an expert on Russia and the Far East from the Jagiellonian University, stressed numerous times.⁸

AN AFFRONT TO THE US

According to Beijing, China should influence Europe, that “rotten continent,” as Chinese Communist Party (CCP) politicians underlined in the face of the pandemic, and not the other way around. The political elite in Berlin is very much aware of the Chinese perspective. Statements by German politicians about change through trade, multilateralism, or the stability of the world order should therefore be regarded as elements of political theater. However, this does not mean that Berlin did not have political motivations to conclude the CAI. In fact, it did have.

Germany wants to maintain the current status quo for as long as possible, to be an “honest broker” between Washington and Beijing, an indispensable part of the new global jigsaw puzzle. Certainly, the PRC had its reasons for accepting Europe's offer and concluding the CAI despite its earlier reluctance to do so. When it became clear that Joe Biden would replace

⁶ Karnitschnig M., Hanke Vela J., *Germany's Altmaier defends Berlin's muted response to China's crackdown in Hong Kong*, Politico, July 15, 2020, <https://www.politico.eu/article/peter-altmaier-defends-berlins-muted-response-to-chinas-crackdown-in-hong-kong-germany/>.

⁷ *Potential tariffs not punishment but wake-up call to Australia*, The Global Times, May 12, 2020, <https://www.globaltimes.cn/content/1188187.shtml>.

⁸ Lubina M., *Chiny zdominują świat? Ekspert: to nie takie pewne*, Deutsche Welle, June 16, 2020, <https://www.dw.com/pl/chiny-zdominuj%C4%85-%C5%9Bwiat-ekspert-to-nie-takie-pewne/a-53193124>.



GERMAN CHANCELLOR ANGELA MERKEL (LEFT) AND GERMAN MINISTER OF ECONOMY AND ENERGY PETER ALTMAIER TALK DURING A SESSION OF THE GERMAN PARLIAMENT BUNDESTAG ON A GOVERNMENT DECLARATION ON THE ANNUAL ECONOMIC REPORT 2021. BERLIN, GERMANY, JANUARY 28, 2021.

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Donald Trump and pursue the same, if not tougher, policy towards China, Beijing decided to give in to Brussels and make the deal possible. Since Chinese companies already have full access to the European market and intend to squeeze as much as possible out of it, the benefits of the deal for Beijing must be political.

Firstly, it provides legitimacy for the communist regime, not only in the internal market, at the moment when Beijing's image has been badly damaged by the pandemic, riots in Hong Kong, and persecution of Uyghurs. Secondly, and perhaps most importantly: the Chinese authorities hope that the agreement will prevent the establishment of a united anti-China alliance, i.e., permanent coordination of policy towards China by the EU and the US. The last round of

negotiations was attended by Xi Jinping himself, which shows that China wanted to strike a deal in the limbo period between the end of Trump's presidency and the beginning of Biden's one. Beijing wants to warn Washington that it will not surrender but instead cause disagreement between Europe and the US. China has also taken advantage of the Germany's need to achieve success during these hard times and when the European Union is torn apart by disputes over the rule of law, finances, and the response to the COVID-19 crisis.

In comparison to the US, Beijing has thus strengthened its position and deepened mistrust in transatlantic relations. Moreover, it has secured further European investment, aiming to sustain economic and technological development. This

In 2019, after years of strengthening economic ties with the PRC, the EU adopted a new strategy on China, in which it was labeled as a “systemic rival.” Brussels formulated a tougher policy towards Beijing on the basis of the very same reasons as the US.

means, of course, that relations with China will be one of the main points of contention between the EU and the Biden administration, whose pressure on Europe will be harder to ignore than the one of Trump. Simultaneously, economic interdependence with China will increase, making European companies more prone to pressure from Beijing⁹. And yet, this is not how it was supposed to be.

In 2019, after years of strengthening economic ties with the PRC, the EU adopted a new strategy on China, in which it was labeled as a “systemic rival.” Brussels formulated a tougher policy towards Beijing on the basis of the very same reasons as the US. These include deepening authoritarianism under Xi Jinping; the abandonment of hopes for meaningful economic reform; the reassertion of the role of the CCP

throughout societal and economic life; the externalization of the problematic political and economic practices through the Belt and Road Initiative (BRI); and the aggressive trading strategies, such as Made in China 2025¹⁰.

The conclusion of the CAI should therefore be considered a huge strategic and diplomatic success for Beijing. Jake Sullivan, the US National Security Advisor, sought to influence the negotiations, but his objections were ignored. Some of the critics, including the German Greens, believe that China outplayed the EU and point to price dumping by China, the forced labor of Uyghurs in Chinese factories, and the aggressive policy of the PRC in the South China Sea, which Beijing will probably not abandon, no matter what was promised to the Europeans.

OPTIMISM OR NAIVETY?

The CAI was supposed to solve the first two of these problems, at least partially. But did that actually happen? The EU claims that the deal will discipline Chinese state-owned corporations and force them to obey the international rules. Moreover, Beijing will be obliged to improve access to its market for EU investors in the automotive industry, health services, telecommunications/cloud services, as well as transport and engineering services in the construction industry. Additionally, Europeans are to be protected from forced technology transfers, which are required from foreign investors in China, and gain greater transparency on Chinese subsidies.

In short, the agreement aims to remove asymmetries in market access between the EU and China and ensure fair

⁹ Lubina M., *Chiny zdominują świat? Ekspert: to nie takie pewne*, Deutsche Welle, June 16, 2020, <https://www.dw.com/pl/chiny-zdominuj%C4%85-%C5%9Bwiat-ekspert-to-nie-takie-pewne/a-53193124>.

¹⁰ *The meaning of systemic rivalry: Europe and China beyond the pandemic*, European Council on Foreign Relations, May 15, 2020, https://www.ecfr.eu/publications/summary/the_meaning_of_systemic_rivalry_europe_and_china_beyond_the_pandemic.

competition. Except that China already made similar pledges 20 years ago, when it joined the World Trade Organization (WTO), and failed to fulfill them. The exposure of democratic market economies to undemocratic state capitalism proved fatal. Now, the PRC is essentially offering the same old concessions as brand-new ones¹¹. As a result of the agreement, however, the Chinese market will remain far less open to European companies than the European market is to Chinese companies. Moreover, the transparency in state subsidies will only be imposed in the services sector, while most European investment in China relates to the manufacturing sector. As far as cars are concerned, the increased market access applies only to new investments in electric vehicles, while in the telecommunications sector, it cannot exceed a 50% equity cap.

In terms of the rest of the agreement, namely labor law, climate protection, or sustainable development, Beijing promised to try to implement them. The deal does not provide for any sanctions should that not happen. However, it is hard to imagine a better treatment of free trade unions or Uyghurs in China at this stage. Consequently, the EU gained very little from China. It approached the deal, to say the least, with a fair amount of optimism (or naivety), given China's track record of respecting the agreements, its recent trade dispute with Australia, which was severely affected by punitive tariffs introduced by Beijing as a consequence of using "Wuhan virus" term, or how it handled the situation in Hong Kong.

Now, the question remains how to accommodate the positions of Washington and its partners on the Old Continent.

Some American analysts convince the Europeans that they cannot have the US security umbrella on the one hand and closer, even if only trade, relationship with the PRC on the other. Currently, Germany is in a particularly difficult position. It depends on the United States for its defense, Russia for its gas supplies, and on China for its industrial exports. This triad will prove increasingly problematic for Berlin in the coming years, regardless of its relations with Joe Biden¹².

It would not be true to say that there were no objections to the signing of the CAI on the European side. During a meeting of the 27 ambassadors to the EU, the Belgians and the Dutch, among others, expressed doubts about the clauses concerning human rights. In turn, Poland criticized Berlin for the rush and argued that it would be better for the EU to postpone the conclusion of the agreement until this matter is discussed with the United States after Biden takes over the White House. Warsaw claimed that the deal with China should take into account transatlantic relations. However, these arguments were not considered.

TO MAINTAIN THE STATUS QUO

As a result, Poland is in a difficult situation. After all, it is no secret that it is dependent on the US for its security. Furthermore, during Donald Trump's presidency, Warsaw managed to gain, for instance, an enhanced US military presence on NATO's eastern flank. America has also contributed to Poland's energy independence through LNG supplies. In politics, nothing comes for free. In return, potentially deeper cooperation with the PRC had to be abandoned.

¹¹ Rachman G., *Europe has handed China a strategic victory*, The Financial Times, January 4, 2020, <https://www.ft.com/content/2d759671-0b1d-4587-ba63-7480990f0438>.

¹² Lightfoot J., *Germany may not like the American messenger. But it should heed his message*, The Atlantic Council, June 26, 2020, <https://www.atlanticcouncil.org/blogs/new-atlanticist/germany-may-not-like-the-american-messenger-but-it-should-heed-his-message/>.

Trump took advantage of the divisions in Europe and split the EU into two parts – the good and the bad. It was quite an effective strategy and, even though Biden declared that he intends to put agreement and consensus first, there is no reason why the new president would not continue this approach. This means that Washington's mounting pressure on European countries in the matter of China will not change at all. This, again, will put Poland in a tight spot having to choose between Brussels (the European partners) and the USA. Likewise, there will be enormous pressure on Poland from Paris and Berlin to help in maintaining the current status quo, which, according to German experts, is good for Poland just as much as for Germany. According to Thomas Kleine-Brockhoff, PhD, Vice-President of the German Marshall Fund, Poland "needs stability even more than Berlin does." In his opinion, this stability is the source of Poland's prosperity after 1989. This is true, but would it stop China's growth? By no means. There is no guarantee that – despite Berlin's efforts – the current order, which Beijing and Washington reject, can be maintained. Germany's current diplomatic game is therefore risky. For it and for Poland.

European politicians justify their decision to enter into an investment agreement with China on the grounds that sovereign decisions need to be made. According to them, the US did not seek the EU's consent for its trade agreement with Beijing. Except the United States has the means to force Beijing to honor the agreement. What instruments does the EU have? China is interested in the European market. However, we all know that the EU would have to fear harsh retaliation if it tried to limit Beijing's access to the EU market.

According to information revealed by the German weekly *Wirtschaftswoche*, Xi Jinping convinced Angela Merkel to the CAI by promising her to open

the Chinese mobile services market to Deutsche Telekom. However, in exchange, telecommunications company China Mobile will be able to enter the German market. This will allow Germany's critical infrastructure to be infiltrated by the Chinese. Moreover, the newspaper claims that France has also arranged various "side benefits" in the CAI for itself¹³. We will all pay the price for this short-sighted policy aimed at generating immediate profits for Western European corporations.

This is, in fact, the key moment when, together with the US, it is still possible to force China to respect the basic terms and conditions of cooperation as well as international order. Soon it could be too late for that, especially if mistrust between Europe and the USA develops. The EU hopes that the conclusion of the CAI is just the beginning and that in the coming months, all the difficulties could be resolved, and matters clarified (i.e., China needs to be forced to make further concessions) prior to the expected ratification of the CAI in 2022 (under the French Presidency of the EU). Whether this strategy will succeed, however, is more than doubtful. A single investment agreement will not transition China from autocracy to democracy. It will also not eliminate discriminatory practices that China seeks to continue as they are in its interest. Certainly, however, Biden's administration will formulate its China policy from a much weaker position – and it will owe this to its allies on the Old Continent¹⁴.

Aleksandra Rybińska ■
March 2021

¹³ Wettach S., *Guter Geheimdeal – oder gefährliches Spiel*, *Wirtschaftswoche*, January 12, 2021, <https://www.wiwo.de/my/politik/ausland/chinesisch-deutsche-zusammenarbeit-guter-geheimdeal-oder-gefaehrliches-spiel/26775380.html>.

¹⁴ Dempsey J., *Is the EU-China deal a mistake?*, *Carnegie Europe*, January 7, 2020, <https://carnegieeurope.eu/strategieurope/83572>.

WHAT COULD BIDEN'S ELECTION VICTORY MEAN FOR EUROPE?

TOMASZ GRZEGORZ GROSSE, PROFESSOR

Joe Biden's assumption of the US presidency following the outgoing President Donald Trump's leadership heralds changes in the policy of the largest Western power. This article aims to analyze the impact of the changing of the guard in Washington on the European Union and its geopolitical, economic, and political consequences. America would like to mobilize European allies to a common containment of China, and will also refer to collective transatlantic values to a greater extent. In the latter case, the influence of the new administration on integration processes may turn out to be particularly pernicious.



**US PRESIDENT JOE BIDEN MAKES REMARKS ON THE ONGOING
COVID-19 PANDEMIC IN THE STATE DINING ROOM OF THE WHITE HOUSE.
WASHINGTON, DC, USA, MARCH 2, 2021.**

THE EXPECTED RAPPROCHEMENT BETWEEN THE FORMER ALLIES

Joe Biden's assumption of power in the United States was greeted with enthusiasm in Berlin. The new administration had high hopes to renew alliance ties with Europe. The US treats Germany as its crucial partner since it is of growing importance to the European Union's policies while also seen as more friendly to America than, for example, French elites. However, the renewal of transatlantic relations will come mainly in rhetoric and gestures. What remains a problem is big structural differences between the two sides of the Atlantic.

For enthusiasts of rapprochement between the US and the EU, the essential thing is the will to rebuild mutual relations after the difficult presidency of Donald Trump. Biden declared the United States' return to the climate pact and the World Health Organization, which was what the EU had expected. Moreover, politicians on both sides of the Atlantic announced their wish to reform the World Trade Organization. Biden's presidency also creates a chance for the US to again comply with the agreement with Iran. This, however, will not be easy with Tehran's violations of the nuclear arrangements and its support for terrorist groups. Nevertheless, it is possible to remove US sanctions from European companies doing business with the ayatollahs' regime.

STRUCTURAL DIVERGENCES

The first structural factor that may hamper transatlantic rapprochement is the image of America in Western Europe. Only 26 percent of Germans have a favorable opinion of the US. What is more, they tend to see relations with France more positively¹. In a survey, Germans were in favor of developing cooperation with Russia

¹ *US Image Plummets Internationally as Most Say Country Has Handled Coronavirus Badly*, Pew Research Center, Washington, September 2020, p. 3.

For enthusiasts of rapprochement between the US and the EU, the essential thing is the will to rebuild mutual relations after the difficult presidency of Donald Trump.

and China, while a majority of respondents wished to limit relations with the US². According to a Pew Research Center poll³, only a third of Germans felt that the United States respects civil liberties and human rights. Influential journalists regard America as a country having serious trouble with democratic standards and on the verge of civil war⁴. This shows that as far as values are concerned, the German society is increasingly critical of the Atlantic alliance. The Germans also lack confidence in the long-term credibility of America.

The second structural factor is economic differences. These include the years-long dispute over subsidies for Boeing and Airbus. A recent noteworthy moment of this conflict was the increase in tariffs on aircraft-manufacturing parts and wine imported from Europe, a decision made in late December 2020 by one of the US agencies. The new administration in Washington will have to take on the challenge of a \$170 billion trade deficit

² *Americans and Germans Disagree on the State of Bilateral Relations, but Largely Align on Key International Issues*, Pew Research Center, Washington, March 2019, pp. 5, 10.

³ *US Image Plummets ...*, op. cit., p. 8.

⁴ K. Brinkbäumer, S. Lamby, *Im Wahn: Die amerikanische Katastrophe*, C.H. Beck, Munich 2020.

with the EU. With that comes the conflict over US food imports to EU member states as well as other delicate issues. Another factor is disagreements over the taxation of US Internet companies in the EU and other efforts Brussels is making to break their dominance in the bloc's internal market. Most experts do not believe that it will be possible to return to negotiations on investment and trade partnerships. It is doubtful that Europe will meet the American expectations to decouple technologically the West from the People's Republic of China (PRC), though the Trump administration managed to discourage many EU countries from using the Chinese-made 5G technology.⁵

It is worth looking at the German EU presidency's hectic efforts to sign an investment agreement with China as soon as possible. The Germans aspired to open the Chinese market for European cars, especially electric ones, as well as for IT, financial, and health services. They also sought to reduce the forced technology transfer to China – which had previously been a necessary condition to access this market. Another essential goal of the German presidency was attempts to reduce the amounts of Chinese subsidies for domestic companies, or at least to make them more transparent. Nevertheless, Biden's representatives looked at the haste of Europeans in their negotiations with the utmost concern. Such a rush means that a common transatlantic front aiming to force the PRC to comply with the rules of reciprocity in relations with the West is less likely. What was important for Chinese negotiators were not only economic, but also geopolitical issues. Their goal was to drive a wedge between the EU and the US to prevent them from forming a joint anti-China alliance. Therefore, Beijing

decided to make concessions to conclude an agreement with the European Union before Biden's team took power in Washington. Another factor is that Germany does not want to accept the American sanctions imposed on the Nord Stream gas pipeline and plans to complete its expansion. This problem goes far beyond economic interests.

The third factor causing transatlantic divergences is geopolitics. This aspect is best illustrated with the demand for strategic autonomy that French elites advocated for many years. They believe that the EU should increase its independence from NATO and Washington. For some members of the German elite, this demand is too far-reaching because Europe alone does not have sufficient military capabilities. According to Germany's defense minister, European defense capabilities development should aim to complement NATO forces and not replace them⁶. Annegret Kramp-Karrenbauer's statement triggered strong opposition from Emmanuel Macron, who considered it to be a historical misinterpretation⁷. Many French and German commentators also contributed to the discussion saying that the United States would gradually reduce its involvement in Europe. They thereby argued that there is a need to build European sovereignty, a separate geopolitical pole having its own potential in key economic and security sectors. What lies behind this strategic thought are mainly German and French benefits, including their industry-related interests. The greatest emanation of Europe's strategic autonomy is that French and German leaders do not want to support American goals in

⁵ M. Scott, *How Trump won over Europe on 5G*, Politico, 4.02.2021, <https://www.politico.com/news/2021/02/04/trump-europe-5g-466016> [28.02.2021].

⁶ A. Kramp-Karrenbauer, *Europe still needs America*, Politico, November 2, 2020, <https://www.politico.eu/article/europe-still-needs-america/> [Accessed on 29.01.2021].

⁷ *The Macron Doctrine. A Conversation with the French President*, Le Grand Continent, November 16, 2020, <https://geopolitique.eu/en/macron-grand-continent/> [Accessed on 29.01.2021].



CHINESE PRESIDENT XI JINPING (RIGHT) SHAKES HANDS WITH RUSSIAN PRESIDENT VLADIMIR PUTIN (LEFT), DURING A MEETING ON THE SIDELINES OF THE 11TH BRICS SUMMIT. BRASILIA, BRAZIL, NOVEMBER 13, 2019.

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confrontation with China or Russia, on the contrary, they are interested in developing relations with Beijing and Moscow, at least in the economic field.

THE RADICALS' OFFENSIVE

After Donald Trump's supporters had invaded the US Capitol, the liberal media did not focus on the surprisingly poor security of the Congress and how it should be improved in the future. Instead, they took the opportunity to crack down on Trump and his enthusiasts. By referring to them as terrorists⁸, Joe Biden placed them outside the category of democratic politics. The president's Twitter and Facebook accounts were deactivated. Trump's impeachment proceedings started although he already ended the term as U.S. president. It is hard not to see this as an attempt to

destroy the political future of both Trump and Trumpism.

Many American sociologists are studying the disappearance of the middle class in the United States, the existence of which – until now – served as the basis of the stability of this democracy⁹. Another factor is the health and economic crises, which have increased radical moods on both sides of the political spectrum. However, the liberal establishment and its associated media did not treat the protests of the left and the right on equal terms. BLM's or Antifa's violent street demonstrations got their legitimacy, while Trump's supporters were dragged through the mire. Biden's success was due, among other things, to the offensive of the progressive left and its support by the liberal elite, which, to some extent, made

⁸ L. Barrón-López, N. Bertrand, *Biden vowed to defeat domestic terrorism. The how is the hard part*, Politico, January 20, 2021, <https://www.politico.com/news/2021/01/20/biden-domestic-terrorism-460832> [Accessed on 29.01.2021].

⁹ T.A. Sullivan, E. Warren, J. Westbrook, *The Fragile Middle Class: Americans in Debt*, Yale University Press, New Haven 2001; P. Temin, *The Vanishing Middle Class. Prejudice and Power in a Dual Economy*, Cambridge 2017.

the president a hostage to the extremist factions in his party. In consequence, further measures will be taken to stigmatize and exclude right-wing radicals from politics. This, however, will rather deepen internal polarization and destabilization in the greatest superpower of the West. As progressive left-wing demands are more and more often part of Washington's foreign policy, this might impede the ties between the United States and some of its allies.

Just as Trump's success radicalized the right in Europe a few years ago, the counteroffensive of Biden and the progressive left will embolden politicians with similar agendas on the Old Continent. European studies point to two critical stages in the development of integration. In the first of them, it was possible to make advances by their decoupling from electoral politics in member states – the process referred to as “permissive consensus” as early as in 1970¹⁰. However, it was impossible to permanently depoliticize European affairs given the growing EU's democratic deficit. The referendums on the European constitution and the euro area crisis led to the “awakening of the sleeping giant,” as Peter Mair put it¹¹, and thus a mass interest in integration on the part of voters. This gave rise to the second phase of integration – the politicization of European affairs. Scholars¹² have referred to this phase as “constraining dissensus” because it had a negative impact on the integration process. It was precisely because of the politicization of the migration crisis among voters that it was difficult for politicians

to face this problem. At the same time, there was a growing conviction among pro-European elites that conservative and Eurosceptic groups were blocking anti-crisis solutions.

THE THIRD STAGE OF INTEGRATION

In recent years, the European Parliament has become the arena of two outbursts of political emotions referred to as “protest-based politics”¹³. First, we witnessed an anti-European rebellion of groups opposing the current integration line – its centralization and federalization. These factions demanded a return to the “Europe of Homelands” model, understood as an integration that is subsidiary to states and respects weaker EU members' sovereignty. This was followed by a strong opposition to Euroscepticism, which targeted mainly national, conservative, and Christian Democrat parties.

This is how the third phase of European integration started, described as the response of pro-European elites to the disruption of integration progress. The cure was to be its even greater politicization, or, more precisely, the mobilization of pro-European voters around liberal and left-wing values. In line with the neo-functional assumptions the hope was to transfer social loyalty from member states to the EU and Europeanize social identifications¹⁴. The counteroffensive had a weapon consisting of ideologizing the European project, also by pushing the opponents to the margins of political life in Europe and even excluding them gradually from mainstream politics. This was to be achieved by stigmatizing them as populists and autocrats. According to Frank

¹⁰ L.N. Lindberg, S.A. Schein-Gold, *Europe's Would-Be Polity: Patterns of Change in the European Community*, Prentice-Hall, Englewood Cliffs 1970.

¹¹ P. Mair, *Political Opposition and the European Union*, Government and Opposition 42 (1), 2007, pp. 1–7.

¹² L. Hooghe, G. Marks, *A Postfunctional Theory of European Integration: From Permissive Consensus to Constraining Dissensus*, British Journal of Political Science 39 (1), 2009, pp. 1–23.

¹³ S. Vasilopoulou, K. Gattermann, *Does politicisation matter for EU representation? A comparison of four European Parliament elections*, Journal of Common Market Studies, 2021.

¹⁴ T.A. Börzel, T. Risse, *From the euro to the Schengen crises: European integration theories, politicization, and identity politics*, Journal of European Public Policy, 25 (1), 2018, pp. 83–108 [86].

Schimmelfennig, in the second decade of the 21st century, European actors tried to manage the politicization of European affairs, either by reducing or stimulating it, depending on the situation¹⁵. However, such strong emotions and political polarization that accompany politicization can easily get out of politicians' control. This is why the left-wing offensive in Europe may prove dangerous for integration.

According to Michael Zürn, a division between proponents of cosmopolitanism and politicians making references to the superior role of the national community became an axis of political dispute in the EU¹⁶. Advocates of cosmopolitanism sought to base European integration on universal human rights, most often touching on liberal and leftist political values. The offensive of the left-wing circles pointed out to identity politics – sometimes referred to as “culture war” by journalists. The idea was to fuel European identification by making references to the categories of “friend” and “foe,” where the pro-European forces were to be the left and the rivals – the conservatives and Christian Democrats.

This is how the two main axes of political disputes in 21st century Europe merged – the left-right divide on the one hand and the Euro-enthusiastic and Eurosceptic parties division on the other¹⁷. Left-wing and liberal factions appropriated the name of pro-Europeanism and thus saw the advantages of the European project

as a merit of the ideas and values coming exclusively from their own political camp. On the other hand, the conservatives and Christian democrats have been labeled opponents of integration, although most of them support integration but only demand to implement its slightly different version. Furthermore, Christian Democrats are among the founding fathers of the European Communities as they had a considerable influence on initiating integration process in post-war Europe.

The left-liberal offensive intended to paralyze the advocates of a subsidiary and decentralized Europe. It aimed to make it more difficult for right-wing politicians to contest the pro-European *avant-garde* supporting progressive centralization of the European project. Such a system resembles a federation but is actually controlled by the most powerful member states – Germany and France. It may also turn into a system with fewer and fewer democratic standards, as it systematically excludes certain political groups from influencing the power in a given country and in the EU.

STRATEGIC CONSEQUENCES

Biden's electoral success foreshadows the warming of transatlantic relations, at least as far as declarations and political values are at stake. The Americans care about rebuilding their alliance with the EU, which they intend to use to confront China and Russia, albeit the latter to a lesser extent. However, so far, no relevant agreement has been reached in Berlin and Paris, and thus in Brussels. Berlin needs an improved relationship with Washington to maintain a profitable economic relationship with the United States. For the same reasons, German politicians will not agree to an intensified political confrontation with China or Russia. On the other hand, a large part of the French elite dreams of strategic autonomy from Washington and NATO, and, at the same time, underestimates the threat coming from the East – especially

¹⁵ F. Schimmelfennig, *Politicisation management in the European Union*, Journal of European Public Policy, 27(3), 2020, pp. 342–361.

¹⁶ M. Zürn, *Politicization compared: at national, European, and global levels*, Journal of European Public Policy, 2019, vol. 26, no. 7, pp. 977–195 [990].

¹⁷ On the subject of these two axes of political divide in the EU: G. Marks, L. Hooghe, M. Nelson, E. Edwards, *Party Competition and European Integration in the East and West. Different Structure, Same Causality*, Comparative Political Studies, 39(2), 2006, 155–175; T.A. Börzel, T. Risse, *From the euro to the Schengen crises: European integration theories, politicization, and identity politics*, op. cit.



EUROPEAN UNION FOREIGN POLICY CHIEF JOSEP BORELL SPEAKS DURING A NEWS CONFERENCE ON 'A NEW EU-US AGENDA FOR GLOBAL CHANGE'. BRUSSELS, BELGIUM, DECEMBER 2, 2020.

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from Russia. Therefore, they prefer the concept of a multipolar world within which a strong European pole can be built. Such a vision overestimates the strength of the EU – but taking into account European geopolitical weakness, avoiding confrontation with Moscow and Beijing seems a safe option in the short term. The vision of a multipolar world and an autonomous role for Europe is also consistent with German economic preferences.

This concept has serious strategic consequences. It leads to the loosening of the transatlantic alliance, both militarily and geopolitically, increases the possibilities

of China's expansion and Russia's restoration of its former influence, and, finally, strengthens Germany's dominance in Europe. All these factors are beneficial for Berlin, at least in the short term. Siding too strongly with the US in a confrontation with China and Russia could be costly and make it more difficult for Germany to gain geopolitical control over the EU and its neighborhood.

The election of Biden as President of the United States strengthens the progressive left in the US and worldwide. This will probably have several severe consequences for integration processes. The dispute over the rule of law and

the political polarization in the EU are likely to deepen, encouraging further destabilization of the European project. This is how it could become even more vulnerable to interference from geopolitical competitors from the east. In addition to their support for the extreme right, we should expect similar actions in favor of the radical left.

China and Russia express a strong interest in weakening Europe not only because it is a potential ally of the United States. Enfeebling Europe is vital for both Beijing and Moscow – both of which are now preparing for fierce geopolitical and geo-economic competition for a new international order. The goal is to impose the most asymmetrical relations possible on the EU to the advantage of China and Russia, for instance by increasing the economic and technological dependence of EU countries. The European Union is to become a pasture for Chinese and Russian corporations rather than a strong actor in international politics, able to impose its own rules. Therefore, the idea of strategic autonomy and a strong European geopolitical pole may prove to be an illusion.

The growing ideologization of the EU suits both Russia and China because it means deepening divisions and conflicts within the EU. Ideologization will also limit Brussels' pragmatism in dealing with future crises. This can already be seen in the actions of the European Parliament, which puts the fight for leftist values above common sense in many public policies and the EU's external policy. Another consequence will be the growing politicization of the EU's technocracy and judiciary. As a result, the European Union will be losing credible institutions that, if necessary, could be able to lower the temperature in disputes and thus use depoliticization as a strategy to move forward with European affairs.

Biden's electoral success foreshadows the warming of transatlantic relations, at least as far as declarations and political values are at stake.

The increasing politicization of European affairs does not solve the problem of a democratic deficit in the EU. The decision-making processes are dominated by the largest member states and not by the European Parliament or national parliaments. Moreover, the growing ideologization of European affairs translates into the disappearance of tolerance in Europe and the limitation of public discourse, which destroys democracy. Shortly after the demonstrators entered the US Congress, some European media called for a crackdown on local right-wing radicals, or at least for the introduction of restrictions on their political activities online¹⁸. Managing the EU in such strong emotions is not an easy task even for the biggest countries, as the recent German presidency revealed. Growing polarization may therefore shatter the integration project, especially since Europe's middle class is also shrinking. The new U.S. administration should thus mitigate ideological disputes within Europe. Unfortunately, it is more likely to inflame them further.

Tomasz Grzegorz Grosse ■
March 2021

¹⁸ E. Assoudeh, L. Weinberg, *In western Europe, right-wing terrorism is on the rise*, openDemocracy, January 7, 2021, <https://www.opendemocracy.net/en/countering-radical-right/western-europe-right-wing-terrorism-rise/> [Accessed on 29.01.2021].

THE EASTERN FLANK OF THE WEST: CENTRAL EUROPE IN THE FACE OF A DYNAMIC WORLD SITUATION

PRZEMYSŁAW ŻURAWSKI VEL GRAJEWSKI, PROFESSOR

Mass protests in Belarus, the smoldering Russo-Ukrainian war, erosion of the power system in Russia, the war between two Eastern Partnership countries – Azerbaijan and Armenia, the frozen conflict in Transnistria, the evolving situation in Moldova, the meandering of Turkey’s policy towards Russia, the USA, NATO and the EU, the election-related political crisis in the US, and the yet unknown vectors of the foreign policy of Joe Biden’s administration, the third crisis in

a row in the European Union – after this in the Eurozone, (2008–13) and those related to immigration (2015–16), and currently to the COVID-19 pandemic (2020–2021), the political twists and turns it is facing in connection with the elections in the Netherlands (March 17, 2021) and in the three largest EU member states: Germany (September 26, 2021), France, and Italy (2022), as well as possible early elections in the fourth largest EU country, Spain, torn by all the EU crises and Catalan separatism... These are examples of



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ON AUGUST 15, 2020, POLISH DEFENSE MINISTER MARIUSZ BŁASZCZAK AND US SECRETARY OF STATE MIKE POMPEO SIGNED A NEW DEFENSE AGREEMENT TO ENHANCE THE U.S. PERMANENT MILITARY PRESENCE IN POLAND. WARSAW, POLAND, AUGUST 15, 2020.

factors, which make it necessary for the countries located on the eastern flank of NATO and the European Union to prepare for possible bad scenarios and demonstrate their ability to face them. What potential do they have and what could they do, if not integrate, then coordinate their potential; to what extent should they do it and in what directions? What structures for such integration do already exist, and to what degree are they advanced? What is the main challenge for these countries, and what constitutes a mere shortcoming in resisting these negative scenarios?

THE MAIN CHALLENGE – RUSSIA

Russia remains the main challenge for the entire eastern flank of the EU and NATO, from Scandinavia in the north to Turkey in the south. The reason is Russia's "character" and the geographical location of its closest neighbors. This is what

Russia remains the main challenge for the entire eastern flank of the EU and NATO, from Scandinavia in the north to Turkey in the south.

makes situation of these countries very similar (although with some important differences) to that of the post-Soviet states in the region – from Belarus, through Ukraine and Moldova, to Georgia and Azerbaijan.

Norway is feeling the pressure of Russia's policy in the Arctic¹. Sweden and Finland

¹ Gotkowska, J., *Osłó się zbroi, Polska Zbrojna* 1,

(just like Baltic states and Poland) are the Russian war games subjects as part of the recurring *Zapad* military exercise. The Russian military threat is now considered so high in these countries that each of them has undertaken programs of extensive rearmament and restoration of the defensive capabilities of their armies, which had been reduced or neglected before 2014².

On the other hand, Belarus, a country remaining in the Russian sphere of influence, is currently protesting against its dictatorial rule – still upheld thanks to Moscow's support. When it comes to Ukraine, it is now at war with Russia over the Donbas and potentially over the seized Crimea. Romania is strongly affected by the rise of Russian power in the Black Sea after the peninsula's annexation and is historically and ethnically linked to Moldova. Georgia was a victim of Russian aggression in 1992–1993 and then again in 2008. It currently takes part in a frozen armed conflict with Russia over Abkhazia and South Ossetia. Azerbaijan and Turkey broke up the monopoly of Russian influence in the Caucasus by defeating Russia's ally, Armenia, in the Nagorno-Karabakh war. Ankara additionally competes with Moscow in the complicated



game in Syria³ and is fighting a proxy war with Moscow in Libya⁴.

January 2017, pp. 110–112; cf. Ida, *Norweski sposób na Rosję. Polityka obronna Norwegii – wnioski dla regionu Morza Bałtyckiego*, Punkt Widenia 38, Centre for Eastern Studies, January 2014, p. 49.

² Gotkowska, J. *Kryzys rosyjsko-ukraiński a polityka bezpieczeństwa i obrony Szwecji*, Centre for Eastern Studies Analyses, May 28, 2014, <https://www.osw.waw.pl/pl/publikacje/analizy/2014-05-28/kryzys-rosyjsko-ukraiński-a-polityka-bezpieczeństwa-i-obrony-szwecji>; cf. Ida, *Aurora: Szwedzka odpowiedź na Zapad*, Centre for Eastern Studies Analyses, September 20, 2017, <https://www.osw.waw.pl/pl/publikacje/analizy/2017-09-20/aurora-szwedzka-odpowiedz-na-zapad> and Gotkowska, J., Szymański, P., *Szwedzkie i fińskie obawy o wyspy na Bałtyku*, Centre for Eastern Studies Analyses, October 26, 2016, <https://www.osw.waw.pl/pl/publikacje/analizy/2016-10-26/szwedzkie-i-fińskie-obawy-o-wyspy-na-baltyku>.

³ Chudziak, M., Rodkiewicz, W., *Walki w Idlibie: kryzys w stosunkach turecko-rosyjskich*, Centre for Eastern Studies Analyses, February 26, 2020, <https://www.osw.waw.pl/pl/publikacje/analizy/2020-02-26/walki-w-idlibie-kryzys-w-stosunkach-turecko-rosyjskich> and Chudziak, M., Rodkiewicz, W. *Korzystny dla Moskwy kompromis rosyjsko-turecki w sprawie Idlibu*, Centre for Eastern Studies Analyses, March 11, 2020, <https://www.osw.waw.pl/pl/publikacje/analizy/2020-03-11/korzystny-dla-moskwy-kompromis-rosyjsko-turecki-w-sprawie-idlibu>.

⁴ Rodkiewicz, W. *Rosyjska gra konfliktem libijskim*, Centre for Eastern Studies Analyses, January 15, 2020, <https://www.osw.waw.pl/pl/publikacje/analizy/2020-01-15/rosyjska-gra-konfliktem-libijskim>.



THE ISKANDER-M MISSILE SYSTEM IN A COMBAT POSITION.

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Russia is not governed in a way respecting the interests of ordinary Russians nor following the path of the interests of an Empire it would like to pass for around the world. The political compass of the group in power in the Kremlin headed by Putin is its clan interest. Due to the lack of space for a broader description, let it be characterized by the fact that this is the only political elite in the history of humanity that proclaims imperial ambitions but keeps its private money outside the territory of the empire it is building. Their primary goal is to stay in power. Their other aims – including the construction of a superpower – belong to operational rather than strategic goals.

For the Russian political class, the ruling is more important than the empire. In this context, we should remember that, in the struggle for power in the Kremlin, Boris Yeltsin contributed to the dissolution of the Soviet Union to take Gorbachev's place.

Elections in Russia are won because one is in power, and not one is in power because one has won an election. The primary source of legitimacy for undemocratic governments is their effectiveness. Putin has so far legitimized his more than 20-year rule by increasing the standard of living of Russians. This, however, was not difficult after the economic crash of the 1990s, which resulted in a very low

starting point, and amid high oil and gas prices on world markets. 2013, however, was the last year in which incomes in Russia grew. At that time, Russia played out its imperial theater entitled “Crimea is ours,” which bolstered the Russian president’s image for years to come. However, the fall in oil prices, the invasion of Ukraine and related Western sanctions, the oligarchic and corruption-based model of the economy, and finally the COVID-19 pandemic translated into the fact that for the past eight years, Russia has seen a trend opposite to that of the first decade of this century.

The real income of Russians fell by more than 12% – 5% in 2020 compared to 2019. Between 2013 and 2020, the number of Russians living in poverty rose from about 16.5 million to nearly 20 million, which constitutes 14% of the population⁵. There is no indication that this trend can be reversed. And although, according to polls, 53% of Russians still express trust in Putin⁶, as society’s standard of living worsens, the Kremlin might be tempted to make use of another imperial theater to increase the prestige of its rule.

Certain signals, which are also trial balloons testing the reaction to publicly formulated plans for the annexation of Donbas by Russia – so far in the form of “requests of the people to the Tsar” – are already observable⁷. The Russian Foreign

Ministry did not endorse this position, it did not distance from it either⁸ and it would be hard to assume that the editor-in-chief of the Kremlin’s propaganda machine RT would make such calls spontaneously. However, since the primary goal of the Kremlin leaders is not, as indicated above, to rebuild the empire but to stay in power, a “small successful war” can be fought in any direction that could guarantee success. This means that all Russia’s neighbors are at threat (although not to the same degree), and the best way to block this bad scenario is to demonstrate to the decision-makers in Moscow that no war will be small. Whether it will prove successful and for whom remains an open question – so risky that testing the answer has not paid off for Putin, given his primary goal of staying in power.

OTHER CHALLENGES

COVID-19 caused another crisis for the European Union. Although the coronavirus pandemic’s medical aspects are not a subject of this article, its political and economic consequences are severe and worth mentioning. Belgian debt as of November 2020 reached 117.6% of its GDP, French – 118.7%, Spanish – 123.0%, Portuguese – 137.2%, Italian – 161.8%, Greek – 205.2% (compared to 59.3% in the

⁵ Domanska, M., Menkiszak, M., Rogoża, J., Wiśniewska, I., *Rosja u progu 2021 roku. Sytuacja polityczna, społeczna i gospodarcza*, Centre for Eastern Studies Commentaries 371, January 8, 2021, p. 5.

⁶ The poll, commissioned by the Russian Public Opinion Foundation, was conducted on January 22–24, 2021, i.e., after Alexei Navalny’s film about Putin’s palace was made public and while the ongoing protests in Russia were already taking place. *Sondaż: Putinowi ufa 53 proc. Rosjan*, Kresy24.pl, January 29, 2021, <https://kresy24.pl/sondaz-putinowi-ufa-53-proc-rosjan/>.

⁷ *Redaktor naczelna „Russia Today” wezwwała rosyjskie władze do aneksji Donbasu*, Kresy24.pl, January 28, 2021, <https://kresy24.pl/redaktor-naczelnarussia-today-wezwala-rosyjskie-wladze-do-aneksji-donbasu/> and: „Separatyści” z tzw. Ługańskiej i Donieckiej Republiki Ludowych ogłosili doktrynę aneksji Donbasu, Kresy24.pl, January 28, 2021, <https://kresy24.pl/separatysci-z-tzw-luganskiej-i-donieckiej-republiki-ludowych-oglosili-doktryne-aneksji-donbasu/>. To read more on Ukraine’s reaction, see *Ironiczny komentarz MSZ Ukrainy do wczorajszych deklaracji na forum „Rosyjski Donbas”*, Kresy24.pl, January 29, 2021, <https://kresy24.pl/ironiczny-komentarz-msz-ukrainy-do-wczorajszych-deklaracji-na-forum-rosyjski-donbas/>. For more on the whole issue, see: Szoszyn, R. *Donbas – rosyjska bomba z opóźnionym zapłonem?*, Rzeczpospolita, January 28, 2021, <https://www.rp.pl/Konflikt-na-Ukrainie/301289920-Donbas---rosyjska-bomba-z-opoznionym-zaplonem.html>.

⁸ *Reakcja Kremla na wezwanie Simonian o przyłączeniu Donbasu do Rosji*, Kresy24.pl, January 28, 2021, <https://kresy24.pl/reakcja-kremla-na-wezwanie-simonian-o-przylaczeniu-donbasu-do-rosl/>.

Netherlands, 60.0% in Poland, and 73.2% in Germany)⁹.

Debt levels are mounting everywhere due to the lockdown reintroduced during the second wave of the pandemic. The countries of the north (the “frugal camp” – Germany, the Netherlands, Austria, and Scandinavia) are under pressure from their electorates to “end the transfer union.” This would reduce the outflow of their citizens’ tax money for transfers to poorer EU countries from the east and the south. The south, where the previous two crises and the current one have been the most dramatic, demands support. A failure to provide it could translate into an economic collapse in the region and the downfall of its purchasing power. This, in turn, could bring the crisis to the north since it would lose southern markets.

On the other hand, the east came out well from the first wave of COVID-19 but was hit hard by the second one. Since it has a good economic prognosis, it is treated as an indispensable resource for minimizing the problems of the north, whether by cutting transfers on the pretense of “punishing Poland and Hungary for violating the rule of law” or by introducing such rules of repayment of EU debts incurred for the Reconstruction Fund that would transfer a significant part of them onto the countries of the eastern flank. This, in turn, takes the burden off taxpayers in the north.

Another thing that adds up to this game is the deep ideological resentment of the progressivist EU mainstream against Poland and Hungary’s conservative governments. Regardless of the outcome, Germany, backed by the Netherlands, Austria, Luxembourg, and the

Scandinavians, cannot extend credit to France, Italy, and Spain. First of all, the former do not have the resources to do so, and secondly, they would not get the approval of their own voters to use them effectively. Therefore, the EU is now facing a series of shocks. This means that its attention and resources will be only slightly devoted to solving the problems of the countries on its eastern flank. This also means that the EU will be a fragile institution in the context of any support for the countries of Central and Eastern Europe in their relations with Moscow. It will probably rather act to achieve the appeasement, and thus against the interests of the region. The German stubbornness in pursuing Nord Stream 2 and the will of the EU mainstream to reach an agreement with the Kremlin, demonstrated by Josep Borrell’s visit to Moscow despite the objections of Poland, Romania, and the Baltic states¹⁰ in the middle of “Navalny’s case,” also lead to this conclusion.

The change in the White House results in the “un-Trumping” of American politics. To what extent and in what directions will this process affect US foreign policy is still an open question. With regard to Central Europe, the positive part is that on November 18, 2020, the House of Representatives of the US Congress unanimously passed Resolution H. RES 672 in support of the Three Seas Initiative. It did so by demonstrating bipartisan agreement of both Republicans and Democrats¹¹.

¹⁰ Wolska, A. *Szef unijnej dyplomacji pojedzie do Rosji mimo sprzeciwu Polski i państw bałtyckich*, EURACTIV.pl, January 25, 2021, <https://www.euractiv.pl/section/polityka-zagraniczna-ue/news/szef-unijnej-dyplomacji-pojedzie-do-rosji-mimo-sprzeciwu-polski-i-panstw-baltyckich/>.

¹¹ *H.Res.672 – Expressing support of the Three Seas Initiative in its efforts to increase energy independence and infrastructure connectivity, thereby strengthening the United States and European national security*. 116th Congress (2019–2020), Congress.gov, <https://www.congress.gov/bills/116th-congress/house->

⁹ L. Ventura, *The World’s Most Indebted Governments 2020*, Global Finance, January 31, 2021, <https://www.gfmag.com/global-data/economic-data/public-debt-percentage-gdp>.



NATO SECRETARY GENERAL JENS STOLTENBERG SPEAKS TO THE PRESS AHEAD OF A VIDEO CONFERENCE ON SECURITY AND DEFENCE AND ON THE EU'S SOUTHERN NEIGHBORHOOD. BRUSSELS, BELGIUM, FEBRUARY 26, 2021.

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Biden's victory should therefore not change Washington's attitude toward this important Central European integration scheme. So far, there has been no indication of any reduction in the US military presence on NATO's eastern flank – a presence that has been significantly increased during Trump's presidency and legally recognized in the Polish-American military agreement signed on August 15, 2020¹². However, the ideas announced by Hilary Clinton on how to restructure US military spending and

cut expenditure on traditional weapons¹³ could reverse this trend over the next few years. Ambitions of Biden's administration to rebuild good relations with the EU core states may also result in a return, at least temporary – until Washington inevitably becomes disappointed with Germany's and France's attitude – to the idea of shifting responsibility for the defense of NATO's eastern flank onto Europe's most powerful ally, Germany. An offer proposed to the US regarding the role of this country in sharing NATO's transatlantic security burdens was made by Germany's Defense Minister on October 23, 2020¹⁴.

resolution/672. See Żurawski vel Grajewski, P. *Izba Reprezentantów Kongresu USA z ponadpartyjnym poparciem Trójmorza*, TVP Info, November 22, 2020, <https://www.tvp.info/50918608/przemyslaw-zurawski-vel-grajewski-dlaczego-amerykanie-popieraja-trojmorze>.

¹² *Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Stanów Zjednoczonych Ameryki o wzmocnionej współpracy obronnej, podpisana w Warszawie dnia 15 sierpnia 2020 r.*, Office Journal 2020.2153, <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/usa-polska-umowa-o-wzmocnionej-wspolpracy-obronnej-warszawa-2020-08-15-19051809>.

¹³ Clinton, H. *A National Security Reckoning. How Washington Should Think About Power*, Foreign Affairs 99 (6), November/December 2020, pp. 88–99. For commentary, see Świerczyński, M., *Clinton nie chce czołgów. Dlaczego to ważne dla Polski?*, Polityka, October 19, 2020, <https://www.polityka.pl/tygodnikpolityka/swiat/1975374,1,clinton-nie-chce-czolgow-dlaczego-to-wazne-dla-polski.read>.

¹⁴ *Speech by Federal Minister of Defense Annegret Kramp-Karrenbauer on the occasion of the presentation of the Steuben Schurz Media*

The possible adoption of this line in American policy would result in a relative decrease in the significance of Central Europe in Washington's plans and in the pressure exerted by the US on the countries in the region to coordinate their actions with Germany. That would include engagements regarding relations with Russia or the Three Seas Initiative integration. The democratic administration of the USA would most probably start to exert ideological pressure on the conservative governments of Poland and Hungary, similar to one of mainstream EU member states. It would have a disrupting effect, both on the Polish political landscape and Poland's ability to consolidate smaller states in the region around political projects promoted by Warsaw.

Without Poland, integration of Central Europe would not be possible. A collapse of this cooperation would result in the region's passivity in the face of the upcoming challenges and relying on solutions worked out and implemented by external forces (Germany and Russia). It would cause a decrease of American influence in Europe, which would lead to the disintegration of the countries on NATO's eastern flank – the states that are most afraid of Russia and are therefore strongly pro-American – that have so far cooperated with each other as part of the Bucharest Nine and the Three Seas Initiative. One can only hope that

this is also understood in Washington, as evidenced by the resolution mentioned above of the House of Representatives on the Three Seas Initiative and the unceasing US pressure to block the German-Russian Nord Stream 2 project. Joe Biden's declared willingness to "counter Russian aggression"¹⁵ and the negative experience of members of his administration with the "reset" with Russia from the era of Barack Obama are cause for optimism. On the other hand, the extension of the New START deal on January 26, 2021, in fact on Russia's terms, which the Trump administration refused to accept¹⁶, provides arguments against such enthusiasm. After all, the removal of the burden of the nuclear arms race from the floundering Russian economy and the approval of Russia's superiority in non-strategic missiles (for instance, the Iskander type) is a step toward a significant reduction of the pressure so far exerted by Washington on Moscow rather than a tightening towards containing Russia's neo-imperial moves. (It is important to note as well that the money that has been saved in that way in Russian budget will be used for conventional armaments – unlikely the nuclear ones – and applied in wars against the Russian neighbors). The answer to the question as to which of the declared policy lines of the new US administration is rhetoric and which is the real compass of its conduct will be known in the coming months.

Award on October 23, 2020, in Frankfurt/Main, Bundesministerium der Verteidigung, pp. 1–13. <https://nato.diplo.de/blob/2409698/75266e6a100b6e35895f431c3ae66c6d/20201023-rede-akk-medienpreis-data.pdf>; cf.: positive commentary by Kluth, A., *Germany Is Ready to Offer America a New Deal*, The Washington Post, October 28, 2020, https://www.washingtonpost.com/business/energy/germany-is-ready-to-offer-america-a-new-deal/2020/10/28/4eca99de-18eb-11eb-8bda-814ca56e138b_story.html and the commentary which cools down enthusiasm: Küfner, M., *Minister obrony gra Amerykanom marsza, ale nikt nie słucha. Opinia.*, Deutsche Welle, October 30, 2020, <https://www.dw.com/pl/minister-obrony-gra-amerykanom-marsza-ale-nikt-nie-s%C5%82ucha-opinia/a-55452701>.

¹⁵ Biden, J.R., Jr., *Why America Must Lead Again Rescuing US Foreign Policy After Trump*, Foreign Affairs, March/April 2020, <https://www.foreignaffairs.com/articles/united-states/2020-01-23/why-america-must-lead-again>.

¹⁶ For a more extensive discussion, see Kacprzyk, A., *Przedłużenie obowiązywania układu Nowy START*, PISM Spotlights 10/2021, January 27, 2021, pp. 1–2. The author emphasizes the positive sides of the agreement, pointing to the increased cohesiveness of NATO. However, the latter relies on the US agreeing "not to draw Europe into a new arms race with Russia," and, therefore, also suits the Kremlin's interests.

Another challenge, now completely unpredictable in terms of scale and effects, may come from the American direction. The problem is the old age of the 46th president of the United States and his possible sudden, permanent inability to hold office. If so happened, Biden would be replaced by Vice President Kamala Harris. Her intensely left-wing beliefs would result in the intensification of ideological pressure on Poland. The vice-president's position on "hard policy" issues (for instance, military, energy) concerning Central Europe and Russia is still unknown.

Changes in the major EU countries are inevitable – they result from Germany, France, and Italy's constitutionally mandated electoral calendar. The most important event for Central Europe will be the election in Germany and the end of the sixteen-year long era of Chancellor Angela Merkel. She will most likely be replaced by Armin Laschet (CDU), supported by 28% of Germans, or Markus Söder (CSU) – 54%. However, the chancellor is not elected by the citizens in a popular vote but by the Bundestag.

The election results of both Christian Democrat parties in the elections to the parliaments of Baden-Württemberg and Rhineland-Palatinate (March 14) and Saxony-Anhalt (June 6), which serve as forecasts of the results of the national elections in September¹⁷, will probably determine the positions of both candidates. Laschet belongs to the category of German politicians described as *Russland-Versteher* – literally 'understanding Russia', but, in fact, it should be translated as 'indulgent with Russia'¹⁸. Whether he becomes

chancellor and what policy Germany will outline under the new government remains an open question, with a high risk that – from the point of view of Central European interests – Berlin's position will change for the worse (and become, for instance, more pro-Russian and anti-American).

On the other hand, there should be no significant changes in the Polish-German relations and German EU policy. What will remain will be the strong German pressure on climate policy and the ideological conflict with Poland taking place mainly in the media and concerning the so-called 'European values.' This pressure may notably strengthen if the new American administration decides to endorse it. Germany is already looking for ways to win Washington over to the concept of a 'common fight against populism'¹⁹. An increasing instrument of pressure on Poland (but also, according to political needs, on any other country of Central and Southern Europe) will be the so-called conditionality (in other words, "money for the rule of law") mechanism, approved at the EU summit on December 10, 2020. The full-scale political use of this tool will probably occur between the parliamentary elections in Hungary (2022) and Poland (2023) to break the Polish-Hungarian solidarity on this issue. However, it is possible that – if the consolidation process of the Hungarian opposition against Fidesz is progressing²⁰

¹⁷ Frymark, K., *Bez eksperymentów: Armin Laschet nowym przewodniczącym CDU*, Analyses of the Centre for Eastern Studies, January 19, 2021, <https://www.osw.waw.pl/pl/publikacje/analizy/2021-01-19/bez-eksperymentow-armin-laschet-nowym-przewodniczacy-cdu>.

¹⁸ Budzisz, M., *Armin Laschet, czyli „rozumiejący Putina”*. Moskwa z pewnością przyjmuje nowego szefa

CDU z zadowoleniem, wPolityce.pl, January 17, 2021, <https://wpolityce.pl/swiat/535200-armin-laschet-czyli-rozumiejacy-putina>; cf. Kokot, M., *Czy Armin Laschet, nowy szef niemieckiej CDU, będzie wyrozumiały wobec Putina?*, Wyborcza.pl, January 20, 2021, <https://wyborcza.pl/7,75399,26702331,czy-armin-laschet-nowy-szef-niemieckiej-cdu-bedzie-wyrozumialy.html>.

¹⁹ *Szef MSZ Niemiec proponuje USA Plan Marshalla dla demokracji*, Deutsche Welle, January 10, 2021, <https://www.dw.com/pl/szef-msz-niemiec-proponuje-usa-plan-marshalla-dla-demokracji/a-56187099>.

²⁰ Kucharczyk, M., *Węgry: Opozycja wystartuje*

– the EU will attempt to support it and start putting pressure using this mechanism already during the Hungarian parliamentary election campaign.

CENTRAL EUROPE'S OWN RESOURCES

To this date, Central Europe has shaped three central regional integration structures: the Visegrad Group (V4), the Bucharest Nine (B9), and the Three Seas Initiative (TSI).

The Visegrad Group (Poland, the Czech Republic, Hungary, and Slovakia) is Germany's largest market in the world (larger than China, the US, and France), and its cohesiveness varies over time (increasing or weakening depending on the moment and thematic scope). Its current consolidation followed the change of government in Poland in 2015 as part of a solidary opposition to the EU's imposition of a policy of forced distribution of migrant quotas. In 2019, it united in rejecting Frans Timmermans' candidacy to head the European Commission. However, the cohesiveness of the V4 remains selective and periodic, the example of which is the conflict between Poland and Hungary against the EU mainstream, in which the Czech commissioner, Věra Jourová, is one of the key figures of the EU mainstream's propaganda attacks on the governments in Warsaw and Budapest. Obviously, commissioners do not formally report to their respective governments, but Jourová is a former deputy chairperson of the ANO party, now led by the Czech Republic's Prime Minister, Andrej Babiš.

razem w wyborach parlamentarnych. Ma szansę pokonać Viktora Orbána?, EURACTIV.pl, December 21, 2020, <https://www.euractiv.pl/section/grupa-wyszehradzka/news/fidesz-wegry-orban-opozycja-wybory-parlamentarne-2022-jobbik/>; cf. Górny, G., *Fidesz kontra „tęczowa koalicja”*. *Obozowi Viktora Orbána niespodziewanie wyrósł groźny przeciwnik*, wPolityce.pl, January 29, 2021, <https://wpolityce.pl/polityka/536126-fidesz-kontra-teczowa-koalicja>.

The Bucharest Nine (Estonia, Lithuania, Latvia, Poland, Slovakia, the Czech Republic, Hungary, Romania, and Bulgaria) is, in fact, a lobbying group within NATO. It does not have an independent military deterrence capability and has no plans to acquire one. Its effectiveness comes from its ability to influence NATO decisions. Its active leading states with a strong sense of Russian threat (Poland, the Baltic states, and Romania) are strongly pro-American, and it is the support received from the US that has so far determined the lobbying capabilities of the entire group. A possible change in US foreign policy under Biden would considerably reduce the significance of this idea for cooperation in Central Europe.

The Three Seas Initiative (the Baltic, the Adriatic, the Black Sea) is not and will not become a political or military bloc in the foreseeable future. It is a platform for cooperation between countries on the European Union's eastern flank (EU membership is a condition for full membership in the Three Seas Initiative) on infrastructure development encompassing three dimensions: transport and communication, energy, and digitalization.

It has a chance to transform the Single European Market in the CEE region, proclaimed in the Single European Act, from legal to material, and to create infrastructural market connections in an area covering at least 111 million consumers, with a perspective to expand by several dozen million more in partnership with countries outside the EU (Ukraine, Moldova, the Western Balkans).

The US sees the Three Seas Initiative as a counterweight to China's 17+1 initiative and an important market for its gas – provided it supplants Russian gas – which is a significant reason for both

Washington's support for the whole action and its pressure to block a competing route for supplies of gas to Europe in the form of Nord Stream 2. These motives fit well with the interests of Central Europe, which seeks independence from Russian gas blackmail²¹.

The Lublin Triangle – launched on July 28, 2020, as a forum for ministerial cooperation between the heads of diplomacy of Poland, Lithuania, and Ukraine – is the most recent regional initiative. The outbreak of protests in Belarus following the rigged presidential election has become the leading topic of discussion between its three neighbors. Poland, Lithuania, and Ukraine attach great importance to the fate of Belarus, as evidenced by the fact that they decided to keep an empty chair in their meetings – symbolizing the anticipation for a representative from that country to take it once given a democratic mandate to represent the Belarusian people. The Lublin Triangle is still in the course of being formed. It is currently not a deeply integrated structure and does not constitute a shield against the threats mentioned in the introduction.

CONCLUSIONS

In the most pessimistic scenario, Central Europe will have to confront the Russian challenge in an international setting shaped by the possible weakness (at least in its initial period) of the presidency of Joe Biden and Kamala Harris and by the passive attitude of the European Union. The EU is immersed in its internal problems and generally oriented towards an agreement with Russia, while being reluctant to “backward and populist-

ruled”²² Central European states in which “Russia has had its justified security interests for centuries”²³.

Structures of regional integration in Central Europe cannot be a basis for stabilizing security or an instrument for dealing with threats arising either from Russia's aggressiveness or from internal problems of the EU and the US, the latter of which reduce their preparedness to solve problems of our region. Each of them would be too weak for such a scenario. What is more, there is no possibility for any of them to immediately strengthen to such a level that would be commensurate with the scale of the challenge. This does not mean, however, that nothing can be done.

Breaking the “rule of law conditionality” for access to EU funds is in the interest of all V4 members and all Three Seas Initiative countries, including Austria. However, we should not expect that many countries would be willing to participate in a political battle against the EU core powers alongside Poland and Hungary. The countries that are not under pressure themselves will not join this conflict voluntarily and will not bear its costs. Instead, they will choose to estimate that the dispute will either be won – thanks to Warsaw's determination also to their

²² For an example of such opinion see: Moskwa, W., Jefferson, R., *Poland's Populist Turn*, October 31, 2020, <https://webcache.googleusercontent.com/search?q=cache:1lflSO5PMFUFJ:https://www.bloomberg.com/quicktake/poland+&cd=16&hl=pl&ct=clnk&gl=pl&client=firefox-a>

²³ The term “justified security interests of Russia” was introduced into political debates about the Balkans, Central Europe and sometimes the Middle East by Russian diplomacy in the 1990s. Widely adopted by the West, it was mainly used to oppose the expansion of NATO to the former Soviet satellite states and to shield Milošević's Russia-allied Serbia from armed intervention by NATO. For a description of the Russian interpretation of the situation see Rumer, E. *Russia and the Security of Europe*, Carnegie Endowment for International Peace, June 2016, p. 56, which includes an endorsement of the Kremlin's position: *ibid.*, pp. 25 and 42.

²¹ Żurawski vel Grajewski, P. (2021). *Trimarium—Omnes viae Europam ducunt*, „Trójmorze” 1(2021), pp. 5–26 and *idem*, *Грузія та Україна в Чорноморському партнерстві Тримор'я*, “Аналітичний часопис «Чорноморська безпека»”, 1(39), pp. 50–59.

advantage – or lost, in the case of which they will avoid the prestige-related and political costs of a likely defeat.

However, the consolidation of the region for the internal EU game's purposes is now possible for several reasons. First, the pressure from the EU core states on subsequent countries increases. Secondly, the ineffectiveness of the European Union in resolving real problems (such as the COVID-19 pandemic, immigration, debt, the Russian threat) is relatively easy to predict. What is more, the EU imposes unbearable ideological and economic burdens (radical climate policy, left-wing extremism, attempts to shift the costs of the immigration and debt crisis) onto poorer Central European societies while reducing the transfer of funds under regional and agricultural policies.

The Russian challenge is much more serious, and the means to address it are more severe – they concern the expansion of one's military capabilities and solidarity defense in the event of aggression. The former aspect of cooperation may extend beyond NATO, while the latter most probably not – unless it is NATO that would be attacked, and Ukraine, Georgia, and Moldova joined an anti-Russia alliance to resolve their own conflicts with the Kremlin. The only armies in the region with a promising potential in the event of a conflict with Russia are that of Poland, Romania, and Ukraine. This fact should be taken into account by all other countries.

A separate and intricate problem is the conceivable attitude of Turkey – a country supplying Ukraine with war material and weapons. Given Ankara's potential, its stance could be decisive if NATO's Western European core, influenced by Russian propaganda, its own pacifism, and the negative image of the EU's eastern flank created by internal EU disputes, delays the fulfillment of its alliance

obligations towards Poland or the Baltic States. This has been noticed by Poland and Romania, both of which maintain a friendly dialogue with Turkey.

Another possible way to enhance the defense capabilities of Central Europe is to intensify the cooperation of its defense industries and encourage the Three Seas Initiative to add it to the scope of its activities. Scandinavia would be a very good partner in this respect as it possesses well-developed military technology and brings the prestige of the "Old West" to IT. For Poland, such cooperation would translate into an attempt to succeed in the markets of the Bucharest Nine and Ukraine with high-quality products of the Polish defense industry. It would especially involve such product ranges where this industry is competitive (for instance, small arms – *Grot* assault rifles, *Grom* man-portable rocket launchers, reconnaissance unmanned aerial vehicles, *Krab* howitzers, *Rak* mortars, and more).

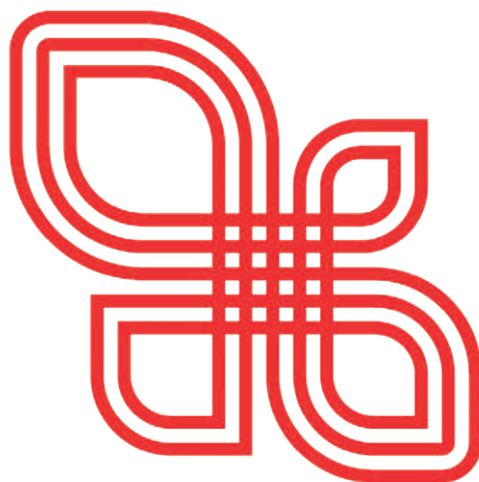
There is no example in Polish history of giving in to a foreign invasion without a fight. The Baltic countries, which paid a terrible price in blood and slavery for capitulating in 1939, are now inspired by the example of Finland – which resisted and survived. Therefore, they will certainly not surrender, regardless of what other countries choose to do. The negative scenarios outlined above, even if they come true and cause the temporary or permanent isolation of Central Europe, will not lead to Chamberlain's "peace for our time." Peace can only be ensured by effective deterrence through a consolidated NATO led by a determined United States. Any other route would increase the risk of war.

Przemysław Żurawski vel Grajewski ■
March 2021

CENTRAL EUROPE IN 2021: THE 30TH ANNIVERSARY OF THE VISEGRAD GROUP. THE YEAR OF OPPORTUNI- TIES AND CHALLENGES

PIOTR BAJDA, PROFESSOR

At first glance, the year 2021 may seem very promising for Central European countries, many of which came through the COVID-19 pandemic with fewer losses than most Western European states – especially taking into account their unemployment rate or GDP decline. What is more, the previous year ended with a relatively strong signal of the further development of the Three Seas Initiative (a project of twelve Central European countries located along the Baltic Sea, the Adriatic Sea, and the Black Sea), strengthening its intergovernmental and executive qualities. On top of that, the new members' contributions in the region enlarged the Three Seas Initiative Investment Fund (TSIIF), and the US announced its first financial input.



Polish Presidency of the Visegrad Group July 2020–June 2021

In the first quarter of 2021, we have been celebrating the thirtieth anniversary of the Visegrad Group (V4), established on February 15, 1991. For years, V4 has been a symbol of Central Europe's international activity and a new way of coordinating regional cooperation. However, some uneasiness and gloom can now be felt in this axis connecting the Baltic, the Adriatic, and the Black Sea. The reasons for this should be looked for outside the region in the first place.

The situation in the European Union is the primary source of concern. First of all, its statutory institutions, such as the European Commission and the European Parliament, claim the right to extend their powers beyond the Treaties and create a quasi-federalist governance model. However, the European Commission has proven to be completely helpless in the fight against the coronavirus pandemic and is now faced

with the dictates of large pharmaceutical companies. Having obtained huge funds to speed up work on vaccines against COVID-19 and then received orders for these preparations on behalf of the entire Community, these corporations suddenly treat the contracts in declaratory rather than obligatory terms. Another factor adding up to this chaos is the European Union's ineffectiveness during the first spring wave of the pandemic. The effect was that the member states and the EU's closest partners were practically on their own. Little has been done to improve this negative image in the fall or recent weeks.

One might even get the impression that the chaos and the lack of knowledge on what to do in the face of the pandemic's second wave have deepened even further. An illustration of this was one of the latest press conferences of Ursula von der Leyen at the beginning of February this year. The head



SUMMIT OF THE VISEGRAD GROUP PRIME MINISTERS. POLISH PRIME MINISTER MATEUSZ MORAWIECKI (CENTER), AND THE PRIME MINISTERS OF HUNGARY VIKTOR ORBÁN (SECOND RIGHT), THE CZECH REPUBLIC ANDREJ BABIŠ (RIGHT), SLOVAKIA IGOR MATOVIČ (LEFT), AND PRESIDENT OF THE EUROPEAN COUNCIL CHARLES MICHEL (SECOND LEFT) ATTEND A WELCOMING CEREMONY IN KRAKÓW, FEBRUARY 17, 2021. THE VISEGRAD GROUP SUMMIT WAS HELD TO MARK THE 30TH ANNIVERSARY OF THE VISEGRAD GROUP COOPERATION FRAMEWORK.

© Łukasz Gagulski (PAP)

of the European Commission admitted that the EU neglected the process of ordering vaccines – which resulted in delays (for instance in the USA, Israel, or Great Britain) in the vaccination process and will undoubtedly bring further perturbations to the economies of the members of the Community. It was a big disappointment and surprise that the EU failed to act on behalf of its neighbors, especially when it turned out that the Western Balkans received more help from China (as part of the „mask diplomacy”) than from the powerful European Community, while Serbia got aid from Russia, and Bosnia and Herzegovina from Turkey.

The European Commission and the largest Western countries were so determined to conclude the EU and China’s investment agreement that they left aside Beijing’s responsibility for starting the pandemic – if only by restricting access to information. As experts point out, if China had communicated the threat in time, the scope of the pandemic could have been reduced by as much as 80%, as in the case

of the first SARS epidemic in 2002–2003. Instead of being held responsible, Beijing is now becoming a strategic partner for the European Union, or at least for its few member states. All this happened during Germany’s EU Council presidency, and it led to an exceptional situation where the normative power of the Community – its showcase, something we could boast of – has today become an oxymoron. Especially given the behavior of EU leaders towards the situation in Belarus and Russia.

In this context, relations between China and Central and Eastern European countries prove to be a new challenge for the entire region. Strengthened by the favorable attitude of the European Commission and Western states, Beijing will try even harder to demand concessions from weaker countries. China has clearly used to its advantage since the 16+1 format was launched in 2012 (and now expanded to the 17+1 format including Greece) to map the region, find most interesting areas of potential cooperation, and try to take over the more attractive companies without

much expense. From Central Europe's perspective, the record of cooperation with China is more than disappointing (except maybe for Hungary and, with regard to the countries outside of the EU – for Serbia). Instead of investments raising innovativeness of industry and creating new highly specialized jobs, we received „highway-like” products and attempts of an aggressive capital takeover of some enterprises.

In the coming months, the various Central European capitals will most likely encounter a different face of Chinese public diplomacy. Beijing used the COVID-19 pandemic crisis to change its previous policy towards the region and even the entire European continent. Until now, China's principal diplomatic tool was to present itself as a trade partner willing to play the role of a peaceful actor, promoting its humanistic culture and universal Confucian philosophy in relations with others. Now, it turns out that any attempts to criticize China's actions are met with an almost immediate response, and it is no longer just a smooth action to shrug off responsibility for the pandemic. The hashtag #ChinaVirus has been present in social media for a remarkably short time. Instead, now we hear more often about the „British virus” or its Brazilian variant. Add to this an increasingly hostile attitude towards any contact with Taiwan, the victim of which was the Czech Republic last year, when Chinese diplomacy provoked a severe diplomatic crisis following Czech Senate Speaker Miloš Vystrčil's visit to Taipei in August 2020. It remains to be seen what further consequences Prague's another decision – to eliminate Chinese entities from the competition to modernize and expand the Dukovany nuclear power station – will have on bilateral relations. With all this in mind, one may come to a conclusion that any criticism of China in modern times requires great courage.

The hashtag #ChinaVirus has been present in social media for a remarkably short time. Instead, now we hear more often about the „British virus” or its Brazilian variant.

Another source of uncertainty in some Central European countries is the outcome of the presidential election in the United States, and even more so, its political crisis caused by the method of transferring power and the Capitol riot. The election of Joe Biden as the 46th president of the US will be challenging for many, especially for countries with excellent contacts with Donald Trump's administration. This does not mean that relations with the new U.S. leader will automatically cool, but they will undoubtedly require some rearranging. From Washington's perspective, what will not change with regard to the previous administration will be the attitude towards China as the biggest competitor to the US position of the world leader.

Donald Trump's administration has treated the Central European region as an element of Washington's broader European policy – as an instrument for putting pressure on Western allies to bear higher defense costs and to cease economic and political teamwork with countries trying to weaken the North Atlantic Alliance (such as Germany's cooperation with Russia on the Nord Stream 2 project). For Washington, Central Europe is a promising market not only for American energy resources or armaments but also for other products. Until now, Central Europe has played a marginal role in trade with the

Poland's nuclear strategy and the Czech Republic's plans to modernize its existing nuclear power plants involve excluding Chinese partners from the project, which many interpreted as an invitation for American technology in this area.

United States, generating approximately 1.5% of the total turnover of US goods and services with the world. In comparison, the involvement of the Central European members of the Three Seas Initiative (3SI) in Germany's trade accounts for 20%, and in Russia's – more than 10%.

Therefore, the US participation and its certain patronage of the 3SI should be read in terms of a well-executed calculation and an attempt to clear the backlog in its economic cooperation. This was the purpose of Donald Trump's visit during the Warsaw 2017 Summit, the constant presence of high-ranking US politicians at meetings, and more recently, Washington's financial involvement in the Three Seas Initiative Investment Fund or proposals for closer partnership in the nuclear energy field.

For many Central European politicians, who are typically disregarded on the “backstage” of the EU by those representing richer countries, such an approach from the Americans evoked sympathy. The outcome of the US presidential election left open the question of how the new

Washington administration will approach its predecessors' policies towards the Three Seas region. As the first statements of people associated with President Biden indicate, these changes do not automatically mean a total reversal of previous actions – but uncertainty remains. In contrast to these reassuring signals, there have been reports of the new president's very reluctant attitude towards exploiting energy resources, especially shale gas.

Foreseeing the consequences of the new energy policy would be difficult, but in the worst possible scenario, American gas supplies could be limited – both for Poland and the LNG terminal on the island of Krk in Croatia, the latter of which is just being opened. In the long run, this would pose a threat to the 3SI as a forum for cooperation among EU countries interested in closer relations with the United States. There is no official position of the new Washington administration on nuclear energy, which, in the case of reduced interest of the US in exploiting gas deposits and exporting them to Central Europe, could serve as an alternative area for business ties with the region.

Poland's nuclear strategy and the Czech Republic's plans to modernize its existing nuclear power plants involve excluding Chinese partners from the project, which many interpreted as an invitation for American technology in this area. With the new President Joe Biden emphasizing his attachment to the principles of liberal democracy and progressive trends, France or Germany may prove to be closer partners for the US in Europe in the near future. However, the actions of the two largest EU member states in favor of the prompt conclusion of the EU-China investment agreement and Berlin's stubbornness in finalizing the investment, as well as the German leaders' defense of the Nord Stream 2 project, have put the Americans to a challenging test. It is, therefore, not

CENTRAL EUROPE IN 2021: THE 30TH ANNIVERSARY OF THE VISEGRAD GROUP. THE YEAR OF OPPORTUNITIES AND CHALLENGES

out of the question that the first efforts to warm up relations between the United States and Western Europe will result in disappointment. However, it is not easy to say what consequences this will bring for the Central European region – whether it will translate into Washington's isolationist policy or, perhaps, diversification of its relations with a greater emphasis on the European Union's eastern members.

Some more optimism is coming from Central Europe. So far, macroeconomic and social data indicate that this region is doing pretty well in its struggle with the pandemic, and its GDP decline and unemployment levels are below the EU average. Despite the restrictions, Poland, the Czech Republic, Slovakia, and Hungary are preparing to mark the thirtieth anniversary of the Visegrad Group. The event, organized in Pomerania, Poland, on February 9, 2021, was initiated by President Andrzej Duda and his counterparts – Zuzana Čaputová, János Áder, and Miloš Zeman. This anniversary should be celebrated and is definitely worth celebrating because it shows that Central European countries can organize themselves autonomously and independently around the most important issues. Thirty years ago, this was a „return to Europe,” cooperation for integration with Euro-Atlantic institutions – as the then president of Czechoslovakia, Václav Havel, said. Today, it is rather about playing an active role in the EU by representing the interests of the new members of the Community, preserving the prospect of bloc membership for the Western Balkans, as well as promoting serious pro-reform support for the Eastern Partnership countries.

There is even better news coming from the states involved in the Three Seas Initiative. Despite the restrictions, Estonia found a way to organize the postponed presidential summit in Tallinn on October

19, 2020. It was initially planned to be held in June, and the cancellation at the time was prompted by hopes that the health crisis could be contained by the fall. In the face of the second wave of the pandemic, the hosts had quite a challenge whether to hold the event and how it should be organized. Estonian President Kersti Kuljulaid showed great determination to organize the summit, although in a limited form, which is worth commenting on for several reasons.

Estonia took the opportunity to present itself as a modern country using digital technologies, familiar with the virtual world, and promoting the *E-stonia* brand. The summit was hybrid, with three members present in Tallinn: the host of the event, President Kersti Kuljulaid, Polish President Andrzej Duda – as one of the initiators of 3SI – and Bulgarian President Rumen Radev, who will host the Three Seas Initiative summit in 2021. The remaining presidents were present online, although this facilitated form did not mean that all of them attended – Hungarian President János Áder and the newly elected Croatian President Zoran Milanović did not participate in the virtual debate of the leaders. The participation of the EU and the US delegates was an important signal – EC Vice President Margarethe Vestager represented the former and the Deputy Secretary of Energy in President Trump's administration Mark Menezes – the latter. No official representative of Germany attended the summit in any form, and we will find out at the next meetings whether this will translate into a permanent change in Berlin's attitude towards the Three Seas Initiative.

Another important message sent from Tallinn was the announcement to finalize the first transaction from the Three Seas Investment Fund (TSIF), which is no longer perceived as a Polish caprice but is becoming quite a desirable partner. In



FOUNDATION OF THE VISEGRAD GROUP. PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, VÁCLAV HAVEL (LEFT), THE PRESIDENT OF THE REPUBLIC OF POLAND, LECH WAŁĘSA (RIGHT), AND THE PRIME MINISTER OF THE REPUBLIC OF HUNGARY, JÓZSEF ANTALL (CENTER). VISEGRÁD, FEBRUARY 15, 1991.

© Péter Antall (Wikimedia Commons)

Estonia, declarations were made that more countries would join the TSIF, and the United States announced its co-financing. At the beginning of the year, press agencies informed about Lithuania joining the Fund with a minimum financial contribution of 20 million euros. At present, only the Czech Republic, Slovakia, and Austria have not yet made a binding decision on their role in the TSIF.

Another country to pay attention to in the coming months is Bulgaria – the host of this year’s 3SI summit, tentatively scheduled for June. This country’s involvement should be especially appreciated, as it has so far been one of the least active members of the Initiative. This has translated, among other things, into a small number of infrastructure projects submitted to the joint list drawn up at the Bucharest summit in 2018 and earmarked for implementation under the then-proposed Fund. If this year’s summit also includes the meeting not only in the presidential format, but also involving government plenipotentiaries executing the projects, it will be a very positive signal. It will show that the Three Seas Initiative is developing and moving from the stage of political declarations

to realizing governmental decisions. Presidents in Central Europe play an essential but primarily representative role. It is the governments and their agendas that are responsible for putting these political declarations into practice.

Even though the dynamics of 2020 may have already been dizzying, this year is very unlikely to get any slower. There are many events ahead of us that may significantly influence Central Europe’s position in relations with other big actors, and this region will face new trends and changes in attitudes towards, for example, the Three Seas Initiative. It is a great pity that the pandemic unleashed by China will hinder the grand celebration of the thirtieth anniversary of the Visegrad Group, as V4 deserves a festival of joy. I personally believe that without this first regional cooperation format initiated in 1991, Central Europe would most likely be much different today. It would not have had a chance for such a level of mutual trust, and the Three Seas Initiative would probably not have been established.

Piotr Bajda ■
February 2021

NORD STREAM 2: WALKING A GEOPOLITICAL TIGHTROPE

JAKUB WIECH

The fate of the Nord Stream 2 project is doubtful, and it is gradually becoming a litmus test of relations between the US and Germany.

LIKE IN A KALEIDOSCOPE

Not so long ago, in late January 2021, the Nord Stream 2 project was moribund. The pipe-laying work had been at a standstill for more than a year, not including a short, few kilometers long section completed in German waters. The continuation of the project was jeopardized by the US sanctions. For this reason, the principal insurer, the Zurich Insurance Group (ZIG), withdrew from it. Earlier, DNV GL,

a consortium of insurers, had made the same decision. Nord Stream 2 was also, for the first time, abandoned by a German company – Bilfinger.

On January 19, 2021, the last full day in office of President Donald Trump and his administration, the US decided to impose sanctions. These included the Fortuna vessel and its owner, the KVT-RUS company. The restrictions have

been introduced under the Countering America's Adversaries Through Sanctions Act (CAATSA), which meant that they were more of a warning shot, but – nonetheless – a shot.

However, Russians – who bore the burden of building the pipeline – did not give up. After the ZIG's withdrawal, the media informed about a company established in Russia, which, within just two days, had obtained the approval of the federal bank to conduct insurance activities. This entity was considered to be the successor to the ZIG. Moreover, Russians were trying to minimize the risk associated with the sanctions imposed on the Fortuna ship. The vessel had several different owners and was passed on from one microenterprise to another. The current owner of the barge (KVT-RUS, the sanctioned company) is also a microenterprise with only one employee.

Germany also offered its assistance. The state authorities of Mecklenburg-Vorpommern announced that they would establish a “pro-climate” organization to protect the Nord Stream 2 project from sanctions. Its founder, the Nord Stream 2 AG, a company owned by Gazprom, could contribute up to 20 million euro for this cause. The trick was based on the assumption that the US would not impose sanctions on an entity owned by the German state government. Such a proposal of the Mecklenburg-Vorpommern region shocked German environmental activists. As a result, they staged widespread protests against the actions of the state government.

The case of Alexei Navalny added fuel to the fire in terms of Nord Stream 2. In 2020, the Russian opposition activist barely survived an assassination attempt (he was poisoned with the Novichok nerve agent, used by the Russian state security services). Upon returning to Russia from a German clinic, where he had been hospitalized, he was arrested and put on trial. Furthermore,

Vladimir Putin's regime was brutally suppressing protests that had sparked in major Russian cities after Navalny's return to the country. These events provoked a backlash from a number of politicians and media outlets around the world. They also directed attention to the construction of the Nord Stream 2 gas pipeline. The European Parliament called for the project to be abandoned. Additionally, the editorial board of the French newspaper *Le Monde* has called on Chancellor Angela Merkel to stop the construction of the gas pipeline.

AN AMERICAN PROPOSAL

Tensions over Nord Stream 2 were at their peak until early February. Then, the German newspaper *Handelsblatt* reported that the new American administration had expressed its readiness to lift sanctions against the Nord Stream 2 on condition that Germany adopts a “package of solutions,” responding to US concerns about European security.

Handelsblatt always had fairly reliable information concerning the relations between Germany and the US. It reported, among others, on the US ambassador in Berlin, Richard Grenell, who was warning that German companies involved in Nord Stream 2 might face sanctions. Therefore, it could be assumed that this information is also true. The reports from the people close to the President also seem to confirm them. Even before Biden was sworn in, it seemed that under the leadership of the Democrat, the US would be willing to lift the sanctions if Europe halts the Nord Stream 2 project. However, the condition for that was not the suspension of construction but an unspecified “package of solutions.”

According to German media reports, such a message from the US caused “a relief in Berlin.” However, it did not last long. Already on February 4, the spokesperson of the US Department of State said that Washington “is continuing to monitor



FLAGS WAVE OUTSIDE OF THE HEADQUARTERS OF GAZPROM. MOSCOW, RUSSIA, JANUARY 21, 2020. ACCORDING TO GAZPROM'S PLANS, THE NORD STREAM 2 NATURAL GAS PIPELINE FROM RUSSIA TO GERMANY WAS SUPPOSED TO BE COMPLETED AT THE BEGINNING OF 2021, DESPITE US SANCTIONS AGAINST COMPANIES INVOLVED IN PIPE-LAYING ACTIVITIES.

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the implementation of the Nord Stream 2 gas pipeline project,” and should it be determined that the construction of the pipeline is resumed (according to Russian reports, this was supposed to happen in January, although this information has not been confirmed), then America “[will] make a determination on the applicability of sanctions.”

A POLITICAL WEAPON

The geopolitical future of Central Europe depends on the decisions of the US administration in this regard. Nord Stream 2 is a project that would profoundly shape this realm in the long-term. It is a political scheme – contrary to what has been repeated like a mantra by the German and Russian authorities that it is a business project.

The construction of the Baltic Sea pipelines is not motivated economically, as evidenced by the fact that the existing onshore transmission infrastructure is currently used only in 70%. Consequently, there is no reason to invest huge resources in new gas pipelines – which would have to be

laid on the seabed – especially since the existing infrastructure can transport more natural gas. However, it is apparent that Nord Stream 1 and 2 are political projects even without technical analyses. It would be enough to look at the map in order to understand how Russian and German politics benefit from the construction of these connections. It is all about bypassing traditional transit countries, which are inconvenient for the Kremlin (especially Ukraine, which is, in fact, at war with Russia) and making Germany a central European gas hub.

At the moment, it should be highlighted that Germany closed the deal on Nord Stream 2 with the Russians despite the war in eastern Ukraine (started by Russia), the annexation of Crimea, the downing of MH17, the attempted poisoning of Skripal, or the incident near the Kerch Strait. Berlin turned a blind eye to these events, which the US ambassadors clearly pointed out in their letter to the German authorities.

A report published by the Sberbank CIB, an investment banking firm, also points to the



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FORMER GERMAN CHANCELLOR AND CHAIRMAN OF THE BOARD OF DIRECTORS OF ROSNEFT, INDEPENDENT DIRECTOR, GERHARD SCHROEDER (LEFT), RUSSIAN PRIME MINISTER DMITRY MEDVEDEV (CENTER) AND GAZPROM CHAIRMAN OF THE BOARD OF DIRECTORS VIKTOR ZUBKOV (FRONT RIGHT) ATTEND AN INAUGURATION CEREMONY OF VLADIMIR PUTIN AS RUSSIAN PRESIDENT IN THE KREMLIN. MOSCOW, RUSSIA, MAY 7, 2018

Russia is known for using its energy resources for political purposes.

political nature of the project. According to the document, key gas projects with which Gazprom wants to encircle Europe (Nord Stream 2 and Turkish Stream) will pay for themselves in several decades, which defies business logic. This means that Russia, while engaging in this project, is looking for a different kind of profit. These are, of course, political benefits, such as the possibility to exert economic influence on countries that are dependent on the supplies of natural gas from Germany.

Russia is already the largest supplier of natural gas to the European Union. The launch of the Nord Stream 2 gas pipeline will further increase its dominance in this field, allowing it to continue or create new

local monopolies. This contradicts the objectives of EU energy policy, aiming to, among others, diversify gas supply sources.

Russia is known for using its energy resources for political purposes. In an investigation being conducted by the European Commission since 2012, Gazprom, the Russian state-owned company that extracts and sells natural gas (as well as implements projects such as Nord Stream 2), admitted that some of its practices in Central and Eastern Europe breached antitrust rules. The official charges brought by the European Commission against the Russian company included gaining unfounded influence on gas transport infrastructure (e.g., interconnectors, which allowed to control the transfer between the countries), dividing markets, and unfair pricing policy for individual member states.

The last of them should be discussed further. It was established that Gazprom

unfairly offered its customers different prices, most likely on the basis of political motivations. This could be observed, for instance, in the case of Hungary and Poland. Budapest opposed EU sanctions against Russia, which were a response to the occupation of Crimea, purchases natural gas from the East on much better terms than Warsaw. However, this is contrary to basic economic factors such as the distance from deposits (Poland is located closer to them) or the purchase volume (Poland buys much more natural gas than Hungary).

The fact that Gazprom's activities and projects are political is also evidenced by strange problems associated with its transport to Poland, among others. The last such event occurred in 2017 when natural gas flow via the Yamal pipeline was cut off. Interestingly, this happened just after the first delivery of American LNG to Poland and ahead of the visit of US President Donald Trump (a fierce opponent of Nord Stream 2). Simultaneously, the authorities in Warsaw were announcing further diversification of gas suppliers (which would reduce the volume of natural gas purchased from Russia even to zero). According to sources close to the Polish Oil Mining and Gas Extraction company (PGNiG), Polish energy suppliers interpreted these issues as a clear "political message."

Earlier, problems with Russian gas supplies occurred in 2016, a week before the NATO summit in Warsaw and right after the first LNG shipments from Qatar and Norway to the Świnoujście LNG terminal. At that time, gas supplies fell by as much as 20%. The Government's Plenipotentiary for Strategic Energy Infrastructure Piotr Naimski informed that "it is yet another time when, without prior notice and providing a reason, the Russian supplier failed to perform the contract. More of such incidents may affect the stability of the system and security of supply for customers." In September 2014, gas supplies

Germany wants to build its own economic and political position on the basis of Russian resources.

fell by 45% – Gazprom tried to reduce the reverse gas flow deliveries from the West to Ukraine.

Berlin can also gain politically from this project. Germany wants to build its own economic and political position on the basis of Russian resources. Germany, located in the center of Europe, is predestined to be the central distribution hub. Its status is privileged by a well-developed transmission infrastructure, especially efficient interconnectors. Consequently, Germany is able to use Russian natural gas to establish its own political and economic agenda because this resource is delivered to it without any intermediaries and in huge quantities. Additionally, thanks to a good relationship with Russia, Berlin can count on very attractive natural gas prices (lower than, for instance, Poland, which is located closer to Russia). Thus, Germany has its hand on the gas tap, impact on its prices, and can make money from it.

Above all, Central and Eastern Europe, and especially Ukraine, seem to be the victims of this political game. Tens of billions of cubic meters of Russian gas are still flowing across Ukrainian territory. In 2009, Europe learned how risky could be a bottleneck on this section. As a consequence of the Russia-Ukraine gas dispute, the transfer of natural gas to the Old Continent was halted. Because Ukraine is a transit country and has control over the flow of gas to other states, its safety is guaranteed, and Kyiv has an additional trump card in negotiations



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GERMAN CHANCELLOR ANGELA MERKEL (LEFT) AND RUSSIAN PRESIDENT VLADIMIR PUTIN DURING THE INTERNATIONAL LIBYA CONFERENCE. BERLIN, GERMANY, JANUARY 19, 2020. OPPOSITION PARTIES HAVE CALLED ON GERMAN CHANCELLOR MERKEL TO ABANDON THE JOINT GERMAN-RUSSIAN PIPELINE PROJECT NORD STREAM 2 IN RESPONSE TO THE ALLEGED POISONING OF KREML CRITIC ALEXEI NAVALNY.

with the Kremlin. As a result, the European countries care about Ukraine's fate. Now, however, given the situation in the Donbas and Crimea as well as the various possible developments of the Nord Stream 2 case, it is difficult to predict the future of Ukraine once this card is no longer available.

GAS STALEMATE

For the time being, the situation concerning Nord Stream 2 is a stalemate. On the one hand, the project is subject to US sanctions – those already imposed and the other ones that are still possible. Despite their introduction, it cannot be fully ruled out that the project would not be completed. On the other hand, the United States indicated that it is ready to lift some of the restrictions upon further negotiations. However, it is unclear whether Germany would be willing to pay the price that the Americans set for the completion of Nord Stream 2. This could be, for instance, a guarantee that the deliveries through this pipeline would be limited. Accordingly, gas transit through Ukraine would be ensured. Although the

situation concerning the Baltic gas pipeline is very dynamic, it is worth noting that since the Democrats took power in the US, the sanctions are being imposed on Germany (they are becoming an important tool for exerting influence on Berlin, which is not only the derivative of a policy towards the Kremlin) rather than Russia (so far, US sanctions on Nord Stream 2 were aimed at Moscow). Poland should closely monitor this subtle change because it may determine the correct evaluation of US-Germany relations.

At this point, the future of the Nord Stream 2 pipeline is difficult to predict. The Russians responsible for its construction often emphasize that only 150 kilometers (93 mi) are left for its completion. Consequently, the fate of the venture already seems to be determined. However, the history of this project has shown that nothing is certain.

Jakub Wiech ■
March 2021

WILL WESTERN BALKANS REMAIN ON EU INTEGRATION AGENDA?

JAKUB LACHERT

The past two years appear to have brought a breakthrough in the relations between the European Union and the Western Balkans. Countries such as Albania and North Macedonia followed a policy in line with EU guidelines to start accession negotiations. Serbia and Kosovo are now in talks to achieve a future peace agreement which would allow them to break the deadlock with the EU. Securing a peace deal with Kosovo will pave Serbia's way for EU accession talks while Kosovo could apply for a status of a candidate country.



A POSTER IN SERBIA READS 'THANK YOU, BROTHER XI'.

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At the same time, EU nations seemed little interested in the processes taking place in the Western Balkans. France, Denmark, and the Netherlands opposed beginning EU membership discussions with Albania and North Macedonia in what set a peculiar precedent in the EU's policy whose purpose so far was to create robust ties with the countries outside the bloc. Barring North Macedonia's and Albania's membership bids was a signal for the Western Balkan states that their integration in the EU is not definite and would be a rather lengthy and complex process.

Vetoing accession talks served as a political tool for the EU nations that hindered the dialogue to force candidate states to take some action in their bilateral relations. In December 2020, Bulgaria rejected talks over North Macedonia's entry into the EU due to open disputes between the two countries, citing Skopje's non-compliance with the Treaty on Friendship. At issue are essentially historical feuds as the one over the identity of some figures, such as Goce Delchev, a Bulgarian national hero and revolutionary who fought for independence in the 19th century, to whom North Macedonians also lay claim.

Thus, EU integration efforts of the Western Balkan nations somewhat stalled in the past

few months. There may be two plausible reasons behind blocking EU accession talks with Albania and North Macedonia. Countries that enjoy friendly ties with the Western Balkan nations, such as Bulgaria, are attempting to persuade their government to look for the best solutions for Sofia. It seems that their chance to join the bloc is still so distant that the delayed launch of the negotiation process will have no major impact on their EU integration process on the whole. Nonetheless, some domestic affairs played a part in Bulgaria's veto while the spat with North Macedonia served as a red herring in a polarized Bulgarian society.

Another reason could be the fact that the European Union lacks the readiness for open accession talks with other countries amid the COVID-19 crisis and the need to rebuild ties with the United Kingdom.

EU'S WEAKNESS IN FIGHTING DISINFORMATION IN THE WESTERN BALKANS

As the pandemic swept across the European Union, it has become an easy target for Russian disinformation activities in the Western Balkans on counteracting the virus and offering aid to distribute vaccines in the region. In its response to the coronavirus crisis, the European Commission offered €70 million to support these efforts

under the Instrument for Pre-Accession Assistance¹, or IPA.

In their articles, the Serb-language media in Serbia, Montenegro, and Republika Srpska (Bosnia and Herzegovina) accused the United States, currently waging a hybrid war with China, of the outbreak. Moreover, they addressed China's help in the Serbian fight against the pandemic during its first wave in the spring of 2020. Serbian media outlets gave Chinese aid a priority while saying nothing about the EU's worth of €3.3 billion assistance², an amount restrained to a large extent by some internal turbulences, particularly in Italy and Spain³.

Russia is the top source of this disinformation. Its officials aim to defame the European Union in the eyes of Western Balkan people, especially those waving a Moscow-friendly attitude. On the one hand, with its propaganda, Russia intends to portray the EU as a hegemon imposing its will on more vulnerable – both politically and economically – Western Balkan countries. On the other hand, though, the European Union is described as a weak and internally torn political actor, unable to bear the brunt of the pandemic, the bloc on whom also Brexit has left its stain.

Although conflicting at the first glance, these messages paradoxically complement one another. They create an impression that the European Union is using power tools to control the Western Balkans while forcing them to meet some humiliating criteria – like the North Macedonia name change or renouncing Serbia's sovereignty over Kosovo. Joining the EU, the propaganda

¹ EU timeline, https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/timeline-eu-action_pl

² *Covid-19: EUR 3.3 billion of EU aid to the Western Balkans – infographics*,

^b<https://www.consilium.europa.eu/pl/infographics/economic-support-to-western-balkans/>

³ Ibidem

As the pandemic swept across the European Union, it has become an easy target for Russian disinformation activities in the Western Balkans on counteracting the virus and offering aid to distribute vaccines in the region.

message says, will bring no benefits to the Western Balkans as its member nations are unable to cope with fundamental safety issues, for instance, health policy.

Apparently, the Russian disinformation campaign – a new weapon – poses the biggest threat to the EU's permanent presence in the Western Balkans, or the bloc's geographical soft underbelly. Russia offers its interpretation of what happened in the Western Balkans, one that strikes at the European Union, which is a geopolitical threat to Moscow.

China and Turkey, or two other political actors who left their footprint in the region, do not occupy such a pivotal role in disinformation activities as Russia does. The Turkish message is directed mainly to Muslims living in Albania, Bosnia and Herzegovina, and Kosovo. It aims to create a religious community around Turkey while using the anti-Western or anti-EU narrative as a tool for developing political ties between Ankara and the Western Balkans, rather than being a top target in media coverage, as in Russia.

The policy the European Union pursues between governments and in supranational institutions does not seem to tackle any geopolitical challenges the bloc encounters, satisfying nothing but ad-hoc needs instead.

China, in turn, has no media channels to wage a disinformation campaign in Western Balkan languages throughout the region. The country's biggest news broadcaster in the area is the English-language China Global Television Network. China spreads its main message about help for the Western Balkans and fight against the COVID-19 pandemic through social media. Yet, this narrative is far from targeting the European Union.

The bloc's steps to counteract Russian disinformation in the Western Balkans are not structural. In its press release on the Strategic Agenda for 2019-2024, the European Council labeled disinformation, notably referring to any fake reports on the pandemic, as a top threat to the European Union⁴. The European Commission urged EU nations to regulate their information policies and fight disinformation. However, media pluralism in the European Union prevents its members from effectively fighting an ongoing disinformation

⁴ *Fighting disinformation*, <https://www.consilium.europa.eu/pl/policies/coronavirus/fighting-disinformation/>.

campaign by Moscow. State-controlled Russian media outlets create their message consistently with what top officials say to make it look appealing for the Western Balkan nations, whose people never shared any negative experience on Russia.

On the other hand, the European Union offers systemic solutions to support the Western Balkan media market. Between 2014 and 2020, its agencies offered €20 million worth of assistance for Western Balkan media outlets to train journalists or create independent mass media channels.

WESTERN BALKANS AND EU ENLARGEMENT

The public debate on the Western Balkan nations revolves around their potential EU membership. So far, the only country of this region to integrate with the bloc was Croatia (2013).

As of January 2021, negotiations with Montenegro with Serbia were underway, but no exact date for their future accession was specified. The former is the frontrunner in terms of EU accession as it has opened all 33 negotiating chapters and provisionally closed three of them. In 2020, Serbia resumed talks to normalize ties with Kosovo that had stalled two years before, fulfilling an indispensable condition for Belgrade's prosperous negotiations with the European Union.

The past few years have shown that Albania and North Macedonia suffered most in the EU integration process. Bulgaria's veto at the beginning of North Macedonia's accession talks was a signal to the Western Balkan nations that the bloc was not yet ready to include them.

The policy the European Union pursues between governments and in supranational institutions does not seem to tackle any geopolitical challenges the bloc encounters, satisfying nothing but ad-hoc needs instead.



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EUROPEAN COUNCIL PRESIDENT CHARLES MICHEL (CENTER) WALKS ALONGSIDE THE LEADERS OF THE WESTERN BALKANS NATIONS (ALBANIA, BOSNIA AND HERZEGOVINA, KOSOVO, MONTENEGRO, NORTH MACEDONIA AND SERBIA) FOLLOWING AN INFORMAL SUMMIT AT THE EC HEADQUARTERS IN BRUSSELS, BELGIUM, FEBRUARY 16, 2020. THE LEADERS FROM THE SIX WESTERN BALKANS COUNTRIES ARE MEETING WITH MICHEL, AS WELL AS EU COMMISSION PRESIDENT URSULA VON DER LEYEN (LEFT), EU HIGH REPRESENTATIVE FOR FOREIGN AFFAIRS JOSEP BORRELL AND CROATIAN PRIME MINISTER ANDREJ PLENKOVIC (SECOND LEFT), TO PREPARE THE UPCOMING EU-WESTERN BALKANS SUMMIT IN ZAGREB SCHEDULED FOR MAY 2020.

As other countries might shape political processes in the Western Balkans, this runs the risk for the EU's interests in the region, but and more broadly in Central and Eastern Europe. In its decisions towards the Western Balkans, the EU should bear in mind that it might lose influence over there if the integration process does not a timeframe that is acceptable to the local societies.

As the bloc postpones any political decisions regarding the future accessions, above all Montenegro and Serbia, as well as delays negotiations with Albania and North Macedonia, these countries abandon reforms. Furthermore, the Corruption Perceptions Index (CPI), compiled by

Transparency International, shows that the Western Balkan states made no progress in tackling corruption. In 2020, they all saw a drop by a few ranks year on year. In particular, Bosnia and Herzegovina lost 10 points in comparison to 2019. This is a result of the EU being inadequately committed to introducing reforms in the Western Balkans, which had minor importance in the EU's 2020 agenda.

The principal challenge for the integration of the Western Balkans into the EU is how to forge an intergovernmental compromise as these were nation states that were against launching membership talks. France and the Netherlands opposed starting the



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GREEK FOREIGN MINISTER NIKOS DENDIAS (LEFT) SPEAKS WITH BULGARIAN FOREIGN MINISTER EKATERINA ZAHARIEVA (RIGHT), DURING THE HIGH-LEVEL CONFERENCE ON THE WESTERN BALKANS EUROPEAN PROSPECTS. THESSALONIKI, GREECE, FEBRUARY 24, 2020.

talks with Albania and North Macedonia to slow down EU integration bids of the Western Balkans. Bulgaria's efforts centered on building friendly ties with North Macedonia. It might be assumed that the dialogue between the European Commission and candidate countries runs in parallel to intergovernmental activities as in the next stage EU nations tend to call into question the cooperation framework formed at the supranational level. Therefore, the Western Balkan nations are keener to believe that the EU applies double standards.

CONCLUSIONS

Previously wedged in the context of European integration, the Western Balkans are turning into a zone of the growing influence of other regional powers – Russia and Turkey – and that of China, a global economic superpower. This is the case as the European Union is insufficiently involved in keeping these states in its sphere of influence.

Given the location of the Western Balkans, surrounded by the EU countries, there might appear a somewhat erroneous conviction that EU integration processes are irreversible. In the times of the digital

economy, allowing countries to interact with each other, geography is no longer a decisive factor in forging alliances. As China and Russia are leaving their economic and political footprint, any changes that occur in the region remain under the influence of these two powers. Being offered Chinese loans, Western Balkans leaders might see the structural cooperation with the European Union subject to a set of conditions, like the rule of law, as little attractive. Nonetheless, the mostly-Russian deliberate disinformation campaign materializes as the biggest threat to sustainable EU integration processes. Without any past bias against Russian policy, Western Balkans people are susceptible to all messages broadcast by the Russian media outlets operating in the region.

As far as these factors are concerned, it is challenging to conclude whether the European Union is still determined to welcome the Western Balkan nations in the bloc.

Jakub Lachert ■
March 2021

THE EUROPEAN MICROSTATES: THE PROSPECT OF EU MEMBERSHIP IN THE CONTEXT OF ASSOCIATION AGREEMENT NEGOTIATIONS

MARCIN ŁUKASZEWSKI, PHD

Currently, Malta is the smallest EU member state – both in terms of size and population. However, it may soon be replaced by another, even smaller one, since a number of countries in Western Europe have been willing to collaborate with the European Communities already for several decades now. Apart from Switzerland, such enclaves include Andorra, situated between Spain and France; Monaco, located on the French Riviera; Liechtenstein, established between Switzerland and Austria; and two territories in Italy – the Vatican City State and San Marino. Each of the relations between these microstates and the EU is different. It is likely that three of them would be revised soon.

THE VATICAN CITY STATE

The Vatican City is the only one of the five microstates which are not expected, even in the distant future, to become a member of the European Union (both sides are reluctant to do so). The reasons are obvious – the Vatican City is a non-democratic country, a theocracy. It would be difficult to indicate the Copenhagen criteria which the Vatican City State could possibly meet. As a result of the unique political and economic system (the Vatican City does not operate under most of market economy conditions), it will not become an EU member state even in the long term.

The Vatican City has settled its relations with the European Community (EC) mainly because its only neighbor is an EU



© IAN LANGSDON (PAP/EPA)

FRENCH PRESIDENT EMMANUEL MACRON (RIGHT) GREETES CO-PRINCE OF ANDORRA AND BISHOP OF URGELL, JOAN ENRIC VIVES (LEFT) AT THE ELYSEE PALACE. PARIS, FRANCE, OCTOBER 16, 2017.

member. The territory of this microstate is a part of the Schengen Area because its borders with Italy are partially open, although formally, the Vatican City State is not a signatory of the Schengen Agreement. The substantial cooperation between the Vatican City and the European Union is best evidenced by the fact that the Vatican City uses the euro. An appropriate monetary agreement was concluded in 2000 and replaced with a new one 10 years later.

LIECHTENSTEIN

Among all five European microstates, Liechtenstein is the most integrated with the EC. Although it is not a member state of the European Union, it belongs to the European Economic Area (EEA). It should be clearly noted that Liechtenstein's membership in the EEA was partially due to a similar foreign policy of its neighbor – Switzerland, which became a close partner of Liechtenstein after World War I. In the end, Switzerland did not join the EEA as a result of a rather surprising decision of its citizens¹, but Liechtenstein took

¹ It was a consequence of the referendum result – 50.4%.

a courageous step in its foreign policy and became the first microstate so closely linked with European institutions.

Unlike all other microstates, Liechtenstein is part of the Schengen Area, and, unlike Andorra, Monaco, San Marino, and the Vatican City, it adopted the Swiss franc instead of the euro as its currency.

MONACO

For decades, the Principality of Monaco had close ties with France – both economic and political ones, but also in terms of its constitutional system, under which the Republic had the right to fill the most important offices in the Principality. Hence, Principality's relations with the European Union and the European Communities were, in fact, a consequence of the membership of its only neighbor in that organization. Being in a customs union with France did not result in the need for to regulating trade with the EC by the Monegasque government. Only when France adopted the euro as its currency, Monaco had to solve this issue. Consequently, a Monetary Agreement was concluded in 2001. Afterward, the

THE EUROPEAN MICROSTATES: THE PROSPECT OF EU MEMBERSHIP IN THE CONTEXT OF ASSOCIATION AGREEMENT NEGOTIATIONS

Agreement was amended several times, and a completely new act was passed 10 years later.

Since France is the only neighbor of the Principality that has access to the Mediterranean Sea, the rules governing the movement of persons had to be established. Currently, the border is open (apart from temporary checks resulting from the COVID-19 pandemic), the conditions for entry and movement of foreigners are identical to those in France, while the seaport (La Condamine) and the heliport, located in the west of the country, have been recognized as external border crossing points.

The bilateral agreements regulate not only the free movement of persons and currency. In 2003, it was agreed that EC's acts on selected animal and human drugs, cosmetics, and medical products are also applicable in Monaco. Additionally, the Principality was obliged to comply with the EU Directive on taxation of savings income in the form of interest payments, which concerns the funds deposited by EU citizens in Monegasque banks.

ANDORRA

The situation in Andorra was peculiar until 1993. In the past, it was often not recognized as an independent state due to, among others, accusations of lack of sovereign foreign policy or the fact that it was (and still is) a parliamentary co-principality – a Catholic bishop of a Catalan diocese and the president of France were and are its co-princes. Until the turn of the 1980s and 1990s, its rulers *de facto* had absolute power. Adopting the first constitution in the country's history (1993) and the Treaty of Good Neighborhood, Friendship and Cooperation (1993), symbolically allowed Andorra to be another European parliamentary democracy. Andorra joined the European Union Customs Union (EUCU) three years earlier,

which in turn abolished all customs duties and charges having equivalent effect.

Spain partially blocked further attempts that might have allowed Andorra to be closer to the European Union. It underlined that the microstate failed to tackle tobacco smuggling. On the other hand, Madrid was eager to cooperate in terms of trade in live animals and animal products (1997); environment, transportation, health, and regional policy (2004); and the adoption of the euro in 2011 (after eight years of waiting for the approval of Brussels)². In the following years, the savings taxation agreement was renegotiated.

Andorra is not a party to the Schengen Agreement – checks are carried out at the borders with France and Spain. However, the microstate coordinates its visa requirements with the Schengen Area and accepts Schengen visas.

SAN MARINO

Relations between the European Economic Community (EEC) and the Republic of San Marino were established in 1983, but they intensified in the 1990s when the Agreement on Cooperation and Customs Union was signed. As a result of these and subsequent arrangements, San Marino's government had to comply with customs, trade, and veterinary regulations of the Community. Moreover, areas of cooperation included: culture, environment, services, industry, communications, information, and tourism, among others. Pending ratification of the deal, the parties agreed to conclude an Interim Agreement on Trade and Customs Union. Consequently, the relevant provisions were in force even before the previously negotiated Agreement was ratified. In the end, the Agreement on

² Earlier, Andorrans used Spanish and French currency simultaneously.

The EU institutions, acknowledging the gradual integration of microstates on various levels, had reviewed the existing legal arrangements and identified areas for future cooperation.

Cooperation and Customs Union came into effect in April 2002.

As in the case of the other Italian enclave, the subject of currency of the microstate had to be regulated. After the Sammarinese lira was abandoned, the Government of the Republic signed a Monetary Convention in 2000. The Agreement replaced the one concluded in 1991 and imposed an obligation on San Marino authorities to fight against counterfeiting of the euro. These responsibilities were further clarified in 2012 when the deal was renewed. As far as border checks are concerned, San Marino is not part of the Schengen Area, but there is no border control. Furthermore, the microstate is not obliged to implement any provisions of the Schengen acquis, such as police and judicial cooperation. Additionally, it is worth highlighting that, thanks to bilateral agreements, citizens of San Marino are allowed to work and reside on Italian territory.

THE MICROSTATES AND THEIR POTENTIAL MEMBERSHIP IN THE EU

The EU institutions, acknowledging the gradual integration of microstates on various levels, had reviewed the existing

legal arrangements and identified areas for future cooperation. In 2012, the European Commission outlined five options for closer integration with the EU: (1) maintenance of the status quo, (2) sectoral approach, (3) framework Association Agreement, (4) participation in the EEA, and (5) membership in the EU. However, these considerations concerned only Andorra, Monaco, and San Marino.

The first solution was unfavorable for microstates because they would be unable to take advantage of the internal market. On the other hand, the second proposal was considered unfavorable for the European Union by the authors of the report. The EU would have to enter into negotiations with each of the three countries and conclude several agreements in order to adjust the pace of integration to the needs of each microstate, its preparedness, and economic potential. The fourth scenario – EEA membership – seemed worth considering because of the experience already gained by another such country (Liechtenstein). Apart from that, it was also relatively easy to implement and, from the standpoint of microstates, it would give them the widest possible access to the EU single market (apart from the membership, of course). Finally, in the fifth case – the EU membership – their population would have to be considered.

If one of these countries became a member of the European Union, the number of MEPs representing the microstates would have to be considered. Malta, which has the smallest population (440,000 inhabitants) and the smallest area (316 km²; 122 sq mi), has six MEPs. If the seats were to be distributed proportionally also among the member states, it would be quite problematic since Andorra has a similar size to Malta (468 km²; 181 sq mi), but a much smaller population (77,000). In the case of San Marino (61 km²; 23 sq mi; 33,000 people) and above all Monaco



THE VATICAN CITY STATE

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(2 km²; 0.77 sq mi; 37,000 people), it would be even more complicated – especially since the EU law stipulates that the minimum number of MEPs per country is six. Even if this rule is waived, Andorra, which has the largest population, would have to be represented by one MEP, posing a problem to the other two microstates. Additionally, the obligation to adopt the *acquis communautaire* would be an enormous administrative burden to each of the microstates.

Given the shortcomings of the first two solutions, the conclusions of the report suggested the adoption of one of the last three proposals, although the membership was said to be possible only in the long term. Consequently, only two options remained – the Association Agreement or the EEA membership. Both of them allowed enough flexibility for the two sides and adequately protected the European Union's interests.

As mentioned above, the solutions aimed at establishing an Association Agreement with the European Union immediately excluded the Vatican City and Liechtenstein. Thus – what is not necessarily bound to happen but clearly indicates possible future relations – the possibility of EU membership for these microstates was rejected. In the case of the Vatican City, neither party has expressed the willingness to transform the relationship, while in the case of

Liechtenstein, the current EEA membership seems to be sufficient and is likely to be continued in the future. Currently, the citizens of the Principality are pleased with the EEA affiliation. According to a survey conducted by the Liechtenstein-Institute in 2020, the 25th anniversary of the membership, as much as 76% of respondents perceived the EEA positively, 84% said that it is good for their country, and as many as 70% considered it the best option for Liechtenstein for the next few years³. For this reason, the Government of the Principality is not expected to take any steps towards joining the European Union or even concluding an Association Agreement with it.

EEA MEMBERSHIP OR AN ASSOCIATION AGREEMENT?

In the next dozen years or so, it is unlikely that Liechtenstein would be a candidate for EU membership – either invited to do so or applying individually, as the public mood in the Principality suggests. The Vatican City, which is not taken into account by the decision-makers, should not be considered a potential candidate for EU membership either, even in the long term. Hence, only the other three microstates: Andorra, Monaco, and San Marino, could be taken into consideration.

³ *Einstellung zur EWR-Mitgliedschaft Liechtensteins*, April 7, 2020, <https://www.liechtenstein-institut.li/news/einstellung-zur-ewr-mitgliedschaft-liechtensteins>, retrieved January 31, 2021.



© JULIEN WARMAND (PAP/EPA)

LIECHTENSTEIN'S PRIME MINISTER ADRIAN HASLER ARRIVES FOR THE EUROPEAN COUNCIL SUMMIT. BRUSSELS, BELGIUM, MARCH 22, 2019.

At the end of 2013, the European Commission published a report (COM/2013/0793) which considers options for the participation of the three microstates in the EU internal market. Should Andorra, Monaco, and San Marino become members of the EEA, they would also need to join the European Free Trade Association (EFTA). This would require the consent of all four member states (Liechtenstein, Norway, Switzerland, and Iceland). If they agree to do so, Liechtenstein, Norway, and Iceland (members of the EEA) might be concerned that the decision-making process could take longer because not three, but as many as six states would have to agree on a common position. The governments of Andorra and San Marino responded positively to the proposal of such cooperation, but the government of Monaco was strongly against this idea. According to its authorities, such a statement was due to the Principality's specific status that is not provided for in the institutional framework of the Agreement on the EEA. It is worth noting that, already back then, each of the three microstates had (and still has) a different approach to European integration, which is not surprising. Therefore, creating an

Association Agreement that is suitable for all three entities may prove difficult.

In terms of the second option, it is worth highlighting that the Association Agreement seems to be a good framework – a foundation for developing other forms of cooperation. However, it should be noted that a single agreement for all microstates or three separate ones (one for each of them) could potentially be adopted, yet the EU would prefer to adopt a multilateral one. Unlike the EEA membership, in which Monaco did not want to participate, all three governments expressed their openness for further negotiations in the case of the Association Agreement. The Monegasque government indicated that it would prefer a bilateral agreement with the EU, allowing it to take into account its distinct relationship with France. However, the EU would favor a single multilateral Association Agreement.

In December 2014, the Council of the European Union adopted a decision that authorized the European Commission to negotiate an Association Agreement (or three Association Agreements).

THE EUROPEAN MICROSTATES: THE PROSPECT OF EU MEMBERSHIP IN THE CONTEXT OF ASSOCIATION AGREEMENT NEGOTIATIONS

In 2018, the Council of the EU approved conclusions on a homogeneous extended internal market and EU relations with non-EU Western European countries. They included an analysis of the relationships with Iceland, Liechtenstein, Norway, and three microstates. Moreover, the Council was satisfied with the progress in the negotiations with Andorra, Monaco, and San Marino. The efforts of their governments to improve tax governance and legislature, among others, were also praised. On December 4, 2018, the Economic and Financial Affairs Council (ECOFIN) took note of the progress made by Andorra and San Marino. Finally, in early 2019, the European Parliament's Committee on Foreign Affairs (AFET) published a report for the Council, the European Commission, and the High Representative of the Union for Foreign Affairs and Security Policy, as well as a corresponding draft recommendation of the European Parliament.

The report draws attention to one of the fundamental problems (challenges) that microstate governments will have to face. Due to limited administrative resources, which are a consequence of a small population, their budgets may be strained in the process of implementing the *acquis communautaire*. This, in turn, might have negative implications on public opinion, whose attitude can turn from friendly to hostile if the budget is overstretched. Hence, the authors of the document suggested an appropriate (i.e., slow) pace of implementing the *acquis* so that the administrative bodies of each microstate could cope with it without burdening their budgets. Furthermore, it was noted that appropriate clauses need to be used during the implementation of freedom of establishment, ensuring a gradual change of the socio-economic system of each microstate. Additionally, the report indicated that the negotiations should be

completed within the next two years (by early 2021).

In San Marino, the matter of EU membership has repeatedly been the subject of parliamentary and public debates. After multiple issues, a referendum concerning the support of the government's efforts to join the European Union was held⁴. Although a slight majority of participants (50.3%) voted in favor of the proposal, the turnout was below the required threshold for the referendum to be valid. It is worth noting that the motion did not enjoy widespread support in the parliament back then.

Everything indicates that in the near future, the relations between the Vatican City State or Liechtenstein and the European Union would remain unchanged, Monaco would continue to negotiate an Association Agreement and maintain close ties with its only neighbor, while Andorra and San Marino would strengthen their cooperation with the European Union. For the time being, this would be within the framework of an Association Agreement, but without rejecting the possibility of membership in the near future. The potential membership of San Marino and Andorra cannot be fully ruled out. Even though this issue has been raised by successive governments of both countries and currently there is not enough public support for doing so, this could change any time soon. Hence, only the support of the majority of the population in both countries and the backing of a clear parliamentary majority may provide grounds to apply for EU membership.

Marcin Łukaszewski ■

March 2021

⁴ Admittedly, it is possible to conduct a referendum in Andorra, but none were held after 1993 when the first constitution was adopted. There are no forms of direct democracy in Monaco, while in Liechtenstein, referendums were held only in 1992 and 1995 (the EEA membership).

PUTIN'S DICTATORSHIP

GRZEGORZ KUCZYŃSKI

The brutal suppression of the protests in support of Alexei Navalny and his earlier arrest have symbolically begun a new chapter in the history of Putin's Russia. Only the use of force and repression allow the regime to continue its existence. As a result of last year's events, Vladimir Putin realized that he will not gain the support of the majority of Russians again. This is the end of democracy in Russia, even the sham one, but also the beginning of the end of Putin's rule.



RUSSIAN PRESIDENT VLADIMIR PUTIN HOLDS A VIDEO CONFERENCE MEETING WITH LEADERS OF STATE DUMA FACTIONS AT THE NOVO-OGARYOVO RESIDENCE OUTSIDE MOSCOW, RUSSIA, FEBRUARY 17, 2021. PUTIN SAID THAT THE RUSSIAN AUTHORITIES SHOULD PROTECT THE PARLIAMENTARY ELECTIONS FROM ANY ATTEMPTS OF EXTERNAL INTERFERENCE. THE ELECTIONS TO THE RUSSIAN STATE DUMA (LOWER PARLIAMENT HOUSE) IS SCHEDULED ON 19 SEPTEMBER 2021.

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It is not clear whether Vladimir Putin expected that a severe test for his regime would come so soon. Undoubtedly, he learned his lesson from the bitter experiences of Alexander Lukashenko. That is why, already back in December 2020, the Russian parliament adopted a series of amendments to the law that further restricted the remnants of freedom in Russia and thus facilitated state repression against its citizens. According to Putin, the main threat to his power is no longer external, but domestic. This shift began about a year ago, with the launching of a process of constitutional amendments allowing the president to remain in the Kremlin de facto indefinitely. Adoption of subsequent “muzzling” and repressive laws, increasing the powers and budget of the internal power structures (even at the expense of the regular army), and finally the attempted assassination of Alexei Navalny – these were only the preparations

for this crucial year. The developments in Belarus confirmed the Kremlin’s beliefs.

At the beginning of the year, the authorities continued to implement strict internal policy and made another step towards a typical authoritarian regime. Alexei Navalny had been imprisoned, and another criminal case against him was initiated. The Ministry of Justice added a number of people to the list of “foreign agents,” in accordance with the new legislation, on the basis of which virtually any citizen or legal entity in Russia could be considered such an agent. New restrictions on public protests were also adopted, while blocking the streets was outlawed. Those found guilty of “slander” on the Internet could face up to two years of imprisonment. Moreover, the authorities have greater freedom to block websites if they decide that they are censoring content from Russian state media. The latter is aimed at punishing



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RUSSIAN OPPOSITION LEADER AND ANTI-CORRUPTION ACTIVIST ALEXEI NAVALNY (CENTER) TAKES PART IN A MEMORIAL MARCH FOR BORIS NEMTSOV MARKING THE FIFTH ANNIVERSARY OF HIS ASSASSINATION. MOSCOW, RUSSIA, FEBRUARY 29, 2020. NEMTSOV WAS A LIBERAL POLITICIAN AND PROMINENT CRITIC OF RUSSIAN PRESIDENT VLADIMIR PUTIN WHO WAS ASSASSINATED ON 27 FEBRUARY 2015 IN MOSCOW.

social media companies such as Facebook or YouTube.

Russia is becoming increasingly authoritarian. Putin's self-isolation and the fact that he delegates tasks to the government, governors, parliament, and *siloviki* [translator's note: Russia's armed forces, security services, intelligence agencies, and police] is distinctive. In short, the FSB is responsible for fighting off opposition; the government has to deal with the economy, while the governors have to fight against the pandemic. The president himself is gradually becoming a symbol. He is a guarantor of the status quo but has no time for mundane issues because he focuses on global affairs. In the past year, Putin distanced himself from the current political reality and dealt with issues of the Russian citizens. He remains isolated in a bunker (not exactly known where) and meets face-to-face only with his most trusted associates. This means that he has given more tasks to his people than ever before. However, this also means that he has less power.

A CRUCIAL YEAR

The Kremlin probably has not been so focused on domestic issues since 2012. The future of the regime depends on surviving the coronavirus pandemic and winning the parliamentary election. Foreign policy has faded into the background, especially since – from the Kremlin's standpoint – the international environment is changing in the right direction. If the regime survives 2021, Putin has a fair chance to make it at least to the end of his current term, assuming that his health permits him to do so. There are growing indications that the 1999 succession operation may be repeated. The current regime is not able to offer anything to the Russian people. Putin is already perceived as a "falling leader." Even changing the constitution and making it possible for him to be in office indefinitely did not reset the "clock" of his rule. On the contrary, the whole process turned out to be unfavorable for him. 2021 is the first year of a new phase of power, a time of stagnation and a battle to remain in power by introducing increasingly harsh repressive measures.

Why is 2021 so important? Because then the Russian legislative elections are to be held. They will be the last major electoral test during Putin's current term. Probably the most difficult trial in many years, as evidenced by the rigged "nationwide" vote on amendments to the constitution last summer. It would be hard to rig the elections because Putin and his party – United Russia – are losing trust and support. The coronavirus pandemic only accelerated this trend that had begun in 2018 when the retirement age and taxes were raised. Consequently, achieving the desired result would be more difficult. It could be expected that the Kremlin wishes to ensure that United Russia has a constitutional majority in the State Duma and hopes to make some changes in the so-called systemic opposition in the process. In these uncertain times, parties such as the Communists or Zhirinovskiy's LDPR are not seen as sufficiently loyal to the Kremlin. This explains the plans aiming at weakening them by allowing a new party (or, perhaps, parties?) to enter the State Duma, which first appeared last year.

A fleeing, isolationist Putin does not make a good impression, especially with his team not handling the pandemic very well. If we also take into consideration that the profits from oil and gas exports have plummeted, then Russia's economic outlook is not very optimistic. This is yet another year in a row when the real disposable income of Russians has fallen. Moreover, undeniably, the socio-economic situation is the fundamental cause of increasing discontent of the people. Huge street protests, a repeat of the situation in Belarus – this is what the Kremlin dreads.

The last massive wave of protests took place in the winter of 2011–12. Then, people took to the streets to protest against the rigged State Duma elections and the announcement of Putin's return to the Kremlin. Since most Russians do

Russia is becoming increasingly authoritarian. Putin's self-isolation and the fact that he delegates tasks to the government, governors, parliament, and siloviki is distinctive.

not support the ruling party, in order to maintain the majority in the State Duma, the regime would have to commit large-scale voter fraud, incomparable to the ones committed throughout Putin's rule. This must trigger public anger. That is why the Kremlin is already doing everything to make it impossible or at least limit it as much as possible. For this reason, it was decided to assassinate Navalny. He is the only one who has the ability to coordinate the nationwide protests, as evidenced by the last two weekends in January. Even from behind bars, Navalny is more dangerous than the divided and marginalized liberal democratic opposition. Hence the new, stricter law, which, in fact, paves the way for limiting the public activity of people and organizations deemed dangerous by the regime.

FOREIGN AGENTS

Initially, freedom began to be limited, in the eyes of the law, as a result of changes in the bills related, in various ways, to the elections and voting rights. This clearly shows that even then, the regime considered everything related to the 2021 parliamentary elections as the greatest threat. The changes were adopted last spring, just before the vote on amendments to the constitution (July 2020). On the one

On December 23, 2020, the lower house of the Russian parliament adopted a number of documents that further restrict democratic processes and freedom of speech in Russia.

hand, this was meant to “correct” the results of the pseudo-referendum, but, on the other hand, it was a kind of a testing ground prior to the State Duma elections in 2021. That is also why the procedures for registering candidates have been tightened. The enlargement of the list of offenses, which deprive a convicted person of the right to vote, proved to be a serious limitation. The list was extended by a number of offenses to make it easier to prevent certain people, deemed unwelcomed by the regime, from running in the elections. A number of laws that severely hamper the ability to report an electoral fraud, such as the one concerning multi-day voting or the greater possibility to vote outside the polling station, have also been adopted (the latter was already introduced on a large scale during the vote on constitutional amendments).

While the amendments introduced in spring focused on elections/voting, their second batch – laws enacted in late 2020 – aimed to significantly restrict civic engagement. The biggest changes were the tighter law on “foreign agents,” stricter Internet censorship, and virtually no right to free assembly. In general, the authorities severely restricted the freedom of action and thus put NGOs, independent activists, and journalists at a greater risk.

On December 23, 2020, the lower house of the Russian parliament adopted a number of documents that further restrict democratic processes and freedom of speech in Russia. The most important one was the amendment to the law on “foreign agents,” existing since 2012. It significantly extends the scope of this controversial bill to individuals and organizations as well as introduces new restrictions. This is yet another time the law was toughened. In 2017, for instance, several foreign-funded media outlets were recognized as “foreign agents.” Now, even more draconian regulations have been imposed. Any citizen who “carries out political activities on the territory of the Russian Federation in the interests of the foreign state and/or deliberately collects information on the military and military-technical activities of the Russian Federation” which, once transferred abroad, “might be used against the security of the Russian Federation,” could be considered a “foreign agent.” They face up to five years’ imprisonment if they do not notify the Ministry of Justice that they collect information of military and military-technical nature.

What conditions must be met in order to be recognized as a “foreign agent?” According to the law, people who receive foreign funding for political activity (and other aid, such as the organizational one), unregistered political non-profit organizations with foreign funding, as well as public associations not registered as persons, may be considered as such. In that case, they must apply to be included in the “foreign agents” list, after which they would have to report their activities to the Ministry of Justice regularly. The amendments allow for a much broader “classification” of this kind. Earlier, in order to be labeled that way, one had to receive foreign funding. Now, all it takes is for the state authorities to recognize the activities of these people as carried out in the interests of another nation. How, in turn,



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RUSSIAN PRESIDENT VLADIMIR PUTIN (RIGHT) SHAKE HANDS WITH KYRGYZSTAN'S PRESIDENT SADYR JAPAROV DURING THEIR MEETING AT MOSCOW'S KREMLIN. MOSCOW, RUSSIA, FEBRUARY 24, 2021.

does the law define political activity for which one can be considered an agent? For instance, it is enough to participate in rallies and protests, be involved in a political party, engage in elections, conduct socio-political research, or survey citizens.

Recognizing someone as a “foreign agent” will severely restrict the rights of that person. Such an individual will not be allowed to join the civil service or hold a municipal government position. They will also be denied access to state secrets. Furthermore, such people will be obliged to submit a report on conducted activities, and foreign funds spent every six months. Under the new law, foreign media correspondents will also be considered agents. Additionally, stricter regulations will affect NGOs that do not have the status of a legal entity. If labeled “foreign agents,” they will have to submit documents concerning their planned activities and later their implementation to the Ministry of Justice. It is also worth noting that the media will be required to include any information about the “foreign

agent” status, should a certain individual or an organization, appearing in its report, have one. What is more, the State Duma passed a bill that allows for up to five years imprisonment for individuals recognized as agents who fail to register as such or report on their activities.

“MUZZLING” LAWS

Another bill, adopted on December 23, 2020, prohibits certain entities from financing public events. These include foreign governments, organizations, citizens, stateless persons, individuals, and associations deemed “foreign agents,” anonymous donors, and Russian organizations registered less than a year before attempting to provide financial support to a public event. In fact, this law makes it impossible for the opposition to engage in any public activity. Under the provisions of the bill on banning foreign funding of rallies and other public events, organizers of mass gatherings will have to indicate a bank account to which the funds will be transferred at the time of submitting the paperwork prior to the event.

Furthermore, on December 23, 2020, the State Duma adopted an act that allows the federal media regulator Roskomnadzor to block websites that “discriminate” against Russian media. This could impact big social networking websites, for instance, YouTube, Facebook, and Twitter. According to another law passed by the State Duma, people found guilty of making “slanderous” comments on the Internet or in traditional media could face imprisonment. Anyone convicted of online defamation might be sentenced to up to two years in prison and a fine of up to 1 million rubles (\$13,300). Those who made “slanderous” accusations of rape or other serious crimes may face up to five years of imprisonment.

The restriction of citizens’ rights is accompanied by giving more powers to the law-and-order services, which proves that the regime relies only on repression and coercion rather than persuading citizens to accept its authority. Putin is aware that the security apparatus is his last resort and, apart from the Chekist solidarity, that is why the Navalny’s case did not affect the Federal Security Service (FSB) at all. On the contrary, it will be given more power and money.

A newly announced presidential draft provides for the ability to set monthly and any other additional payments to FSB employees beyond those already provided for by law. This could be done either by the president or the government. The amount of allocated funds would depend on the complexity, size, and importance of the tasks. Moreover, Putin signed a document according to which some information may remain classified, not only those concerning professional activities of judges, prosecutors, employees of the Investigative Committee, the FSB, and certain military officers, but also their private data. On December 22, 2020, the State Duma adopted amendments to the law “On State Protection of Judges, Officials of Law

Enforcement and Controlling Bodies.” On December 30, 2020, the president signed a bill forbidding to disclose information about the operational activities and private lives of employees of the law-and-order services. The document provides for the possibility of not releasing the data of judges, prosecutors, employees of the Investigative Committee, the FSB, and certain military officers, even if there is no immediate threat to their safety. The initiators of amendments to the law state that this measure could be applied in life and health-threatening situations related to the official duties of the employees.

The explanatory statement of a bill informed that, among others, various data concerning private lives of employees of security services and forces were exposed online. According to the lawmakers, this could have a negative impact on their work performance. Moreover, the document introduces changes to the “Law on Operative Investigation Activity,” which prohibits disclosing information included in requests to citizens and organizations. Such information can be made public, yet only after the approval of the representative of the authorities who conducts specific operative investigation activity. The ban will not apply to information disclosed in an open court as well as in official statements of the prosecutor’s office and the court made in the media or on the Internet. In exchange for these and further privileges given to the *siloviki*, mainly the members of the FSB and the National Guard of Russia (Rosgvardia), Putin expects their full loyalty. Will it work? Later this year, we will find out that protests against the rigging of elections, regional demonstrations, and those caused by the poor socio-economic situation might pile up.

A “NEW” RUSSIA

The recent changes in the law, as well as the brutal actions taken by the government against Navalny and his supporters, are in

line with the Kremlin's scenario in which the regime continues to exist. Although the amendment to the constitution, introduced in 2020, allows Putin to run for president again in 2024, this is unlikely. The president knows that the longer he clings on to power, the more tragic his end could be.

Consequently, 2021 will be a crucial year to implement a plan for a peaceful transition of power and look for a successor. It should be kept in mind that the search for Boris Yeltsin's successor began almost as soon as he was reelected in 1996. Besides, the choice of Putin was by no means definite. Other potential candidates, for instance, Yevgeny Primakov, Sergei Kiriyenko, and especially Sergei Stepashin, were put to the test earlier than him. All of them headed the government. Does this mean that Mikhail Mishustin, Prime Minister of Russia since January 2020, could be that successor? Certainly, recent changes in the cabinet (November 2020) and a higher number of ministers – who are loyal even more to the prime minister than to Putin – suggest that Mishustin is securing his own political position. Nevertheless, he is likely to end up just like Viktor Zubkov did before the 2008 election. He became prime minister, but Putin was choosing his successor (for one term) from the two deputy prime ministers: Sergei Ivanov and Dmitry Medvedev. Eventually, he picked the latter. Nevertheless, even now, he is said to be one of the frontrunners to replace the incumbent president. For this reason, he was removed from the office of the prime minister, where it is easier to lose popularity than to gain it (especially in such difficult times), and he was appointed as Deputy Chairman of the Security Council, a rather safe post. However, picking one of the former officers of the intelligence service, currently holding high administrative positions, such as the governor of the Tula region – Alexey Dyumin, is more likely.

The age of potential successors also favors such a scenario.

Nevertheless, in order to successfully implement such a plan, information flow must be controlled. To date, the Chekist regime faked democracy in Russia and focused on manipulating information. Now it has dropped the mask. This is not only because the regime run out of ideas on how to manipulate the Russian society further but also due to profound changes in the information environment. As long as the television and the press were the main source of knowledge, it was easier for the Kremlin to impose its narrative.

However, the growth of the Internet and greater access to alternative sources of information makes it much more difficult and expensive for the state to act in this matter. Independent research indicates that many more Russians treat the Internet as the primary source of knowledge about the country and the world rather than television. The same applies to trust in the source of information. The second key factor is how the concept of the opposition has changed. It is known that the candidates of the authorities need some competitors. If the imprisoned Navalny cannot be one of them, what is left is the “systemic” opposition, but even this is doubtful, given the current situation. From the standpoint of the authorities, the criminalization of the “non-systemic” opposition (Navalny, democrats, people in the streets) makes the concept of “systemic” opposition obsolete and redundant. The Kremlin bets everything on its people, and there is no longer any room left for an intermediary. The logic of an authoritarian regime imposes a clear separation: us versus them.

Grzegorz Kuczyński ■
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THE CONTEXT AND MEANING OF JUDICIAL REFORMS IN POLAND AFTER 2015

JAROSŁAW SZYMANEK

The reforms of the judiciary in Poland after 2015 are usually explained as an attack on the rule of law and the erosion of democracy. Meanwhile, it can be viewed from the other side as the final farewell to the circular political contract, on the basis of which the so-called third power was removed from the process of constitutional transformation.



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PRESIDENT OF THE POLISH CONSTITUTIONAL TRIBUNAL ANDRZEJ RZEPLIŃSKI DELIVERS A SPEECH AT THE FACULTY OF LAW OF THE UNIVERSITY OF OSNABRÜCK. OSNABRÜCK, GERMANY, JUNE 10, 2016.

THE ISSUE OF JUDICIARY SYSTEM REFORMS IN POLISH POLITICAL DEBATES

The reforms of the judiciary system have been the recurring topic of the Polish public discourse at least since 1990. As widely noted, the post-1989 transformation did not indeed cover the organization of courts. Paradoxically, the majority of reforms were implemented in the declining period of the communist era (in the 1980s), and these solutions

were subsequently repeated in new legal regulations without any significant modifications. The majority of newly introduced institutions, such as the Constitutional Court (*Trybunał Konstytucyjny*), were perceived as solutions borrowed from the Western countries, and consequently proper and correct, even though the communist authorities, while implementing them, adopted them to the circumstances of the socialist state. On top of that, a large

part of such syncretic institutions taken over from the democratic West, but adjusted to the socialist reality, were mandated by the upcoming erosion of the Communist system. The public viewed those institutions, among others, as contributing to the ultimate collapse of communism and the launch of democratic reforms. It is a particular paradox as it is already known today that some of those institutions were designed in an attempt to save socialism under the façade of democratic solutions. For this reason, some people openly state that the introduction of judicial institutions associated with democracy and with the rule of law gave the democratic façade to the third branch of power, even though no reforms were carried out to actually make the rule of law real. Shortly after, at the constitutional level, the 'state of law' principle was established, which, without any recognition of 'transition justice', covered the existing legal system with democratic rules, although in many aspects the system was of totalitarian origin. It is noted that in particular the Constitutional Court (established in 1982) and the National Council of the Judiciary (established in 1989) served as a democratic screen to cover the undemocratic reality. As a consequence, on the brink of radical constitutional reforms, the third power was, in fact, invisible, while the constitutional debate was focused on entirely different issues (such as the position of the President, two chambers of the Parliament, the status of the Prime Minister within the Government, relations between the Government and the Parliament, human rights and relations between the State and the Church). The outcome was the assumption that the new Constitution, finally adopted in 1997, petrified the position of the judiciary with only minor corrections being made (such as recognizing the Constitutional Court as a judicial body and granting the

Constitutional Court new competences, such as adjudicating on constitutional remedy). Other key solutions related to the judiciary remained practically unchanged, while the changes of 1997 were of limited scope (e.g., administrative court proceedings became two-instance proceedings). Nonetheless, voices advocating for the real reform of the judiciary were still strong.

These voices were even louder in response to judicial decisions on communist crimes that were found outrageous by the public (i.e., in the cases concerning the massacre of mine workers in the Wujek Coal Mine, the declaration of Martial Law, the killing of priest Jerzy Popiełuszko). At the same time, among others thanks to the activity of the Institute of National Remembrance, the public started to receive information on the so-called judicial crimes, namely the crimes of the communism period in which approx. 50,000 people linked to independence conspiracy were murdered in the name of law. The negative image of judges and courts was additionally exacerbated by disclosed pathologies, such as nepotism, cronyism or corruption. Various informal connections linking the environment of judges, politicians, and businessmen were also disclosed (for instance, the network in Gdańsk, which even became an inspiration for movies).

This image of the judicial power only strengthened the calls for authentic reforms. Such proposals were heard both from the left and from the right wing. Without such reforms, as Magdalena Ogórek, who was a candidate of the left wing for the President in 2015, pointed out, Poland would be only the state of lawyers and not the state of law. The need for change was expressed earlier in political programs of such parties as the Law and Justice and the Civic Platform.

Grassroot, spontaneous citizens' initiatives appeared as well, proposing quite radical judiciary reforms (for instance, Association of Victims of Judicial Bodies). The large majority of proposed reforms boiled down to the reorganization of three important aspects, i.e., the Constitutional Court, the National Council of the Judiciary, and the disciplinary liability of judges.

As for the Constitutional Court, the debate was held mainly in academic circles, which argued the former was a remnant of socialism and that it was the mechanism of selecting judges that should be changed above all, and that it was necessary to amend the operating mode of the Court, so that it could protect the rights and freedoms of individuals more effectively.

The National Council of the Judiciary (KRS), in turn, sparked interest not only among politicians but judges themselves. Andrzej Rzepliński, the former president of the Constitutional Court, stated expressly that it was impossible to perform a serious judiciary reform in Poland. In his opinion, the KRS is a corporate set of connections, selected in a non-transparent manner and representing not judges but judicial groups of interest. A meaningful proof is the opinion expressed by A. Rzepliński: *If we do not rip the National Council of the Judiciary out from judges, nothing can be done with the Polish legal system.* It is worth noting that also political parties, including the Civic Platform, believed that the reform of the KRS was necessary. The Civic Platform directly stated in its program that the reform of the KRS was indispensable as the success of any change in the judiciary depended on it. The leader of the Civil Platform already in 2007 pointed out that "the thorough reform of the National Council of the Judiciary should be carried out. It

should cease to be a corporate body of judges and it should become a guardian of the citizens' right to seek justice. The members of the National Council of the Judiciary should be selected by the Sejm from among candidates proposed by the senates of higher education institutions. They should be persons of good character, with higher education and significant professional achievements. Introducing to the Council people setting a moral and professional example from outside the judicial environment is indispensable, not only for the purpose of making the Council the representative of the interests of citizens who are clients of courts but also for the purpose of making it the effective institution ensuring review of and control over the process of selecting and nominating judges who exercise a significant part of power within the state. Currently, this process fails to satisfy the requirements of democratic order as in practice judges are chosen from among the circle of corporate co-optation closed to citizens."

The reforms of judges' disciplinary liability mechanisms were also proposed multiple times, for instance, in response to social outrage and to the conduct of judges that infringed the dignity and seriousness of their office, often in breach of law, but were covered behind corporate liability mechanisms. The proposal of disciplinary liability model reform, including the establishment of the Disciplinary Chamber within the Supreme Court, was presented among others by the First President of the Supreme Court Małgorzata Gersdorf. She also shares the opinion that disciplinary liability in Poland was not enforced effectively, which translated into lack of trust towards judges, while such trust is a key value on which the judiciary must rely, not least that this branch of power is excluded from the mechanisms of democratic elections.

It should be emphasized that even today the representatives of the majority of political environments do not question the need to carry out reforms of the system of courts and judges. The representatives of almost all parties agree that courts in Poland require reformatory actions covering various aspects of the functioning of the judiciary. Politicians voicing their opinions often state, however, that the direction of reforms introduced after 2015 is correct, but their largest flaw is that they were introduced by the right-wing government (understood as orthodox and extreme in its positions) and that they excessively distorted the existing connections and interests within the judiciary.

THE CONTEXT OF CHANGES IN THE CONSTITUTIONAL COURT

The dispute of legal and political nature that started in the autumn of 2015 in Poland in reference to the Constitutional Court had complex roots. The point of departure, however, should be that the Polish Constitutional Court is an institution of two contradictory faces. On the one hand, it is commonly acknowledged that it is an institution that facilitated a slow systemic transformation and transition from authoritarianism to democracy, but on the other hand, it is perceived as an institution established by communist authorities, which was supposed to maintain, to some extent, the previous *status quo*. It is visible to this day in the rule unknown in other parts of Europe, according to which the composition of the Court is decided on entirely by the Sejm (the lower house of the bicameral parliament of Poland). In other countries, similar powers in this regard are divided between various State bodies, so that none could accumulate them.

The fact that all 15 judges of the Constitutional Court in Poland are

selected by the Sejm has been the subject of objections for a long time. Therefore, for the last three decades the largest number of proposals related to the reform of the constitutional system concerned the Constitutional Court, including the mechanism of selecting judges. More than a decade ago, the representatives of today's opposition expressed, otherwise correct views, that only the regular alternation of power protects the Constitutional Court against the monopoly of a single political party in the shaping of the Court's composition. At the same time, they emphasized that without the regular alternation nothing can save the Constitutional Court from the domination of judges selected by one political side. For this reason, the Law and Justice party (PiS), among others, so as other parties, tabled a number of proposals to reform the Constitutional Court. In the course of political practice, a custom was formed that was supposed to ensure the diversity of Constitutional Court judges. As early as in the 1990s, an unwritten rule was adopted under which if the term of office of a Constitutional Court judge (lasting nine years) expires around the turn of the new parliamentary term and it is probable that the newly appointed judges would commence their service already in the new parliamentary term, the 'old' parliament, even without any legal restrictions in this regard, should refrain from selecting new judges so that the new judges may be selected by the new parliament. This rule was respected in Poland until 2015.

The situation changed drastically in 2015 and the context of this change is complex. Firstly, it should be pointed out that the then Sejm worked for two years on the new Act on the Constitutional Court proposed by the then President of the Republic of Poland Bronisław Komorowski (representing the Civic Platform – PO). Parliamentary work



FORMER POLAND'S SUPREME COURT CHIEF MALGORZATA GERSDORF (CENTER), FORMER PRESIDENT OF THE POLISH CONSTITUTIONAL TRIBUNAL ANDRZEJ RZEPLIŃSKI (RIGHT), AND FORMER CHIEF JUSTICE OF THE SUPREME COURT ADAM STRZEMBOSZ (LEFT) ATTEND THE PUBLIC HEARING ON THE ACT ON THE SUPREME COURT. WARSAW, POLAND, JULY 17, 2020.

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on the Act was slow and the Sejm showed no significant interest in the draft (proposed in the summer of 2013). Secondly, in the spring of 2015, presidential elections took place and the most serious competitors for the office were the holder of the office – Bronisław Komorowski (PO) and Andrzej Duda (PiS). Ultimately, the elections were won by Andrzej Duda, which came as a large surprise since earlier polls predicted the win of Bronisław Komorowski. Thirdly, parliamentary elections were scheduled for the autumn of 2015 and the then ruling party (PO) initially expected another win, which would be third in a row. However, the win of the PiS candidate in the presidential elections was a sign of a swing in the mood of voters and indicated that the victory of PiS in the elections to the Sejm was increasingly probable. In these circumstances, the draft of the new Act on the Constitutional Court, which had raised no interest so

far, became a key matter and its swift adoption became a priority for President Bronisław Komorowski and the PO.

This is why legislative work that had been in progress for two years gained momentum and the Sejm adopted the new Act on the Constitutional Court in June 2015. The pace of work was motivated by the fact that in the autumn of 2015 the term of office of five out of fifteen judges of the Constitutional Court was to expire. The then ruling authorities made it their objective to fill all posts, even though it was clear that the term of office of two out of five judges would expire already in the new parliamentary term (in the case of the remaining three judges it was disputable due to constitutional methods of counting the course of their terms of office). Importantly, however, all five new judges were to commence their terms of office already after the parliamentary

elections. Being aware of that fact, the PO formed a coalition with political parties present in the parliament at that time and distributed the mandates of constitutional judges in such a manner that three of them were taken by the PO, while two by other parties (the Democratic Left Alliance – SLD and the Polish People’s Party – PSL). At the same time, the PO stated already at that time that the three judges (recommended by the PO, note well) had been selected legally, while the two remaining judicial mandates (which were of less interest to the PO as this did not concern candidates recommended by this party) may be disputed. Therefore, an imposed narrative was that if there is any irregularity, it is an irregularity solely concerning the two mandates, while the terms of office of the other three judges (recommended by the PO) were supposed to be absolutely secured. It should be noted that the then largest opposition party, PiS, did not take part in this act of dividing the spoils, an argument being that in case of the PiS’s win of parliamentary elections, this party would be able to choose ‘its own’ constitutional judges as further vacancies would become available.

What is worth noticing is that the terms of office of all five judges were to expire already after the parliamentary elections and it was a custom that in such circumstances the ‘old’ parliament does not select new constitutional judges but lets the newly elected parliament do so. The new Sejm needed to face new circumstances. It is also important that President Andrzej Duda, who took over the presidential office in August 2015, did not accept the oath of the five new judges of the Constitutional Court selected by the previous parliament. Meanwhile, according to the Constitution, the act of taking the oath before the President is a condition necessary to take the post of a judge of the Constitutional

Court. Persons selected to be the judges of the Constitutional Court are not such judges without this act. This is ascertained by the provisions of the Act on the Constitutional Court, which distinguished between the “judge of the Constitutional Court” (meaning a person selected by the Sejm who took an oath before the President) and the “person selected to be a judge of the Constitutional Court”, meaning a person who was selected by the Sejm but did not take an oath before the President of the Republic of Poland. It should be added that the legal commentators in the area of constitutional law agreed that although their involvement was different, both entities, i.e., the Sejm and the President, were involved in the procedure of selecting constitutional judges, which served as a safeguard of the ‘cooperation of powers’ principle (provided for in the Preamble to the Constitution of 1997). It was also argued that the act of taking an oath before the President by persons selected to be judges of the Constitutional Courts was analogical to the act of appointments made by the President in the case of the judges of common courts and administrative courts, which was supposed to strengthen the status of the judges of the Constitutional Court and make the Constitutional Court more ‘judicial’. The point worth adding is that the case-law confirmed that the President could decide not to appoint a judge and such act was a discretionary decision of the head of state.

In such circumstances, the ‘new’ Sejm of the 7th parliamentary term, decided that upon the commencement of the new parliamentary term the selection of the five judges of the Constitutional Court was not effective. The argument was that the rule of discontinuation had been in force in Poland for 100 years and according to that rule any initiated but not closed procedures are

discontinued with the commencement of the new parliamentary term of office, and therefore, they are not continued and considered non-existing. Importantly, this rule applies to any type of procedure, also involving parties external to the Sejm, such as the President (legislative veto) or the Constitutional Court (request for the examination of the legality of a statutory act). Therefore, following the assumption that the principle of discontinuation in all domains was shaped by parliamentary practice, the Sejm assumed that it should be equally applied to the procedure of selecting the judges of the Constitutional Court. The principle of discontinuation in reference to the selection of constitutional judges was applied for the first time, but it should be noted that this is how this principle is shaped in Poland. Debatable cases are resolved by the practice of the Sejm and this view is strongly emphasized by the Polish legal commentators, while the Constitutional Court itself believes that it is the Sejm who is the owner of the principle of discontinuation.

REFORMS OF THE NATIONAL COUNCIL OF THE JUDICIARY

The National Council of the Judiciary is one of three new constitutional institutions introduced to the Polish legal system in 1989 as a result of political arrangements made during the Round Table Talks. The other two institutions, which were supposed to be established, or re-established, to speak more precisely in Polish conditions, were the President of the Republic of Poland and the Senate. All three institutions were no coincidence, and their establishment was accompanied by two narratives. One of them was official in its nature, while the other one was unofficial and hid the real intentions behind the introduction of the President, the Senate and the National Council of the Judiciary to the Constitution. According to the

official narrative, the President and the Senate were supposed to bring back the native traditions of the legal system and recollect the system of the pre-war Second Republic of Poland, which for many Polish people as an independent state was the opposite of the Polish People's Republic dependent on the Soviet Union. The President of the Republic of Poland was, therefore, a head of state in lieu of the earlier Council of State, which was a sort of collective presidential body based on the Soviet example. The Senate, in turn, was supposed to be a price to pay for the contractual elections to the Sejm, with the guaranteed participation of communists, who believed that they have the majority in the Sejm ensured. Finally, the National Council of the Judiciary was supposed to be a reference to examples set by democratic Western constitutionalism by guaranteeing the independence of judges and courts. According to the above narrative, all three institutions gave legitimacy to the transformation of 1989. The President and the Senate were references to native and positive traditions of the Polish legal system, while the National Council of the Judiciary showed a spirit of democratic Western constitutionalism, which was supposed to be present in all reforms of 1989.

The second narrative, however, was quite different. In this discourse, the President of the Republic of Poland was supposed to be the guardian of the Round Table arrangements who would safeguard the agreement made (in Western literature this role would be described as the role of a 'watchdog'). This was shown by the fact that the leader of communists, i.e., General Wojciech Jaruzelski, was appointed in advance to become the President and he enjoyed the unlimited right to resolve the Sejm if the Sejm adopts any resolution preventing him from performing his duties. The Senate, on the other hand, was an imitation of an

institution without any real instruments to take action. Its strength was based solely on free elections to this chamber and on the fact that in the course of practice it extended the scope of its competence, often against the provisions of the Constitution, legally speaking.

Finally, the National Council of the Judiciary was an institution that in a seemingly democratic manner petrified the judiciary system and prevented any effective reforms of judges and courts. This was accompanied by the belief that the environment of judges would be cleared as part of self-regulation and the National Council of the Judiciary would safeguard that. For many observers, this meant only one thing: that the third branch of power was covered by the democratic façade of the National Council of the Judiciary and this in fact prevented the reforms of the judiciary. Therefore, it is sometimes noted, not only in reference to Poland, that the quick establishment of judiciary councils in the post-communist Europe was a mistake, because it gave judges and structures transferred from authoritarianism a democratic appearance while guaranteeing the previous *status quo*. This approach proved extremely successful, which was confirmed by the fact that when subsequent constitutional reforms were implemented (through the adoption of the so-called Small Constitution of 1992 and the adoption of the new, full-fledged Constitution of 1997), the issues of the organization of the judiciary were virtually absent. The attention of the authors of the Constitution was focused on entirely different topics. As a result, the Constitution of the Republic of Poland of 1997 virtually petrified the solutions relating to judges and courts.

For this reason, throughout the 1990s and after the adoption of the new Constitution, the idea of judicial reform

was repeatedly raised among lawyers and politicians. At the same time, it was stated that one of the key elements of the reform should be a change in the manner of choosing the members of the National Council of the Judiciary. It was assumed that in the model adopted in 1989, the Council plays a corporate role and creates a system which is focused on itself, exclusive, and of limited transparency. Critics also believed that the rule of separation and independence was in fact an excuse for avoiding reforms in the judicial sector. It was also stated that the created system excluded the judiciary from any democratic control, which manifestly contradicts the principle of separation of powers, under which each branch of power displays a certain degree of distrust towards others, which is a foundation for cooperation mechanisms, but also control mechanisms.

Pursuant to the Constitution (Article 187), the Council is a body of complex structure. It is composed of the representatives of all powers, which means that even though its role is to safeguard judicial independence, it serves as a platform of cooperation of all branches of power (which reflects the constitutional idea of cooperation among all branches of power expressed by the Polish Constitution explicitly in its preamble). It should be noted that in the Polish legal commentaries, such connection, and therefore cooperation, of all powers within the National Council of the Judiciary has always been strongly emphasized. The Constitution states that the National Council of the Judiciary is composed of a few categories of members. The first includes *ex officio* members, who become members of the Council as a result of exercising other functions and holding other posts. This group consists of the First President of the Supreme Court, the Minister of Justice, the

President of the Supreme Administrative Court, and a person appointed by the President of the Republic of Poland (Article 187 (1)(1)). The second group is formed by the representatives of the legislature, who are elected by the Sejm and the Senate, respectively, namely four members elected by the Sejm from among deputies and two members elected by the Senate from among senators (Article 187(1) (3)).

The third and the last group of members are judicial members. Pursuant to the Constitution, the National Council of the Judiciary is composed of fifteen members selected from among the Supreme Court, common courts, administrative courts, and military courts (Article 187(1) (2)). At the same time, when defining the composition of the Council, the Constitution stipulates explicitly that the 'organizational structure, the scope of activity and procedures for work of the National Council of the Judiciary, as well as the manner of choosing its members, shall be specified by statute' (Article 187(4)). The right to specify the 'manner of choosing its members' must be naturally understood as referring to the judicial members of the National Council of the Judiciary. It is because only for this group of KRS members the method of selection is not defined in the Constitution. This means that it was an explicit intention of the authors of the Constitution to entrust the legislators with the task of deciding by means of an ordinary statutory act how judicial members are to be appointed. The only condition imposed by the Constitution is that the group composed of 15 members must include judges who represent particular courts specified in the Constitution. Therefore, under the Constitution itself, the legislators were given relative freedom in determining the mechanism of selecting judicial members of the National Council of the Judiciary.

It should be noted that this group, which after 1989 was chosen within a very limited circle of judges exercising functions in courts, was the subject of major criticism. It was claimed, among others, that the solutions adopted: 1) lack clear election mechanisms; 2) promote judges who exercise functions; 3) lead to the overrepresentation of the judges of the Supreme Court; 4) lead to lack of representation of judges sitting in courts of lower instances; 5) exclude the rule of transparency of the election procedure. Before 2015 the above model was criticized universally. Representatives of involved political circles and judges themselves called for a reform. The then President of the Constitutional Court, Andrzej Rzepliński, stated that it was necessary to reform the procedure of selecting the members of the National Council of the Judiciary as the entire reform of judiciary could not be successful without it. Also, Donald Tusk, while being the leader of the Civic Platform, noted in 2007 that the National Council of the Judiciary was a key institution in terms of any changes in the judiciary. It was a common belief that the adopted manner of choosing judicial members of the Council was non-transparent, self-centered and supported petrification of existing connections.

The reform implemented in 2017 and 2018 affected only the judicial members of the Council. The so-far closed system was opened, and each judge became entitled to propose a candidate for a member of the National Council of the Judiciary. At the same time, the constitutional requirement under which the group of 15 members must include judges only was preserved. Therefore, each judge of any type of court became entitled to propose their own candidate for a member of the National Council of the Judiciary. (For the purpose of effectively proposing a candidate, one must collect a total of 25 votes of support

from other judges). This solution made the procedure of proposing candidates significantly more democratic as each judge was given the right to be potentially involved in the procedure of selecting members of the Council (although it was their decision whether to exercise this right or not). The second part of the reform was an option of judicial members of the Council being proposed by citizens (in the number of 2,000). This solution was considered necessary from the perspective of democratic legitimacy, but also due to the need to involve a social element in the functioning of courts, which had been postulated for a long time. Finally, the third element was to grant the Sejm the power to select judicial members of the Council (based on proposals made by judges and citizens). It was decided that this procedure of selecting judicial members would give the Council the democratic legitimacy needed, and it would ensure full transparency, which had not been guaranteed earlier at all.

As a result, the change concerning judicial members of the National Council of the Judiciary was as follows: earlier 15 judges were selected by the judges of particular courts, while under new legislation candidates for the members of the Council are proposed by 25 judges (or 2,000 citizens), with the condition that only a judge may be a candidate. The selection itself was left to the discretion of the Sejm. This solution was considered acceptable by lawmakers as part of the right to adopt delegated legislation for the purpose of determining the manner in which members of the National Council of the Judiciary are to be chosen as mentioned in the Constitution, and the same time it was found necessary with a view to building an adequate (democratic) legitimacy of the third power.

This is how the manner of choosing the judicial part of the Council was changed,

while the constitutional conditions pertaining to its composition remained respected. According to these conditions, (a) there are 15 elected judicial members of the National Council of the Judiciary; (b) this group of members must be judges; (c) these judges must represent specific courts or types of courts. The new solution was justified in the following manner: (a) the Council is not a body of judicial self-government, and, therefore, there is no reason to state that judges must be chosen by judges only; (b) the constitutional requirements under which members of the Council must be judges of specific courts (named by the Constitution) is fully respected; (c) the adopted mechanism of selecting judges (from among candidates proposed by judges) supports the systemic idea behind the National Council of the Judiciary better as the Council is supposed to reflect the idea of cooperation among different branches of power in order to perform its basic role better and more effectively, i.e., to safeguard the independence of courts and judges (cf. Article 186(1)); (d) granting citizens the right to propose candidates (who must be judges) makes the Council and the entire judicial power (represented by the Council) significantly more democratic.

THE ESSENCE OF THE CORRECTIVE ACT OF 20 DECEMBER 2019

The Act Amending the Act on the System of Common Courts, the Act on the Supreme Court and Certain Other Acts, adopted by the Sejm on December 20, 2019 (hereinafter referred to as the Improving Act), entered into force on February 14, 2020 and implemented the judgment of the Court of Justice of the European Union of November 19, 2019, C-585/18, C-624/18 and C-625/18 (hereinafter referred to as the CJEU judgment of November 19, 2019), in which it was confirmed that the appointment of judges by the President of the Republic of Poland and their

investiture status could not be subject to judicial review. As the Act implements the CJEU judgment, it is referred to as a corrective act or an ordering act.

The CJEU judgment of November 19, 2019 provides no ground to question, challenge or invalidate the status of judges appointed by the President of the Republic of Poland. This is a view of not only the CJEU but also the Constitutional Court and the Supreme Administrative Court (Constitutional Court judgments of: November 8, 2016, Case File No. P 126/15, 89/A/2016; June 5, 2012, Case File No. K 18/09; decision of the Constitutional Court of June 19, 2012, Case File No. SK 37/08; decision of the Supreme Administrative Court of: October 9, 2012, Case File No. I OSK 1883/12; October 9, 2012, Case File No. I OSK 1874/12; December 7, 2017, Case File No. I OSK 858/17). The CJEU shaped a European standard according to which courts of EU Member States are entitled to carry out a test of judicial independence, but only in reference to a specific, individual case and based on national legislation. This means that the assessment should be made in view of legislation (including the Constitution) of the Member State. Courts and judges in Poland have no competence to question or assess whether constitutional competences enjoyed by the National Council of the Judiciary or the President of the Republic of Poland are exercised correctly or not and even more to question the legality of constitutional bodies of the state.

The standard set in the CJEU judgment was taken into account in the corrective act by emphasizing in its content applicable legal norms under which a judge is not entitled to question a judicial status of another person appointed to this office by the President of the Republic of Poland and any similar

action would constitute a disciplinary fault. The Act introduces a specific mode of assessing the independence of the court and requires that judges disclose publicly certain data that may be important for the purpose of assessing the independence of the court in which they adjudicate and for the purpose of assessing the independence of a judge (membership in associations, and political parties in the past). In view of the CJEU's standard, such circumstances may be significant for the assessment of composition [of the court] and a specific judge. Therefore, the Act preserves the constitutional standard of apoliticality of judges and follows the rule of judicial transparency, which is a basic safeguard of the democratic state of law. The obligation of declaring public activities by judges who are public officials is in the public interest and it is important for protecting such interest.

While acknowledging the need to counter groundless questioning of the status of judges and judicial decisions, and consequently to ensure the constitutionally guaranteed independence of judges, the Act clarifies the previously existing legal provisions in which a disciplinary fault was defined only by means of general and vague expressions, leaving the list of faults open. It is clearly stated that disciplinary faults are actions or omissions that may prevent or significantly hamper the functioning of the judiciary; actions aimed at questioning the service relationship of a judge or the effective appointment of a judge or the constitutional basis of a state body as well as public activities that cannot be aligned with the rules of judicial independence.

The procedure of appointing judges under Article 179 of the Constitution of the Republic of Poland consists of two stages: the first is proceeded before the

Pursuant to Article 144(3)(17) of the Constitution of the Republic of Poland, the right to appoint judges is a prerogative of the President of the Republic of Poland and is subject to his sole discretion and responsibility.

National Council of the Judiciary and closed with a request being submitted to the President of the Republic of Poland, and the second includes the act of appointment and taking an oath. The appointment is a separate act of systemic and constitutional nature. Pursuant to Article 144(3)(17) of the Constitution of the Republic of Poland, the right to appoint judges is a prerogative of the President of the Republic of Poland and is subject to his sole discretion and responsibility. It constitutes an important part of mechanisms aimed at balancing and putting the brakes on the judiciary. Its systemic role is of essential importance in the assessment of legal nature and gravity of judicial appointments and it is a significant guarantee of the constitutional standard of the right to a fair trial (decision of the Supreme Administrative Court of October 9, 2012, Case File No. I OSK 1883/12; decision Kpt 1/08; judgment of the Constitutional Court of June 5, 2012, K 18/09, OTK ZU No. 63/6A/2012; decision of the Constitutional Court of June 19, 2012, SK 37/08, OTK-A 2012/6/69; decision of

the Supreme Administrative Court of December 7, 2017, I OSK 858/17).

In view of the case-law of the Constitutional Court, it should be considered that any attempts to question the prerogatives of the President of the Republic of Poland to appoint a judge, either by means of creating a procedure of removal based on a judicial decision due to an allegedly defective nature of appointment proceedings or by a normative act whose rank is lower than the Constitution would infringe upon not only the norms on the appointment of judges (i.e. Article 144(3)(17) and Article 179 of the Constitution of the Republic of Poland), but also the constitutional rule of irremovability of judges as referred to in Article 180(1) of the Constitution of the Republic of Poland. These norms create a comprehensive and complete mechanism to guarantee judicial independence.

The Improving Act introduces a definition of a judge which includes a reference to Article 179 of the Constitution of the Republic of Poland, in which necessary and sufficient elements to obtain the status of a judge are specified, namely the request submitted by the National Council of the Judiciary and the appointment by the President of the Republic of Poland. The definition specifies the conditions that must be met so that investiture may happen, and the judge may be able to perform their adjudicating functions. These conditions include the act of appointment by the President and taking an oath.

The fact that the definition does not include the words 'on the request of the National Council of the Judiciary' does not mean that the President of the Republic of Poland chooses a judge irrespective of the National Council of the Judiciary's request. In light of Article

179 of the Constitution of the Republic of Poland, it should be considered that, once appointed, an appointee enjoys independence, among others, thanks to their irremovability and the fact that their status cannot be questioned by any entity or state body. The definition of a judge introduced in the Act makes it possible to determine when the service relationship of a judge arises.

Article 42a introduced by the Improving Act does not breach the separation of powers and it does not restrict the court's right to examine the proper composition of the court. The regulation on the composition of the court, i.e., the number of judges and their professional status, is of constitutional value. According to Article 45 of the Constitution of the Republic of Poland, the right to a fair trial is understood as the right to be heard before a 'competent' court, namely the one whose composition complies with statutory acts. The composition of the court is a category of procedural law regulated in relevant procedural statutory acts.

The 'composition of the court' cannot be equated with the 'status of a judge'. The composition of the court specifies the procedural ground for the court's ability to adjudicate on a specific case and it is subject to assessment and control by the court of higher instance. The status of a judge, on the other hand, is a systemic right of a person appointed by the President of the Republic of Poland in the act of investiture to exercise adjudicating functions. Incorrect composition of the court occurs when the court adjudicates in the composition unknown to statutory acts or different than required for a specific category of cases. If the court's composition does not comply with legal regulations, proceedings may be found invalid, and this fact is taken into account *ex officio* by the court at each

level of proceedings. It is also a ground for ordinary and extraordinary appeal measures. Lack of investiture means that a specific person is not a judge and therefore there is no question of the composition of the court, either correct or incorrect one.

As for disciplinary liability, the Act does not depart from standards existing in other European states, including similar French and German solutions, where such conduct is subject to criminal liability far exceeding the liability provided for in the Act. The list of disciplinary faults is not closed. It includes the types of conduct that are impossible to classify and therefore the lawmakers use vague expressions to define a fault. Disciplinary liability is of specific nature and it combines the features of quasi-criminal and ethical liability. Both the case-law of the Constitutional Court and the Supreme Court finds it unacceptable to refuse the application of a statutory act without the earlier ruling of the Constitutional Court in this regard as the Constitutional Court is the only body competent to control the constitutionality of legal provisions. Polish law does not allow any dispersed judicial review of constitutionality, but only constitutional review exercised by the Constitutional Court. The adopted model does not exclude the legal standing of various entities, including courts, to seek remedy through legal questions. In case of doubts in terms of the constitutionality of legal provisions, the court has an obligation to submit a legal question to the Constitutional Court. Any contrary view expressing the independent role of courts in making such assessment is excluded by Article 188 of the Constitution of the Republic of Poland.

Jarosław Szymanek ■
March 2021

JÓZEF PIŁSUDSKI'S EXILE, IMPRISONMENT, MISSIONS AND PEREGRINATIONS ALL OVER THE WORLD (PART I)

SŁAWOMIR MOĆKUN

The following article chronologically presents the trips abroad taken by Józef Piłsudski. The considerations concern the period of the partitions and the Second Republic of Poland. As a statesman, the prime minister and co-creator of independent Poland, he was bestowed with the highest honour by the authorities of different countries. According to the memoirs written in the epoch, Piłsudski seemed to like traveling and visiting places of interest.



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JÓZEF PIŁSUDSKI DURING HIS TRIP TO JAPAN. BERN 1904.

It is very simple to present on the map all the places that Józef Klemens Piłsudski visited during his lifespan as they basically come down to the entire northern hemisphere. All the expeditions that Piłsudski took on four continents, either voluntarily or involuntarily, enforced by the invaders, may serve as a discussion for the entire publication cycle. Piłsudski

undoubtedly understood the world and its complexity, he valued its diversity, explored the secrets of nature, culture, and above all history, including the military aspects. At the same time, he shaped it courageously.

Piłsudski's perception of the world was not related only to his interests and in-depth reading, but also to his own experiences and

observations. Not only did the deportation, imprisonment, missions and peregrinations make up his legend, broaden his horizons, constitute a base for the first resistance and later state activities, and also serve health purposes, but, they fulfilled the Marshal's curiosity of the world. Long expeditions, as well as the exile to Siberia, were used as the subject of numerous anecdotes. What Piłsudski was really interested in till the end of his life were foreign policy and defence issues. The Marshall often hosted foreign diplomats and politicians and was keen to be surrounded by people equally interested in the world, such as an adjutant, Capt. Mirosław Lepecki or the secretary Kazimiera Iłłakowiczówna. At the banks of the Thames, Neva or Seine, and even in distant Tokyo, he got acquainted with prominent political activists who in 1918, were in favour of the reemergence of the independent Republic of Poland on the European arena.

The journeys were one of Józef Piłsudski's passions. Ziuk, started his travelling at the age of 7, after the fire of the manor in Zułów, and travelled almost to the end of his life. However, he saw himself firmly rooted in the independent Republic, never opting for the fate of a political emigrant. Visiting monuments and natural wonders, such as the Egyptian pyramids or Niagara Falls, he really felt at home in Pikieliszki or Sulejów. In winter, visiting the world's most popular resorts, during the summer holidays he preferred resting in Druskininkai, Ciechocinek, Moszczanica, Zakopane, and Zaleszczyki.

Ziuk, who shared reading passion with his father, preferred books about ancient Greece and Rome, as well as travel, and as a child he played adventures of heroes created by Jules Verne. The curiosity of the world was confirmed by the results of his matura exams, where he received the best grades in history and geography. When he was a child, until the manor in Zułów

burnt down, governesses gave lessons of French and German. Ziuk's parents made sure that on Christmas Eve daughters and sons could find books in French and German respectively under the Christmas tree. Piłsudski did not have any problems with the German language and his comprehension was so strong that he did not have to take the matura exam for the language. He absorbed German gradually, but started learning English only at the age of 20 during his stay in London and later, having a lot of spare time, in a cell of the X Pavilion of the Warsaw Citadel. It was not until the gymnasium that he unwillingly started learning Russian. These were times when Greek and Latin were taught at schools.

Young Józef Piłsudski got to know the western part of the Russian Empire very well, where intellectual, cultural, economic, military and political life were concentrated. Of course, he was also well-acquainted with ethnographic Lithuania, where he often spent holidays with his family (in the letters from Siberia he mentioned that he had never seen the Nemunas before), as well as with Belarus. During his medical studies in Kharkiv (1885-1886), he encountered the anti-tsar conspiracy as well as socialist ideas. The city, however, was too dominated by the "Russian soul", so the rebellion ended with a six-day solitary confinement and, consequently, the decision to study in a more "European" and intellectually liberal Dorpat. He even considered learning outside the Russian empire. From Kharkiv, after a short stay in St. Petersburg, through Dorpat, Piłsudski returned to Vilnius in the spring¹.

¹ J. Piłsudski, *Jak stałem się socjalistą (How I have become a Socialist)*, [in:] *Pisma zbiorowe (Collective Works)*, Warsaw 1937, vol. 2, pp. 45-51; M. Lepecki, *Józef Piłsudski na Syberii (Józef Piłsudski in Siberia)*, Warsaw 1936, pp 3-14; A. Garlicki, *Józef Piłsudski 1867-1935*, Cracow 2017, pp 21-33, W. Pobóg-Malinowski, *Józef Piłsudski 1867-1914*, London [no info], pp. 7-49, W. Suleja, *Józef Piłsudski*, Wrocław 2009, pp. 7-13.



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PPS DELEGATES TO THE CONGRESS OF THE SECOND INTERNATIONAL. SEATED FROM THE LEFT: IGNACY MOŚCICKI, BOLESŁAW JĘDRZEJOWSKI, JÓZEF PIŁSUDSKI, ALEKSANDER DĘBSKI. STANDING: BOLESŁAW MIKŁASZEWSKI, WITOLD JODKO-NARKIEWICZ. LONDON 1896.

SIBERIAN “UNIVERSITY”

On March 22, 1887, in Vilnius, instead of continuing studies, Józef Piłsudski was placed under arrest. Being suspected of participating in the anti-Russian conspiracy he found himself in the cell of the St. Petersburg fortress on April 2. Three weeks later, he was convicted administratively for 5 years of hard labour, i.e. without indictment and evidence of complicity, for the attempt to assassinate the Tsar. Nineteen-year-old Ziuk soon set out on the route in the footsteps of the January insurgents he admired, first reaching the famous Butyrka prison under Moscow, and then through Nizhny Novgorod, Perm, Tyumen, Tomsk, Krasnoyarsk he arrived in Irkutsk. The journey, which took over 4 months and was about 7 thousand kilometres by train, kибitka carriages, barges on the Volga, Kama, Irtysh and Ob, and the last stage taken on foot and on primitive carriages, provided Piłsudski with

“new impressions and thoughts”. Despite the hardships of the journey, he wrote in a letter from Krasnoyarsk that “it’s an interesting country which is worth seeing”, paying attention to the amazing nature, unspoilt summer. It contrasted with the stale air of the overcrowded barge-prison, the severity of turmas “visited” on the way in Tyumen and Tomsk which were dirty, infested habitat of diseases, as well as spartan conditions of stage stations. Piłsudski was also accompanied by hunger, fatigue, dust, insects and constant torment, which was the brutality of Tsarist soldiers. The fact that he was the only Pole in the entire convoy, with no friends or old companions, further strengthened the isolation. His hostility towards everything that was Tsarist started to intensify. Piłsudski consistently refused to shake hands of Russian officials. He had a lot of time for meditation. “I am now living for the future; the future is all I have now” he

wrote in autumn. “The present seems not to exist” he added, indicating that it takes only a negative face. In turn, the past “passed like a dream [...] without giving the opportunity to develop all strength.” Already on his way to Siberia, Ziuk, “thrown into the abyss”, had no intention of falling apart, which was announced by the words “But to live means to learn”, sent in the letter².

In December 1887, he was eventually sent to the final place of exile, Kirensk, a small town located more than a thousand kilometres to the north surrounded by the Lena river, which could only be reached by sleighs after freezing at the temperature of several dozen degrees below zero. The exiles were the only intelligentsia in this settlement inhabited by approximately one thousand people. Serving the penalty for the Irkutsk rebellion was the most difficult moment, as staying in a poor wooden prison in a very low temperature, nearly cost Piłsudski his life. The last part of the sentence took place in the hospital, where he even held the duties of a writer³. Ziuk owed overcoming the difficulties and monotony of the exile to two people – Stanisław Lande, a January insurgent and a socialist activist, and his sister-in-law – Leonarda Lewandowska, who became Piłsudski’s first love. The harsh climate was partly compensated for by the rich nature. Piłsudski did not give in to general apathy

and alcoholism, tried to stay in high spirits and also tempered his body⁴.

The depressing climate of Kireńska meant that after two years, Ziuk wanted to “break out of this mud anywhere.” He unsuccessfully applied for a transfer to Sakhalin, where his brother Bronisław was sentenced to drudgery, as well as the possibility of serving the rest of his sentence in Vilnius. Eventually, he spent the last two years in a milder climate and better conditions in Tunka, located between Lake Baikal and Mongolia. “I really liked this place,” said Piłsudski. The beauty of the taiga was replaced by the monotonous, yet evoking the feeling of freedom, steppe with mountains to the south, and a typically Russian colony, this time with “a certain number of intelligent people” and the surroundings of the oriental culture of the Buryats. He got to know all kinds of Russians and views, from tsarist officials, to Trotskyists, anarchists and socialists. Above all, there was a large group of January insurgents, including one of its main organizers, Bronisław Szwarka, whose “individuality must have influenced the sensitive soul of the Marshal-to-be.” Szwarka, a person of enormous experience and penetrating mind, became a “professor” for Piłsudski, not only in terms of the Uprising of 1863. Ziuk also stayed in touch with him later on in Lviv. He attended his funeral, laying a wreath for “a friend and revolutionist”. The memories related to the Siberian Uprising of 1866 were also passed over Baikal, when a group of Polish exiles provoked a rebellion with plans reaching far beyond the desire to escape through China. Earlier, Colonel Piotr Wysocki, the initiator of the November Uprising, who was initially sent to the Irkutsk region, then served hard labour in one of the heaviest

² A. Garlicki, *op. cit.*, pp. 36-39; M. Lepecki, *Józef Piłsudski na Syberii...* (*Józef Piłsudski in Siberia*), pp. 21-68; J. Piłsudski, *Pisma...* (*Works...*), vol. 3, pp. 65-74, *Idem*, *Pisma (Works)*, Supplement, Warsaw 1992, pp. 13-15; W. Pobóg-Malinowski, *Niedoszły zamach 13 marca 1887 roku i udział w nim Polaków* (*The Unfinished Assassination Attempt of 13 March 1887 and the Participation of Poles*), “Niepodległość” (Independence), vol. X, Warsaw 1934, W. Suleja, *op. cit.*, p. 15.

³ Józef Piłsudski was also sentenced to a week of detention for breaking the ban on moving away from the perimeter of the place of exile. He went up the river by boat to visit a Polish friend who was also a deportee. He served the sentence in Tunka in good conditions in the house of the head of the local administration.

⁴ M. Lepecki, *Józef Piłsudski na Syberii...* (*Józef Piłsudski in Siberia...*), pp. 71-78, 144-148, 152-154, *Idem*, *Sybir bez przekleństw* (*Siberia without Cursing*), Łomianki 2012, pp. 52-81.

mines in Akatuj in the Zabajkal Country attempted to execute similar plans⁵.

As an exile, he did not have any duties. In Tunka he taught children foreign languages. He would spend most of his time on long fishing and hunting expeditions (Piłsudski himself described them as “wasting gun-pow- der”), or skiing. He also ventured into the mountains, mostly alone, but sometimes together with Bronisław Szwarka and talked to the natives. The love for nature that flourished in Siberia stayed with Piłsudski till the end of his life. Nature became a kind of asylum, where surrounded by fields, forests or gardens, he could rest. Direct talks with the January insurgents, as well as the sight of numerous graves scattered throughout Siberia, triggered reflections about the causes of the fall of the uprising and plans for the new irredentism. He also mentioned the fortune-teller, who was to foretell him his future with the words “you will become a tsar.”⁶

⁵ What could be important and relevant to Ziuk's later activity is the fact that the insurgents could not rely on the Russian inmates, the local population, and also on some of the deportees-countrymen of noble origin who did not want to lose their privileged position and many amenities during their exile. J. Piłsudski, *Pisma. Uzupełnienia...* (Works. Supplement), pp. 16-17. M. Lepecki, *Sybir bez przekleństw...* (Siberia without Cursing), pp. 97-106. M. Lepecki, *Sybir wspomnień* (Memories of Siberia), Lviv 1937, pp. 167-182. In terms of *Powstania Syberyjskiego* (Siberian Rebellion) go to H. Skok, *Powstanie polskich zesłańców za Bajkałem w 1866 roku* (The Uprising of the Polish Deportees in 1866), [in:] *Przegląd Historyczny* (Historical Review), no 54/2, 1966, pp. 244-269.

⁶ A. Garlicki, *op. cit.*, pp. 34-39; S. Juszczyński, *Z pobytu w Tuncie* (From the Stay in Tunka), „Niepodległość” (Independence), vol. IV, Warsaw 1931, pp. 181-183; M. Lepecki, *Pamiętnik adiutanta Marszałka Piłsudskiego* (The Diary of Józef Piłsudski's Adjutant), Warsaw 1987, pp. 191-193; *Idem*, *Od Sybiru do Belwederu* (From Siberia to Belweder), Warsaw 1935, pp. 23-25; *Idem*, *Józef Piłsudski...*, pp. 21-113, 157-166; *Idem*, *Sybir bez przekleństw* (Siberia without Cursing), pp. 137-144; A. Piłsudska, *Wspomnienia* (Memories), Warsaw 1989, pp. 94-95, 271; J. Piłsudski, *Pisma zbiorowe. Uzupełnienia* (Collective Works. Supplement), Warsaw 1992, pp. 17-78.

The influence of the drudgery on the path later taken by Ziuk was described in his article written in 1903 “How I Have Become a Socialist” in which he claimed: “it was only here [in Siberia] where I could peacefully reflect on everything I had been through, and what I have become. First of all, I thoroughly got cured of the remnants of the Russian influences, and by getting to know many representatives of the Russian movement, as well as Russian literature and journalism, I have stopped overestimating the importance and strength of the Russian Revolution. In this way, I have cleaned up my way to Western European influences”. Not only did Ziuk's observations concern the socialist idea, but obviously the very construction of the Tsarist apparatus of terror, so visible in Siberia, “where, in the absence of culture, social factors occur in all their disgusting nakedness.” These observations strengthened the feeling already known from Vilnius – “I hated this Asian monster, covered with European veneer, even more”⁷. Russian literature, so popular among European socialist, did not appeal to Ziuk. The same concerned the Russians themselves, whose features, such as passiveness, shabbiness and anti-Semitism, were rather unappealing for Piłsudski. Very often in later times, he justified his opinion on the Russians with the vivid examples observed during the Siberian exile. There were also many examples from “the other side”. Izzak Szkłowski, who returning with Piłsudski from the exile in Tunka recalled that during the stopover in Moscow, when they had a lot of time to visit the city, Ziuk ostentatiously refused to leave the station to manifest his contempt for the capital of Russia⁸.

⁷ J. Piłsudski, *Pisma...* (Works), vol. II, Warsaw 1937, pp. 52-53.

⁸ A. Piłsudska, *op. cit.*, p. 95; J. Piłsudski, *Pisma...* (Works...), vol. 3, pp. 65-74, L. Wasilewski, *Piłsudski jakim Go znałem* (Piłsudski as I knew him), Warsaw 2013, pp. 145-146.



JÓZEF PIŁSUDSKI AFTER HE WAS ARRESTED BY OKHRANA IN 1900.

The period of exile to Siberia influenced the shape of not only the character, but also coherent thinking about the direction of the development of the Polish socialist camp and its relation and expectations to “Russian comrades”. The article “Attitude to Russian revolutionaries” published in “Przedświt” (Pre-dawn), August 1893, was a declaration of the way, which was developed by a consistent political program whose foundations were formed during monotonous days in Siberia. The exile gave the future Commander a strong will and shaped his character. Siberia, against the will of the Tsarist court, became a university for young Ziuk where he found a master and lecturer – Bronisław Szwarc, specializations – the Uprising of 1863 and the Russian soul. Piłsudski understood who he wanted to become, and the legendary exile helped him to realise his plans. A passionate, romantic youngster changed into a disciplined realist with clearly defined goals and beliefs. Piłsudski returned from his exile to Vilnius at the beginning of July 1892, as a person with strong views and

a well-formed character, his state of health, however, was very poor.

COMRADE VICTOR’S LONDON MISSIONS

The exile, also due to the contacts with the socialists staying there, was the best reference and certainly contributed to Ziuk’s fast career. Piłsudski straight away got involved in the work of the Central Workers’ Committee of the Polish Socialist Party, being a very active journalist. The conditions of the partitions made it necessary to transfer a large part of the activity, such as party and international congresses, and publishing activities, far from the Vistula. It was in Vienna, Paris, Brussels, Geneva, and London, where the Foreign Union of Polish Socialists (ZZPS) was located since 1893 and where during the congresses and meetings, the socialist movement shaped its strategies and with whom Piłsudski maintained constant contact. The presence of a strong Polish voice for the democratic and first of all independent Republic of Poland was even more significant as it opposed Róża

Luksemburg, Julian Marchlewski and Adolf Warski-Warszawski, the leading figures fighting the idea of national sovereignty. Hence Piłsudski's activity among socialists in Western Europe, mainly French, English and German, but also well-known to him Russian comrades and other nations enslaved by the Russian Tsar. Publishing was one of the most important fields of ZZPS activities. It included "Przedświt", in which Piłsudski systematically published. In London, ZZPS, often at the personal request of "Wiktor", issued Jewish press, Russian brochures and also Latvian or German publications. Józef Piłsudski used foreign contacts in conspiracy, sending correspondence, also to his immediate family, through contacts in Switzerland, Great Britain and even the United States⁹.

Party duties, such as publishing and growing financial needs, made Piłsudski, operating under the pseudonym "Wiktor", at the end of 1894, and in 1895, travel through the Russian Empire visiting major academic centres that focused on Polish intelligentsia (Saint Petersburg, Kiev, Dorpat, Riga). This activity probably included Moscow as well, where Ziuk's brother, Jan studied. The "Robotnik" (The Worker) was accessible for his acquaintances from exile. Lidia Łojko was to receive it in Voronezh. Sources do not confirm whether Ziuk went to Tbilisi or Baku, where there was a large group of Poles, who could potentially financially support the PPS. In fact, tangible financial support came from the American Polonia, although only at a later stage of the fight¹⁰. In his first voyage to the west, "Wiktor" went to Switzerland at the end of 1894, where he participated in the congress of the

The period of exile to Siberia influenced the shape of not only the character, but also coherent thinking about the direction of the development of the Polish socialist camp and its relation and expectations to "Russian comrades".

Foreign Union of Polish Socialists. He came to London from Geneva for the first time. A few weeks spent there were devoted to organizational work, mainly publishing. On his way back to Vilnius, he visited Berlin and Tilsit.

In the spring of 1896, Piłsudski returned to London in order to discuss the current cooperation between the Central Workers' Committee (CKR) and Foreign Union of Polish Socialists (ZZPS). The visit was extended to five months because Piłsudski decided to represent the CKR at the fourth congress of the Second Internationals. He stayed in the East End at Bolesław Jędrzejowski's, who was his friend and an outstanding socialist at that time responsible for the publishing activity of ZZPS, and a few years later, managing the international activity of the PPS-Revolutionary Faction. Strolling in Victoria Park with Jędrzejowski's children, Piłsudski ordered them to correct and improve his English. From the observations made at the time, he praised the English for taking care of physical development of children and a passion for sports, which

⁹ S. Cat-Mackiewicz, *Klucz do Piłsudskiego* (Key to Piłsudski), Cracow 2013, pp. 91-99.

¹⁰ S. Cat-Mackiewicz, *op. cit.*, pp. 116, 248-249; W. Jędrzejewicz, J. Cisek, *Kalendarium życia Józefa Piłsudskiego 1867-1935* (The Calendar of Józef Piłsudski's Life 1867-1935), vol. 1. Cracow 2006, p. 61; W. Suleja, *op. cit.*, p. 31.

became one of the important policies of the Marshal in the Second Republic of Poland. "An Englishman's legs tend to move constantly, something is always pushed with his leg, he constantly pushes something," Piłsudski jokingly concluded. He possibly also came across various ideas and movements that were popular at that time, such as suffragettes (Piłsudski as the Head of State gave women full electoral rights on November 28, 1918). He developed an interest for the local press, the course of the Boer War, including guerrillas that could be used in the possible irredentism in Poland. He focused on publishing activities including the preparation of extensive brochures, such as "May Souvenirs of 1896" and "peasant" daily, maintaining correspondence with the fight comrades scattered throughout Europe and the United States for the creation of an "independent Republic of Poland". An extended stay in the capital of Albion, at least according to the correspondence with party colleagues, went against Piłsudski because he started feeling homesick. However, he quickly found the goal of the dissemination of his political program and the inclusion of Polish aspirations for independence in the resolution of the congress. The Polish delegation (Ignacy Daszyński, Aleksander Dębski, Antoni Jędrzejowski, Witold Jodko-Narkiewicz, Ignacy Mościcki, and Józef Piłsudski) prepared a text proposal, gaining the support from Liebknecht, Adler, Kautski, Plekhanov and Labriola. Piłsudski was particularly involved in allying with the German Social Democrats, speaking with Karl Liebknecht, who declared his support for Poland "going beyond ethnic boundaries", "as wide and as far as possible to the east" and proposed a toast "Poland has not died yet". Eventually, the expressive record¹¹ was simplified and

replaced by a general short text admitting "every nationality has a full right to decide about its fate", which was opposed by Rosa Luxemburg, Adolf Warszawski-Warski, as well as other German, French and Russian Social Democrats. This event irritated Piłsudski, and convinced him that it would be very difficult to gain support for the Polish cause from the international revolutionary community in the future.

In his article for the "Robotnik", Piłsudski claimed that the tsarism was the main obstacle, a kind of "Chinese wall", in close cooperation with comrades in the West. "Our first step must be the abolition of this wall, because only beyond it a more humane life begins" - he wrote in report on the congress published in the "Robotnik"¹². Piłsudski was more optimistic in his search for war comrades among the nations enslaved by the Tsar, from Finland to the Caucasus. These convictions became even more permanent over the following years.

After returning to Krakow, he started working very hard. Due to its conspiratorial character, the details of Wiktor's activity are not well-known. Maintaining remarkable correspondence with socialist outposts scattered over Europe and America, setting programs, publishing plans, strategies and possible alliances, he devoted a lot of time to raising funds. Because of that, in 1896 he went twice to St. Petersburg, providing the local communities with the course of the London congress. At the end of the

and partitioning nationality; especially tsarist Russia, drawing its internal forces and external significance from the beaten and parted Poland, is a constant threat to the development of international workers life, Congress declares that Poland's independence is a political demand, equally necessary for the international labour movement as well as for the proletariat itself."

¹² J. Piłsudski, *Pisma... (Works...)*, vol. 1, pp. 153-154; *Idem, Pisma. Uzupełnienia (Works. Supplement)*, pp. 138-262; W. Jędrzejewicz, J. Cisek, *op. cit.*, vol. 1, pp. 86-88; A. Piłsudska, *op. cit.*, pp. 96-97; W. Suleja, *op. cit.*, pp. 32-33, „Niepodległość” (Independence), vol. XV, Warsaw 1937, pp. 418-432.

¹¹ In the wording "Considering that the subjugation of one nation by another one may lie in the interest of only capitalists and despots, but is equally destructive for the working people of both Polish

year he went to "kacapia" (the Ruskie State) again, as he most often referred to Russia, to raise funds. "Wiktor" could still observe the situation in the Russian Empire at close quarters, appearing by the Neva in May 1897, to once again in autumn go to "the eastern goldmine" as he put it. In December Piłsudski represented the "country" at the ZZSP congress in Zurich, devoted largely to the publishing activity and personnel changes enforced by the "opposition", which went against "Wiktor" and his idea. He tried to appease conflicts that had a negative impact on the conspiratorial work¹³.

London was not only a publishing centre, but also a base that connected scattered companions at their work for the party. Piłsudski fought here against the idea of cooperation with tsarism, the United States of Russia. The purpose of the London base was fulfilled in 1898 by publishing the secret manifesto of General-Governor Alexander Imeretynski, in which the assumptions of the policy of seeming concessions made to the Poles were presented. This undertaking, with Piłsudski's decisive personal commitment, who in July went with the stolen text to London through Zurich and Rapperswil, contributed to the resignation of the Tsar's governor, weakening the position of the conciliators. Piłsudski claimed that the most Eastern European socialist outpost was located in Poland. Having established close contacts in the West, he was convinced that the only way for Polish socialism is its Western European version. Knowing Russia and the Russian socialists well, he could provide credible arguments supporting his view that regardless of its status, be tsarist or Bolshevik, Russia would always remain imperialist. In London, Piłsudski, whose authority was indisputable, settled the relations between

the Central Workers' Committee of the PPS and Centralization of ZZSP, keeping lively correspondence and carrying out publishing plans, including the centenary of Adam Mickiewicz's birth. On August 2, 1898, he returned to Warsaw via Ostend and Dresden¹⁴.

After his stay in St. Petersburg, in May 1899 Piłsudski left for London for the fourth time. The purpose of the two-week visit was organizational changes - submission of ZZSP to the PPS and takeover of the printing house. On his way back through the Rhineland and Westphalia, he intended to get to know the local Polish workers' environment, and further through Dresden, he tried again unsuccessfully to visit Jerzy Haase, a promising leader of the PPS in the Prussian partition¹⁵.

On the night of February 21-22, 1900 in Łódź, the "Robotnik" printing house was destroyed, and Józef Piłsudski was sent to the X Pavilion in the Warsaw Citadel. Foreign activity turned out to become very useful in coming up with an alibi after the arrest and trial (Piłsudski maintained that he had returned to Polish territory only recently, and from 1895 to 1899 lived in Paris, London, and in Switzerland or Austria). In turn, his admiration of the Siberian nature appealed to the doctor from Buryatia, Ivan Shabashnikov. Thanks to the opinion received from an influential psychiatrist, at the end of 1900 Piłsudski went for observation to the St. Nicholas hospital in St. Petersburg, which was part of the escape plan. Soon, through Tallinn and Riga, Polesie he arrived in Galicia. Getting out of the Russian prison thanks to simulated mental illness, was included in the so-called canon of famous escapes in the United States¹⁶.

¹³ L. Wasilewski, *Józef Piłsudski jakim Go znałem (Józef Piłsudski as I knew Him)*, Warsaw 2013, pp. 115-120. W. Suleja, *op. cit.*, p. 43; A. Piłsudska, *op. cit.*, pp. 96, 124.

¹⁴ A. Piłsudska, *op. cit.*, pp. 176, 182; L. Wasilewski, *op. cit.*, pp. 121-123; W. Jędrzejewicz, J. Cisek, *op. cit.*, vol.1, pp. 112-118, W. Suleja, *op. cit.*, p. 41.

¹⁵ L. Wasilewski, *op. cit.*, pp. 124-127

¹⁶ W. Jędrzejewicz, J. Cisek, *op. cit.*, vol. 1, pp. 152-

In June “Wiktor” restarted his activity and went to Kiev, where the “Robotnik” printing house was re-established. His plans to regain health in the Swiss Alps alongside Ignacy Mościcki¹⁷, were changed to a stay in the Tatra Mountains. He also postponed the visit to London, where, as Leon Wasilewski recalled, “he had no intention of sitting there any longer: he wanted to continue his career, i.e. illegal work in the country.” Piłsudski, wanted by Tsarist Russia not only as a revolutionary, but also as a fugitive, did not intend to join the group of emigrant activists. Another stay in London (where he went through Poznań, and then through Germany and Belgium or the Netherlands) in the company of his wife was to serve two purposes – first was to rest, but also to discuss the directions and organization of the PPS fight (November 1901 – April 1902).

In December 1901, Piłsudski was to rest in the Southbourne-on-Sea seaside near Bornemouth, where Stanisław Wojciechowski worked in the printing house. In London, apart from the lecture for members of the PPS on the November Uprising and participation in the discussion convention organized by the Bund (in Russian), he did not engage in the monotonous life of a socialist colony, at least in comparison to the underground work in the country. It is worth mentioning that due to the restrictions in the country, it was one of the first speeches of “Wiktor” in front of a wider public. As Wasilewski recalls, the beginnings of the later excellent speaker were not very successful. The stay by the Thames was also important for defining a policy towards the tsarist occupant and the Russian people in the article “Autocratic

hosts of Poland”, published in Geneva in the Russian “Svoboda”¹⁸.

In mid-April 1902, “Wiktor” returned to the Polish land to support the “work”, and soon he went to Kiev. The stay in London gave birth to a new concept of the PPS organization. In this concept, the London centre lost its importance, and its activities, including publishing, were to be taken over by the Galician structures. The archives and the bookstore though were left in the capital of the United Kingdom. Soon, with significant Piłsudski’s contribution, in fact “London” moved to Galicia, which for objective reasons became the headquarters of further activities (Austrian authorities tolerated socialist activism, respected the right of asylum, and the dispute with Russia became more intense). “Wiktor” concluded that “foreign territory not connected with the country”, can no longer fulfil the role of the “party brain”, but could still function as its backbone. At the end of September, in Vienna, he discussed the financial issues of using PPS machines in London for printing papers for Russian socialists. In the winter of 1902/1903, the Piłsudski family went to Riga. During this period, Piłsudski often travelled “behind the enemy lines”, spending time in Minsk at the congress of the Central Workers’ Committee (December 1903), in Riga at the conference of socialist youth (January 1904), again in Minsk (February 1904) to go again through Riga to St. Petersburg (March 1904). By the Neva river, the Russo-Japanese war was the main subject¹⁹.

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155; W. Suleja, *op. cit.*, p. 50.

¹⁷ Józef Piłsudski also really appreciated Gabriela Narutowicz’s activity in Switzerland and immediately started liking the person, even though they met only in 1919 in Warsaw. J. Piłsudski, *Wspomnienie o Gabrjelu Narutowiczu (A Memoir of Gabriel Narutowicz)*, Warsaw 1923, pp. 7-8.

¹⁸ J. Piłsudski, *Pisma... (Works...)*, vol. 2, pp. 7-17; L. Wasilewski, *op. cit.*, p. 139; W. Suleja, *op. cit.*, pp. 52-53.

¹⁹ S. Cat-Mackiewicz, *op. cit.*, pp. 121-122, W. Jędrzejewicz, J. Cisek, *op. cit.*, vol. 1, pp. 160-169, 188-198; W. Suleja, *op. cit.*, pp. 50-54; L. Wasilewski, *op. cit.*, pp. 138-150.

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