



Outlook for post-election Czech-Polish relations

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Summary

- The autumn Polish parliamentary elections are the most important foreign elections for the Czech Republic this year. The most likely post-election scenarios will bring developments that **will not simplify Czech-Polish relations. On the contrary, they will make them even more complex.**

- After eight years of United Right rule, **Poland is in strong dispute with European institutions and relations with Germany are in deep crisis.** Poland has been and is one of the **strongest pillars of aid to Ukraine and is purposefully building up its defence capabilities.**

- Czech-Polish relations have undergone several transformations during the 8 years of the United Right government and one major crisis, when the dispute over plans to expand the Polish Turów mine escalated.

- **EU, security and Eastern policy have always been key to the strategic dimension of relations.** The most difficult aspect of Czech-Polish relations has been to develop systematic cooperation on EU policy, and this has not worked well under any governmental configuration in the Czech Republic.

- All plausible scenarios of post-election developments in Poland imply that strategic cooperation in security, defence and eastern policy will be possible. However, **in the key area of EU politics, it will be very difficult.** Even an opposition victory will not make the development of cooperation on this agenda very easy. Similarly, in two of the three scenarios identified, **bilateral intergovernmental relations may be weakened.**

- For Czech foreign and European policy, the Polish parliamentary elections will therefore be a crucial event not to be underestimated. **The EU reform efforts and the nature of the forthcoming new European institutional cycle will both be significantly impacted by Poland's elections results.**



Introduction

During the autumn, Slovakia and Poland will hold parliamentary elections whose results will impact on the future of Central Europe. The Polish elections, in particular, are of pan-European significance, as their outcome will substantially affect the future direction of European integration. From the Czech perspective, **the Polish parliamentary elections can thus be characterised as the most important foreign elections of 2023.**

Poland is the Czech Republic's second most important neighbour in economic, political and security terms. Since 2011, Czech-Polish relations have been referred to as **a strategic relationship** in Czech foreign policy documents. Moreover, their importance has been reinforced in the last two years by two factors, although the two issues are different in nature and gravity. Firstly, the political crisis over the Turów mine was resolved. Its planned expansion was challenged by the Czech Republic before EU institutions as illegal and the ensuing dispute paralysed relations between Prague and Warsaw for several months. The agreement reached in early 2022 allowed for a full resumption of relations at all levels. Secondly, relations were fundamentally re-shaped by Russia's aggression against Ukraine, where the Czech Republic and Poland were unequivocal from the first moment in their support for Ukrainian sovereignty, providing humanitarian, economic, military and political support to Kyiv and hosting a significant number of war refugees.

This text examines the possible development of the Czech-Polish partnership after the parliamentary elections that will take place in Poland on 15 October 2023. It works with the three most likely outcomes of the elections and develops scenarios that may follow if these results materialise. Likely developments in the **European and international political dimensions which are crucial for the bilateral relations are also taken into account.**

The policy brief first outlines Poland's foreign and European policy since 2015. It then presents the development of Czech-Polish relations in recent years. In the third part, it predicts the nature of Polish European and foreign policy in each of three possible outcomes of the parliamentary elections: 1) the formation of a government or parliamentary coalition of the United Right with the Confederation, 2) a deadlock, the impossibility or unwillingness to form a majority coalition and snap elections, 3) the victory of the current opposition and the formation of a government led by the Civic Coalition. **The text identifies the main challenges that the Czech Republic should be prepared for in the event of each of these scenarios.**

1. Polish foreign policy since 2015

Following the entry of Law and Justice into government in 2015, there was a change in foreign policy. However, it **did not affect all areas.** Key postulates concerning relations with Russia, support for the Euro-Atlantic aspirations of Eastern European nations, security policy or relations with the United States did not undergo fundamental changes. What did shift, however, was **the approach to European integration and to relations with Germany.**

The reason for these changes was, primarily, the **political ideology of Law and Justice**, which differed from the approach of the earlier Civic Platform and Polish People's Party governments.¹ For Law and Justice, **national sovereignty** is a key tool for functioning effectively in the international environment. Only a sovereign state can completely realise its own interests. Sovereignty, then, also has its internal dimension, since a genuinely sovereign state, according to Law and

¹ Adam Balcer et al. Change in Poland, but what change? Assumptions of Law and Justice party Foreign policy. Warsaw: Batory Foundation, 2016.
<http://www.batory.org.pl/upload/files/Programy%20operacyjne/Otwarta%20Europa/Change%20in%20Poland.pdf>.



Justice, must be able to act effectively, i.e. to take decisions without being constrained by external rules and foreign influences. Furthermore, the importance of the **nation** as an organic and cultural community, which is always shaped by a specific historical experience, is central to Law and Justice. Its values thus derive from these experiences and are not and cannot be shaped by other historical experiences or “artificial constructs”. The values that Law and Justice claims are spreading to Poland from the West are therefore considered as an alien factor that ultimately threatens national cohesion and thus sovereignty. Moreover, the **strengthening of European institutions** and the expansion of areas of integration over which these institutions have a major influence are considered to be an **erroneous development**, as they lead to the enforcement of certain policies and decisions despite the disagreement of some states. This will sooner or later lead to a rejection of European cooperation as such.² Law and Justice considers this whole system to be **the work of the most powerful EU states**, particularly Germany, which, through the mechanisms in question, wants to keep countries like Poland in a state of economic and political subordination and not allow them to achieve the genuine development that they could otherwise enjoy.³

Secondly, the Polish Government has come into **fundamental conflict with the EU institutions because of the changes it has made to its own judicial system**. This smouldering dispute eventually led to the suspension of one part of the financial transfers from the European level to Poland; that is, the blocking of funds for the Polish National Recovery Plan.

Thirdly, the **scenario envisaged by Law and Justice for the development of European integration did not materialise**. Poland first bet on the UK staying in the EU under changed conditions, and that the UK's remaining would trigger a process of EU transformation towards a kind of Europe à la carte.⁴ It would be precisely this strengthening of nation states that would enable the realisation of the political ideology of Law and Justice. In this scenario, it would then be the UK and the countries of Central and Eastern Europe (led by Poland) that would balance the Franco-German centre. However, **this plan collapsed with the UK's withdrawal from the EU** and the reluctance of the other CEE countries to follow Poland. Warsaw has thus been unable to fundamentally transform the functioning of the EU, and has repeatedly found itself in a minority position, as on issues such as the conditionality of the disbursement of EU funds on a functioning rule of law, European climate goals, or, more recently, the reform of EU asylum and migration policy.

Against this European backdrop, **relations with Germany have deteriorated**. They have been burdened by the politicisation of historical issues, Germany's erroneous policy towards Russia before February 2022 and the resulting low mutual trust.

The above-mentioned relatively consistent policies towards Russia, Eastern Europe and in security or defence policy **have helped Poland to strengthen its credibility in these areas, which became particularly evident after February 2022**. Poland has been one of the leading supporters of Ukraine and an important NATO actor in deterring Russia.

² “Mateusz Morawiecki at Heidelberg University: Europe at a historic turning point,” <https://www.gov.pl/web/primeminister/mateusz-morawiecki-at-heidelberg-university---europe-at-a-historic-turning-point>.

³ Adam Balcer et al. Change in Poland, but what change? Assumptions of Law and Justice party Foreign policy. Warsaw: Batory Foundation, 2016. <http://www.batory.org.pl/upload/files/Programy%20operacyjne/Otwarta%20Europa/Change%20in%20Poland.pdf>.

⁴ Adam Balcer et al. In Clinch: The European Policy of the PiS Government. Warsaw: Batory Foundation, 2017. http://www.batory.org.pl/upload/files/pdf/rap_otw_eu/In%20a%20clinch-report.pdf.



2. Current Czech-Polish relations

The rise to power of Law and Justice in 2015 brought **concerns about the impact on EU cohesion** to the then centre-left government of Czechia made up of Social Democrats, ANO and Christian Democrats. In the same period, a dispute emerged over the solution to the refugee crisis in Europe, in which the Czech Republic, together with Slovakia, Hungary and, after autumn 2015, Poland, clearly opposed any mandatory relocation mechanism for asylum seekers. While the Czech Republic rather sought to gloss over this dispute in European politics, for Poland it was a symptom of fundamental differences in approaches between Western and Central and Eastern Europe and should therefore have been conducted openly. In other words, while **for the Czech Republic the East-West divide in the EU was an inconvenience, for Warsaw it was an expected, inevitable and necessary clash**. On the working and neighbourly level, however, relations developed without major problems, although the dispute over the expansion of the Turów lignite coal mine had already begun to take shape on the periphery of major media attention.

For the ANO and Social Democrats government (2017–2021), Poland was not an important declared partner in European issues, with the exception of migration policy, where Andrej Babiš openly relied on the alliance of Visegrád countries. Then in 2021, the dispute over Turów escalated. The Czech Republic sued Poland and the EU Court of Justice has already upheld the Czech position in interim measures. **The impact on relations was devastating**. Voices of mistrust (on the Polish side especially) were heard in the public arena and cooperation at the highest political level came to a standstill.

The arrival of the centre-right government of Prime Minister Petr Fiala promised to improve relations, thanks to the ideological closeness of ODS and Law and Justice on European matters. Both parties are members of the European Conservatives and Reformists party at the European level and the corresponding group in the European Parliament. In a short time, an agreement was reached on Turów, and the issue **no longer complicated intergovernmental relations**. Even before the outbreak of the ongoing war in Ukraine – in early 2022 – **communication on security issues had intensified**.

As already mentioned, **political, military and humanitarian support for Ukraine from both countries meant further rapprochement**. For example, the format of joint meetings between the Ministries of Foreign Affairs and Defence was revived. However, there has been **no significant convergence on EU policy or its future development**. First, the Czech Republic was preparing for and implementing its presidency of the Council of the EU, during which it refrained from significantly proclaiming its own interests. Furthermore, the dispute between Poland and the EU institutions (as well as the disputes between Poland and Germany) escalated to such an extent that it became uncomfortable for the Czech Republic. The weight of the partnership has also been affected by the de facto hollowing out of the traditional Central European cooperation format – the Visegrád Group.

Czech-Polish relations have thus **undergone several transformations in the last eight years**. Politically, they were disrupted by the Turów controversy. Cross-border contacts were hit for several months by the Covid-19 pandemic, which restricted travel. Despite changes of governments, the format of meetings of intergovernmental delegations has been maintained (which, for example, has not been so in the poor Polish-German relations). However, as this brief overview has shown - while in the case of EU policy the compatibility of positions was relatively low, in the area of security and eastern policy, for example, the two countries were quite close. Interestingly, the differing views on the future of European integration have so far not negatively impacted cooperation.



3. Post-election scenarios

The following section of this policy brief presents **three main scenarios for post-election developments in Poland**. Each outlines likely developments in European politics, relations with Germany, Ukraine, Central and Eastern Europe and, last but not least, in the bilateral relationship with the Czech Republic. This list cannot, of course, be exhaustive and cover the entire breadth of Polish foreign policy. It will therefore focus on selected areas that may undergo the greatest changes. Relations with the United States or the view on Russia are not explicitly mentioned separately, because in these cases a change in the Polish approach is not expected.

3.1 The alliance of Law and Justice with the Confederation

Electoral models predict that the elections will be won again by the United Right comprising Law and Justice, Justice Minister Zbigniew Ziobro's Sovereign Poland and other small national-conservative political parties.⁵ However, in terms of seats, this result is unlikely to be enough for it to govern on its own, unlike in 2015 and 2019. It will need a coalition partner to either join the government or support a minority cabinet. **The party that seems most suitable for this role is the Confederation Liberty and Independence**. It is a patchwork of different groups that can be characterised as hard Eurosceptic, economically liberal to libertarian, ultra-conservative on values and nationalist. Anti-Ukrainian sentiments are also strongly present among the Confederation's leaders.

If this scenario materialises, it can be assumed that the conflict between Poland and EU institutions will not be extinguished. The Confederation – like Sovereign Poland – will refuse any concessions to Brussels, which will silence any moderate voices from the Law and Justice party. Such a government would rely on the national-conservative forces' success in gaining such influence over the functioning of the European Union after the European Parliament elections in 2024, that it would be the ideology of Law and Justice that would prevail in many policies and in the matter of further EU reforms. Thus, **relations with Brussels will be very confrontational in the months before the EP elections and there will be no progress on the dispute over the state of the rule of law in Poland**. Poland will not want to participate in reforms of the functioning of the EU, which will force the Franco-German tandem to **push for changes on the basis of some form of enhanced cooperation**, even in the absence of Polish consent.

A further toughening of European policy will also be reflected in relations between Berlin and Warsaw. The divergence of positions on the future of the EU will predispose relations to further insignificance. Germany will not want to talk to Poland on major European issues. **The appetite to pursue bilateral relations will be lower than ever in Germany** – on the contrary, Poland will require more respect from Berlin, especially in Eastern policy. Historical issues, mainly the demand for reparations for the devastation caused by Germany during the Second World War, will remain high on the political agenda for Warsaw. Synergies will, though, be possible on the NATO agenda, where both countries will have an interest in deterring Russia and strengthening NATO's eastern flank.

Polish support for Ukraine – political, military, financial and humanitarian – will continue. However, **the influence of the Confederation cannot be underestimated**. Its activities in historical politics may erode the unique mutual Polish-Ukrainian trust. Among its programme objectives, the Confederation

⁵"POLITICO Poll of Polls—Polish polls, trends and election news for Poland – POLITICO," <https://www.politico.eu/europe-poll-of-polls/poland/>.



includes a complete closure of the Polish market to Ukrainian products, especially agricultural ones.⁶

Law and Justice will undoubtedly continue with the development of regional cooperation formats which it initiated itself in 2015, such as the Three Seas Initiative, the Lublin Triangle or the Bucharest Nine. After the European Parliament elections in 2024, it is possible to imagine a **strengthening of ties between Law and Justice and Fidesz** intending to form a cohesive opposition to the European mainstream.

For Czech-Polish relations, the realisation of this scenario would not mean a fundamental decline in cooperation, but it would limit their focus only to certain selected areas. These could include, in addition to neighbourhood relations, security and defence policy or relations with Eastern Europe. However, the government's dependence on Confederation support would also bring less predictability and thus less reliability in these policies. A crucial factor would be Poland's reluctance to participate in reform efforts within the EU, which will aim, among other things, to prepare the EU for the possibility of further enlargement.⁷ The Czech position in this emerging debate has not yet been clearly formulated. However, a **further shift towards differentiated integration, which Europe would undoubtedly be closer to after a Law and Justice victory, is not in the Czech interest**. On the one hand, it may try to stop or slow down such a process together with Poland, but in the end it is likely to join in. Thus long-term partnership on the strategic European debate is rather unlikely.

3.2 Deadlock and a path towards early elections

Another very likely outcome of the parliamentary elections is a political situation in which **neither the United Right nor the current opposition will be able to form a stable coalition government**. Such attempts will fail on the unwillingness of political forces to agree among themselves and Poland will face **new snap elections**. The interim government will be close to the Law and Justice Party and, given the low legitimacy of the other actors, the importance of the president will be enhanced. Thus, Poland will continue to focus mainly on domestic political developments and foreign and European policy will be influenced by another election campaign. The snap parliamentary elections (likely in early spring 2024) would then be immediately followed by the European Parliament elections and the campaign leading up to them. **Even the formation of the next government would thus be difficult given the near-permanent state of campaigning that the country will have been under.**

A key feature of such a scenario would thus be **Poland's marginalisation from discussions on the future reform of the EU, priorities for the next five-year cycle of European institutions or the reconstruction of Ukraine**. However, nothing will change in its support of Ukraine or in Polish defence policy. **The president in particular will play an important role in these agendas**. Without clear leadership, the Central European formats established by Poland will stagnate.

Czech-Polish relations will thus be put on hold at the highest political level. Poland's role in strategic issues will be limited and the Czech Republic will have to try to fill a certain absence of a regional voice. More significant meetings will have to wait for the new government. In contrast, **contacts between the presidents will increase in importance**.

⁶ "Konfederacja Program 2023,"

https://konfederacja.pl/app/uploads/2023/06/Konfederacja_WiN_Program_2023.pdf.

⁷Alexandra Brzozowski, "Ten EU leaders meet to 'brainstorm' bloc's enlargement future,"

EurActive.com, June 20, 2023, <https://www.euractiv.com/section/enlargement-neighbourhood/news/ten-eu-leaders-meet-to-brainstorm-blocs-enlargement-future/>.

Nathalie Tocci, "How the EU can enlarge," Politico.eu, July 24, 2023,

<https://www.politico.eu/article/european-union-membership-enlargement-turkey-albania-north-macedonia-montenegro-ukraine-moldova/>.



3.3 Formation of a government led by the Civic Coalition

The third option presented is the **victory of the current opposition parties**. Such a cabinet would include the Civic Coalition, the Third Way and the Left.

These parties declare that their aim is to improve Poland's position in the European Union and to repair relations between Warsaw and the EU institutions.⁸ As the state of the Polish judiciary is at the heart of these disputes, the new government will focus on changing it. The aim will be to push through laws that will adjust the judiciary system to the EU requirements and thus repeal the fine imposed on Poland by the EU Court of Justice and allow the disbursement of funds from the Recovery Fund. **Poland's EU policy will therefore be based on very specific and delimited domestic needs.** In addition, the government will need to get the president on its side on these issues, as he has a suspensory veto in the Polish political system, which the cabinet most likely will not have the power to outvote in the Sejm.

Poland will **certainly want to participate in the discussions on EU reform, but the opposition parties hardly have a sophisticated plan for Poland's interests in the case of their taking part in them.** Their position is declared only very cautiously, lacking a unified, decisive voice (which in the end will probably be presented by Donald Tusk, a veteran on European politics). Polish involvement will thus be driven by the desire not to remain on the margins – a similar policy to the times of the eurozone crisis. The aim, therefore, will not be to achieve certain policy objectives in the first instance, but to be institutionally present.

In relations with Germany, there will be a willingness to show examples of good cooperation, but **Poland's importance in the German foreign policy debate will not increase substantially.** In Berlin, the list of most important issues is made up of a global agenda and the desire to maintain its own development model in a rapidly changing world. Therefore, Warsaw cannot expect that a mere change of government will automatically place Poland in a position of priority on the German political map. In short, **even if the opposition wins, Poland and Germany will not automatically work hand in hand on the strategic EU agenda.** This is partly due to the fact that Poland's input into discussions on the future of the EU will initially be rather weak, given its lack of preparedness for this agenda.

Polish support for Ukraine will not change. It may have more European accents, but the fundamental postulates on armaments, humanitarian aid, reconstruction or policy towards Russia and Belarus will remain unaltered. Likewise, the current direction of security and defence policy will persist.

If the current opposition wins, **Poland will have less energy to devote to Central Europe**, as it will concentrate on relations with European institutions and Western Europe. Given the uncertain developments in Slovakia and Hungary's policy, the region will not be high on Poland's list of priorities. If it is interested in further developing the Three Seas Initiative, it will do so with less vigour.

With an opposition victory Czech-Polish relations can converge on the European agenda and the voice on EU reform can be mutually constructive and close, simply for the fact that Poland will try to be constructive and institutionally present in the debate whatever its shape, and whatever Warsaw's interests ultimately look like. Similarly, cooperation in Eastern policy and the security and defence dimension can be further developed. The challenge, however, will be to attract key political players for the bilateral Czech-Polish agenda and to continue, for example, the format of joint cabinet meetings, given the number of domestic challenges in

⁸ "74. posiedzenie Sejmu: Informacja Ministra Spraw Zagranicznych o zadaniach polskiej polityki zagranicznej w 2023 roku," https://orkaz.sejm.gov.pl/StenoInter9.nsf/o/67D577190933250C1258991000832A7/%24File/74_b_ksiazka_bis.pdf.



Poland. This, particularly in a situation where the Czech prime minister will belong to the political family of the main opponent of the Polish government.

Table 1: Post-election scenarios of Polish foreign and European policy in selected areas and the impact on the Czech Republic

| Scenario Policy area | (Parliamentary) coalition of the United Right and Confederation | Deadlock and snap election | Victory of opposition |
|-------------------------------------|---|--|--|
| European Policy | Deepening conflict between Warsaw and European institutions; strong confrontation until EP elections; Poland on the sidelines of discussions on further EU reform. | Poland is not at the table for important European decisions; European politics part of the next election campaigns. | A U-turn in European policy. An attempt to mend relations with the European institutions. Without having its own substantive input into the debates on the future of the EU. |
| Germany | Marginalisation of German-Polish relations; divergence in European policies; Polish reminders of reparations; possible cooperation in strengthening NATO's eastern flank. | More wait-and-see in Polish-German relations. | Good will but weak content, given Poland's low relevance for German foreign and European policy. |
| Ukraine | Support for Ukraine, but less predictability given the Confederation's positions. | Continued aid to Ukraine with significant presidential involvement. | The current support for Ukraine will continue, with a heavier European accent. |
| Central Europe | An effort to maintain regional cooperation formats. A possible rapprochement between PiS and Fidesz after the European Parliament elections. | Central European formats like 3SI, Lublin Triangle of the B9 without leadership. | A lower interest in the Central European region. |
| Implications for the Czech Republic | Good neighbourly relations, cooperation in defence and security policy and complications for Czech European policy. | Silence in bilateral intergovernmental relations. Little importance of Poland for the Czech Republic. Important contacts between presidents. | Proximity in the European agenda and further development of cooperation in Eastern and security policy. Poland's weak capacity on the bilateral agenda. |

Source: author



Conclusion

The Polish parliamentary elections will bring a qualitative change to Czech-Polish relations. **None of the presented scenarios will make them unambiguously simpler.** Three main conclusions can be drawn from the scenarios presented above:

First, relations will continue to be **fundamentally influenced by external agendas** – the security situation in Central and Eastern Europe, Russia's war against Ukraine, and developments in the EU, particularly efforts to reform it and the shaping of the agenda for the period after the 2024 European Parliament elections.


The **security agenda and Eastern policy can be counted on for continuity and thus good preconditions for the resumption of existing Czech-Polish initiatives. In the case of European policy however, Poland will not be a player that the Czech Republic would either want to or be able to join.** Postulates on EU reform and European development for the next institutional cycle will be either divisive and conflicting or poorly prepared.

Third, **in two of the three scenarios presented, a weakening of the bilateral intergovernmental political relationship can be expected.** The strengthening of other formats – presidential, parliamentary or civic (including the Czech-Polish Forum) – will be particularly desirable in such cases.




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