

The Link between National Foreign Policy and the Performance of a Country in the European Union: The Polish Case

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Abstract

This article examines the link between the adaptation of national executives and diplomats to the EU and the capacity of a state to influence EU foreign policy outcomes. It argues that, in the case of Poland, the politicization of the domestic administrative structures before 2004 constrained the ability of the state to impact on the EU's external agenda after the enlargement. It also claims that a rapid adaptation to the EU occurred only after the Polish accession to the EU, as the will to influence the EU's policy towards Eastern Europe was a main driver for changes in the national diplomacy.

Keywords

Poland; Polish foreign policy; Eastern Partnership; CFSP; European Neighbourhood Policy

THE PERSPECTIVE OF EU MEMBERSHIP HAD A CRUCIAL IMPACT ON institutional changes and policy-making styles within different administrative and political bodies in the Central and Eastern European states (CEEs). The accession of a large group of states in 2004 also significantly affected the European Union's external relations, as new members brought not only new interests to the EU table, but also the 'communist legacies', which has had an impact on the EU's relations with its Eastern neighbours. This article examines the capacity of the new EU member states to participate in the EU external relations, in particular their ability to influence EU foreign policy outcomes. It specifically investigates the effects of domestic institutions on the EU Common Foreign and Security Policy (CFSP) making, testing a hypothesis on the link between the europeanisation of national executives and the capacity to influence EU foreign policy outcomes. The article mainly analyses the changes in coordination mechanisms and working procedures in the Polish Foreign Ministry, the Polish Permanent Representation in Brussels and the Office for European Integration that occurred as a result of the EU pressure to adapt between 2000 and 2009.

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The article explores several arguments. First, due to the participation in the CFSP, the Polish Ministry of Foreign Affairs (MFA) has gained more power in European politics, thereby marginalising the Office for European Integration (UKIE) responsible for the coordination and the definition of the Polish stance on European affairs. Between 2004 and 2009, the management of EU affairs in Poland was 'two-headed', with the additional participation of the sectoral ministries. Until 2009, the Office remained the main coordinating body, but its competences became increasingly 'blurred' as sectoral ministries also directly 'communicated with Europe'. This also posed a challenge to the MFA, as its newly acquired powers had to be shared with other domestic ministries and institutions, as well as sub-regional actors, as a result of the 'domesticisation' of European issues or, in other words, the 'blurring of boundaries' between domestic and foreign policies (Hockings and Spence 2005). The multiplicity of bodies responsible for European affairs in Poland and their overlapping competences also led to the perception in the EU that Polish administration was very "confusing".¹ However, this situation changed in 2010, when the MFA and the UKIE were merged, thereby leaving the MFA with all the coordination and policy-making powers concerning EU affairs. Secondly, the administrative machinery, although it is EU-focused, is still europeanised only to a limited extent, as a 'communist logic' still remains visible, mainly in the top managerial positions, where the generation gap has not been closed yet. Nevertheless, the 2010 merger of the MFA with UKIE highlights the existence of a fast-paced europeanisation process, which is taking place in preparation for the Polish Council Presidency in 2011.

Thirdly, as Epstein and Sedelmeier (2008) have noted, the lack of incentives after the accession to the EU has limited the extent of reforms, as shown in the example of the Polish civil service. The reform of the public administration and the creation of a neutral and depoliticised administration still remain key problems in Poland (Heywood and Meyer-Sahling 2008). The politicisation and the lack of proper coordination or efficient policy-making procedures, as the chosen case studies show, remain an obstacle to achieving influence in the EU. The coordination mechanisms and the definition of the roles of different actors still need certain improvements, as the undefined hierarchy of institutions and the unspecified model of cooperation in foreign policy have continued to cause several deadlocks in EU-Polish relations, especially between 2004 and 2009. The upgrade of the EU core executive in 2010 has, however, contributed towards significant changes with regard to coordination mechanisms. Still, the pressure to be a frontrunner has motivated the growth of EU-focused institutions, but has not significantly altered the way people work. Finally, the EU has had an impact on the establishment of a large EU-focused machinery before the enlargement. However, day-to-day cooperation after 2004 has tested its effectiveness, imposing the need for rapid decision-making, well-qualified staff and experts, as well as better coordination.

In the academic literature on national influence on EU foreign policy, mainly on the decisions of the Council, there are two major lines of analysis (Hayer-Renshaw, Van Aken and Wallace 2006): one qualitative (Shapley and Shubik 1954; Napel and Widgren 2004; Kauppi and Widgren 2007) and the other mainly quantitative (Lewis 2003; Tallberg 2004). This article is based on the understanding that the main factors influencing decision-making outcomes in the Council are a member state's "stake in the issue under discussion" (Hayer-Renshaw, Van Aken and Wallace 2006) and its ability to recognise and play in the informal bargaining, rather than the procedural setting. The ability to recognise and shape the EU decision-making process according to national interests is argued to be significantly connected with the efficiency of the executive and national diplomats, as well as a high degree of adaptation to the EU at the level of national institutions. The questions of how a national government organises the coordination and preparation concerning EU and CFSP

¹ Author's interview with a European Commission official (DG RELEX), Brussels, June 2008.

issues is relevant for this article, as these matters have a direct impact on the effectiveness of a member state in Brussels. This research does not claim, however, that effective coordination within the national executive is the sole factor influencing the successful uploading capacity of a state. Certainly, the importance of the GDP, the size of the state and therefore its voting powers, as well as its contribution to the EU budget, also have to be taken into consideration. It has already been noted in the literature, however, that the majority of the decisions in the Council take place on lower rather than ministerial level, as an effect of bargaining between different actors (Hayer-Renshaw, Van Aken and Wallace 2006). This provides national diplomats and officials with opportunities to influence final policy outcomes. This article therefore puts forward the view that the influence on the EU external agenda lies to a significant extent within the executive and administrative capacity of EU member states. Even though there has been a large scholarly contribution to research on foreign policies of the EU member states, this article aims to fill the gap in the literature on the member states that have joined the EU in 2004. It is an explorative case study (Lijphart 1971) and relies on documents and a large number of interviews conducted in the Council, the Commission and the Polish Ministry of Foreign Affairs in 2007 and 2008.

Also, as each national case is different due to the fact that different internal and external factors have had an impact on changes that occurred across the region of Central and Eastern Europe, this study focuses on Poland. As the largest of the 2004 new entrants, it had a developed agenda concerning EU external relations and was also considered a frontrunner in adapting to the EU (Grabbe 2001, Schimmelfening and Sedelmeier 2004). The article argues that, indeed, the EU has hit home in different ways in the post-communist states and has caused visible changes in the institutional order. However, the “distinct pattern of the post-communist-governance” (Meyer-Sahling 2008) and communist heritage in the public administration proved to be a constraint to further alignment towards Europe and the ability to influence its external agenda. First, the nature of the EU multi-governance structure requires clear patterns of coordination and cooperation at home in order to establish an effective informal mechanism at the EU level. Any country that fails to respond to this request will not be able to shape the outcome of the process according to its interests. This puts additional adaptation pressures for rapid learning on the new EU member states, which have been able to participate in the formulation of the EU foreign policy only since 2004. Second, as is was demonstrated by the case of the Polish veto on the Partnership and Cooperation Agreement, negotiations with Russia under the Law and Justice government, the high politicisation of public administration, the lack of effective communication with the diplomats in Brussels combined with limited or no expertise in the EU area (Bil and Szczerbiak 2007) resulted in lowering Poland’s effectiveness and ability to actively shape the EU decision-making process. The professionalisation of the policy-making process, as well as the decentralisation of powers generally, together with the centralisation of the EU core, has already resulted in some success during the Tusk Government, even as bargaining was occurring over the Eastern Partnership.

The europeanisation of domestic foreign policy-making

The impact of European integration on domestic transformations and reforms in EU member states has gained much attention in recent years. Traditional approaches to the europeanisation of domestic policies have focused on policy areas that are part of the competences of the European Community or have aimed to analyse the changes in the administrative structures of the CEE states (Agh 1999; Lippert *et al.* 2001). Some scholars have already noted that the EU has made an impact on the executives (Goetz and Wollmann 2001; Meyer-Sahling 2001, 2004, 2008; Zubek 2001, 2005), the administrative structures (Goetz 2001; Jablonski 2000; Jakubek 2006) and the governance (Lippert *et al.*

2001) of the new EU member states. Much of the literature has focused on the europeanisation of the EU member states (Bulmer and Lequesne 2005; Bulmer and Burch 2005; Cowles, Caporaso and Risse 2001; Ladrech 1994; Radaelli and Featherstone, 2001; Knill and Lemkhul 1999, Kassim *et al.* 2001), whilst a growing amount of work has analysed the impact of EU conditionality on the governance and policies of the CEE states (Grabbe 2001; Schimmelfennig and Sedelmeier 2005; Agh 1999; Lippert *et al.* 2001; Goetz 2001). However, the question of the europeanisation of foreign policies in CEE countries has gained little attention so far (Pomorska 2007; Kaminska 2007).

The intergovernmental and multifaceted character of cooperation in foreign policy makes it difficult to apply the traditional approach of europeanisation to this policy field, especially regarding EU candidate countries, as they were not able to participate fully in the formulation of the CFSP before 2004. It is clear, however, that the EU affects its member states in different fashions, including in the foreign policy domain as various research projects have demonstrated (Allen and Olivier 2004; Barbe 1995; Bulmer and Lequesne 2005; Hill 1996; Hocking and Spence 2005; Ladreach 1994; Miskimmon and Paterson 2003; Torreblanca 2001; Tonra 2001; Pomorska 2007; Sjursen and White 2004; Wong 2005). In the case of the new EU member states, the research on their ability to participate and influence the CFSP is limited due to time constraints. The adaptation to the EU in the area of the CFSP has been mainly connected with the alignment of the CEE states with EU positions or changes in institutional settings within the bodies concerned with dealing with EU issues and foreign policies. The participation in political dialogue has provided a good forum for the socialisation of elites (Smith 2004; Pomorska 2007). Nevertheless, the convergence of preferences between the EU and the CEEs, as in the case of Poland for example, has been rather 'shallow', specifically before 2004, and has resulted more from the pressure to be a frontrunner amongst the CEE states than from a deep support for EU positions. In addition, Poland did not visibly expose its national interests in the EU arena, mainly focusing on the implementation of *acquis* and bilateral relations with the EU, rather than EU foreign policy. This also stemmed from the limited knowledge on wider CFSP-related issues concerning the areas that Poland 'has never been interested in'² and its limited ability to participate actively in the CFSP working groups (Pomorska 2007). The lack of participation in decision-making and even limited activity concerning the insights into the EU decision-making process constrained the ability to upload national preferences onto the EU level, and left the candidates as mainly downloaders of EU institutions and policies (Goetz 2002). Change at a slow pace began to occur after the enlargement, especially in new and evolving EU policies, such as the European Neighbourhood Policy (ENP), which Poland was able to shape almost from the beginning.

The europeanisation of foreign policy is clearly connected to the process of change at the level of institutions participating in policy-making. National foreign ministries and core executives, together with the bureaucratic machinery implementing the decisions and the main political forces, all give input into the foreign policy-making process. Europeanisation can be observed not only at the level of institutions, but also includes the level of national elites, public opinion, as well as changes in national legislation (Smith 2000, Miskimmon and Paterson 2003).

The concept of 'europeanisation' is understood here as a reciprocal process, in which states are active in projecting their preferences, policy ideas and models to the EU, as only active projection allows for the preservation of national interests in the EU arena and increases international influence (Wong 2005). The reception and therefore the domestic adaptation to the EU, is seen here as 'the form of institutional, procedural or policy change' in the EU

² Interview with a Polish diplomat in Warsaw, quoted in Pomorska (2007).

member states or in a candidate country (Beyers and Trondal 2004), which occurred as a result of balancing the needs of a country and external demands.

Adaptation pressures in the CEE states have evolved over time and have changed in particular after the enlargement. As Epstein and Sedelmeier (2008) already noted, after winning the 'top prize' - i.e. the accession -, there are only limited incentives to reform, especially in areas where adaptation is costly. Even though the alignment with the CFSP is mainly voluntary (excluding here the public administration reform followed and reported by the EU in Progress Reports), the CEE member states adapted to the EU in some fields as they wished to be frontrunners amongst the EU candidates. The political declaration of support for the CFSP objectives was low in cost, but provided additional confirmation of their commitment to the EU. The adaptation to the CFSP before the enlargement was limited and was rather part of the strategy played by the CEE states in order to 'gain additional points in the accession race'. Also, due to the lack of active participation in the decision-making process, the adaptation to the EU in the CFSP field can be mainly investigated at the level of administration (procedures, structures, actors' behaviours), regulations, and to a limited extent at the level of changes in policy or in the perceptions of the elites and public opinion. The latter two will be, to a more significant extent, applicable after the 2004 enlargement.

This study draws upon Michael E. Smith's indicators of downloading within the domestic arena (2000). These include: elite socialisation, bureaucratic restructuring, constitutional changes, and changes in public perception concerning political cooperation. Adaptation, that is, changes in policies, procedures, institutions, structures or actors' behaviours, resulting in a bigger convergence and consistency with the EU, has occurred both before and after the enlargement. The institutional or legal reforms began to be visible before the accession, as did some socialisation or changes in the public opinion's approach, but as the majority of policy or institutional reforms occurred after 2004, this time period will be the major focus of this article. Policy adaptation added to this model is understood here as the "change of the existing position or creating a new position on an unsettled policy problem, thanks to a participation in the CFSP" (Smith 2004) and is investigated in the case studies.

A clear formulation of foreign policy objectives followed by a successful coordination of national policy is the key to achieving foreign policy goals. The nature of the EU makes it increasingly difficult to achieve these goals, as a variety of institutions and bodies might be confusing for a young democracy. Poland has observed the EU's structure and method of cooperation since the formative years of its independence, because major Polish decision-makers and diplomats participated in the political and structural dialogue offered by the EU through the Association Agreement (Starzyk 2003; Kuzniar and Szczepanik 2002; Kuzniar 2008; Pomorska 2007). The prospect of integration into the EU influenced the Polish bureaucratic structure and enforced the creation of many new administrative bodies for better coordination of European policies (Jakubek 2007; Pomorska 2007; Kuzniar 2008). However, it was not only the institutional setting that required a major re-evaluation for better coordination of Polish policies at the domestic and EU levels, but also a change in approach or way of thinking and 'doing things' for the political elites and the administration. The increased number of national institutions focusing on EU issues did not cause any immediate psychological change amongst political elites. The Soviet legacy clashed at various levels with newly adopted European mechanisms concerning foreign policy-making and policy coordination. The clash between 'old' and 'new' was also reflected in the generation gap, which, as one of the officials interviewed by Pomorska argued, "was almost impossible to close" (Pomorska 2007). The lack of information-sharing and coordination procedures between different ministries or even units within ministries caused a duplication of work and slowed down the process of effective decision-making.³ Nepotism, corruption,

³ Author's interviews with two Polish diplomats, July 2008, Brussels.

patronage and opaque recruitment procedures in the public administration in the 1990s were a visible part of the bureaucratic scenery (Heywood and Meyer-Sahling 2008; regular reports from the European Commission on Poland's progress towards accession 1998-2003; Anti-Corruption Program of Batory Foundation 2001-2004). Enlarged cabinets and numerous political advisors trying to gain power and influence in the process of policy-making caused new barriers in decisional mechanisms. High rotation of top management elites resulted in a lack of continuity in key-areas of policy-making and constrained the implementation of bigger reforms and projects (Raciborski 2006). Under pressure from having to respond quickly to the EU's everyday communication, ministries started to absorb young professionals, with the necessary linguistic and technical knowledge. However, as public administration was under-financed and did not offer perspectives for rapid career development for those with no political affiliation, a brain drain to the private sector and abroad was observed after the 2004 enlargement (Murphy 2008). The lack of strongly rooted and established civil servants in the institutional structure of the diplomatic and civil services proved to be one of the major constraints in uploading the Polish national interests onto the EU level. The absence of a professional civil service with an awareness of EU procedures, the long decisional processes within ministries, and coordination deadlocks have resulted in many missed opportunities at the EU level.

The conditionality applied by the EU in the administrative sector did not manage to impose change at all levels. Political management remained politicised after the enlargement, with a high fluctuation of top administrations at the level of State Secretaries, but also Undersecretaries and Heads of Departments (Heywood and Meyer-Sahling 2008). Kwiatkowska shows in her research on the Polish government elites that, between 1996 and 2004, less than 20% of top managers remained in office for less than two years (2006). Also 'post-accession compliance with costly pre-accession demands of international institutions' deteriorated (Epstein and Sedelmeier 2008), which resulted in the lack of adoption of legislation improving a depoliticised and effective civil service. A significant improvement occurred after the launch of the Diplomatic Academy in 2003, the training program for talented graduates wishing to join the Polish diplomacy. The two-year program was modeled on the National School of Public Administration established in 1991 for the creation of a professional and independent civil service, but with a specific focus on external relations and diplomacy. Those young graduates began to change the ministries from within. However, due to the lack of encouragement from the top administration and several internal constraints, change was limited. The major determinant of change was the preparation for effective policy projection on the EU level after the 2004 enlargement. Effective 'uploading' in foreign policy, that is, shaping the EU external agenda according to Polish preferences, was necessary to preserve the national interests and fulfill the expectations of public opinion. In areas where the opportunity structures within the EU were recognised and the mechanisms of uploading had been learnt, change started occurring in a more visible manner, such as the Polish MFA being able to adapt to delivering speedy responses, meeting deadlines and using new technologies in order to work with the EU. The recognition of the necessity to share information, build coalitions and compromise produced results only recently with the first positive steps taken towards projecting national preferences with regard to Eastern Europe, manifesting itself in the establishment of the Eastern Dimension within the EU's Neighbourhood Policy (ENP).

The national administrations of the 2004 new entrants engaged with the EU in different ways. There is no single model or pattern of europeanisation, even amongst CEE EU members, as Europe hits home in different manners. Most of the CEE states had a common starting point, in which a strong politicisation of public administration (Kolarska-Bobinska 2003) and a '*nomenklatura*' system (Goetz and Wollman 2001; Murphy 2008) inherited from the communist period had to be transformed into a professional and modern civil service with an institutionalised executive and efficient policy-making mechanisms. The rapid

transformation that took place at many levels of the public administration in the 1990s was often shallow and aimed to prove to external agents that Poland was achieving EU standards. The communist legacies survived, which included a lack of established successor elites, an inability to compromise, patronage in public administration, a passive public, survival of communist institutions and a centralised state (Crawford and Lijphart 1995) that seemed to slowly disappear, as new bodies were established and new laws adopted. In reality, institutions received a new look, but the same procedures and often the same people remained. They adopted new laws, as was the case of the law on civil service, but those were implemented only partially or not applied in practice. The European Commission in its regular report on Poland's progress in 2002 noted that the suspension of the Civil Service Act of 1998 allowed "the Prime Minister and the directors-general in state institutions to fill the most senior administrative posts with people from outside the Civil Service, who as candidates are no longer required to pass a competition".⁴ The problem of politicisation concerning high-level officials remained visible after the 2004 enlargement, and reached its peak during the coalition government of Law and Justice, Self-Defence and League of Polish Families when issues of nepotism, political appointees in key positions and corruption dominated internal debates. The 2006 reform on the staffing pool legitimised the status quo (Heywood and Meyer-Sahling 2008). Not all ministries experienced the high fluctuation of cadres and increases in political nominations in the same manner. For example, the UKIE remained relatively stable (Heywood and Meyer-Sahling 2008), but the MFA and the Interior ministry experienced many changes with regard to high-level officials (*Gazeta Wyborcza* 28.12.2006).

Research on the public administration in CEE countries has shown that political instability and high politicisation at the level of executives occurs in the majority of the CEE states (Goetz and Wollmann 2001; Meyer-Sahling 2008; Goetz 2002) and hampers institutional reforms in those countries (Goetz 2001; Zubek 2001). This 'communist legacy' present in administrative structures was one of the "key challenges to be addressed in post-communist administrative development" as Goetz has argued (Goetz 2001) and remains one of the major constraints to the involvement of the CEE states in the post-enlargement EU setting. The recruitment mechanisms concerning the senior positions in the government remain under the strong political pressure of party politics and internal bargaining. As Raciborski highlights, and many senior officials from the public administration second this opinion⁵, "the Council of Ministers is not a team, as in its origins there is strong sectorization" (2006). The institutionalisation of the public administration is therefore not fully completed; a neutral, qualified and competent bureaucracy is not fully developed (Raciborski 2006). This constrains the effective management and coordination of the policy as the new coming manager has no loyal administrative support from his own subordinates, which motivates him to establish his own cabinet with political advisers loyal to him (Raciborski 2006). The system of bringing 'one's own people' is practised in many Western countries, but in Poland the changes and rotations are reaching even the lowest levels of public administration, unlike in most developed democracies.

The politicisation of public administration, together with the lack of clearly established coordinating institutions in the CFSP area and the lack of transparent competence division between major decision-makers in Poland, limited the europeanisation process in those areas. Even with external and internal pressures to adapt to the EU before 2004, the changes that occurred were not profound enough to establish an effective policy-making process within the EU's multi-level structure after the enlargement. Filtered through the national traditions of work and policy-making procedures, new institutions proved to be not effective enough to fulfil the objectives established by the decision-makers. Change has

⁴ Regular Report on Poland's Progress towards accession, European Commission, 10.09.2002.

⁵ Author's interview with senior officials, UKIE and MFA, October and November 2009, Warsaw, Poland.

slowly begun only recently, as the EU day-to-day procedures have imposed several reforms, such as the establishment of the European Committee of the Council of Ministers (KERM) or lower level inter-ministerial working groups.

Goetz argues that the europeanisation of domestic institutions in the CEE states might have been provisional as new reforms were expected after full integration with the EU (2002). In the case of the professional civil service, this could be observed with the example of political appointments of 'acting managers' instead of professional civil servants in top managerial positions (Heywood and Meyer-Sahling 2008). The strong legacy of politically subordinate top members of the civil service and the continuous promotion of such behaviours prove how difficult it has been to eliminate these Soviet legacies.

From the source of systemic crisis to the lesson learned: the Polish veto

As mentioned before, the ability to influence EU external relations seems to be much more complicated than having an impact on any other sectoral policy, even though final decisions are taken in domestic arenas. It is the ability to influence the EU's institutional processes and mechanisms that provides the power of having a visible impact on the EU's agenda. The size of the country and its voting powers or the contribution given to the EU budget seem to be less important when compared to skilful entrepreneurship, the ability to shape and influence the policy-making process within the EU, the skills to build coalitions, networking and cooperation with other EU states, as well as EU partners and the ability to recognise good timing for a proposal. Only states that know how to use those tools are able to influence the EU external relations. The knowledge on how to use these instruments is an important part of the Europeanisation process.

Poland's efforts to project its national interests regarding Eastern Europe date back to the period preceding the enlargement, whilst the focus on the East has been the main Polish priority for the EU external affairs agenda. The Polish eastward focus, however, has traditionally excluded Russia and has instead focused on democracy promotion in post-Soviet states. The Polish-Russian relationship experienced many crisis situations in the early 1990s, after Poland took a pro-Western direction and applied for membership of both the EU and NATO, which met with strong Russian criticism. Tensions grew after Poland's involvement in the Orange Revolution in Ukraine and Polish promotion of the EU's engagement in the EU-Russia 'shared neighbourhood' (Pisarska 2008). For observers of Polish foreign policy, it was clear that Poland would promote a tougher EU policy towards Russia and would highlight issues concerning the energy security of the CEE EU member states. The EU enlargement has certainly made the EU-Russia relations more difficult and dense, as many of the CEE EU member states have brought to the EU negative perception of Russia and a high perception of threat that might occur from the Russian Federation.

The new Partnership and Cooperation Agreement (PCA) became an important issue on the agendas of the CEE states, especially as they could not participate fully in the Energy Dialogue or in the negotiations over the PCA with Russia in 1997, owing to them not being EU members at the time. The new framework agreement negotiations were therefore the first opportunity for the new EU member states to shape EU relations with Russia. It was also a key issue for the CEE states because of the special ties and experiences connected with the Russian Federation, which have distinguished them from the 'old member states'. As the Russian embargo on Polish products was launched in October 2005 (Ebhardt 2009), Poland also had relatively little time to learn the multilayered and complicated negotiation games of Brussels' corridors. One of the key issues was to understand the interplay of different actors in the EU, mainly the Commission, the Council and the member states. This, however, was significantly constrained by internal changes in Poland, the parliamentary and

presidential elections in 2005 and 2006 and the ensuing lack of domestic stability. The new government was in the state of making and finding new coalition partners, which limited the coherence of its stance in foreign policy.

Poland, similarly to other new member states, was aware of the need for a new framework agreement between the EU and Russia, but also wished to see its main fears addressed by the new agreement. The Russian embargo seemed to be a good opportunity to focus the attention of the EU partners on the demands of the new member states in relation to the new PCA with Russia. The issue of the Polish veto being applied as a result of the Russian embargo was understood in Brussels, but the fact that it was brought together with the energy security concerns confused European partners (Podolski 2006, Eberhardt 2007).⁶ For Poland, the security of energy supplies confirmation, reflected in the future PCA agreement with Russia and Russian agreement to the ratification of the Energy Treaty Charter, as well as the signature of the Transit Protocol were key-priorities that were linked to lifting the Polish veto on the negotiation mandate (Banat-Adamiuk 2007).

Poland wished to have both issues, the lift of the Russian embargo on Polish meat and the ratification of the Energy Charter by Russia, incorporated into the European negotiation mandate (Eberhardt 2007),⁷ even though the second request was evidently unlikely to receive the support of other EU member states, as the decision of leaving this condition out of the negotiation mandate was agreed by all states at the Lahti summit (*Gazeta Wyborcza* 2006). The Polish Minister of Foreign Affairs Anna Fotyga argued, however, that “it was an informal summit, and we have our own interpretation of its results” (*Gazeta Wyborcza* 14.11.2006). The European Commission was not aware that Poland might want to use its veto, as Poland did not previously inform them that such an option was being considered.⁸ It needs to be highlighted that there was no ‘veto strategy’, but that the veto was applied at the ministerial level (Banat-Adamiuk 2007), as an ‘*ad hoc*’ decision of the Polish Minister of Foreign Affairs.⁹ Even though the Polish Prime Minister argued that the European ambassadors and Russian representatives were aware of the possibility of the Polish veto¹⁰, not only European (Banat-Adamiuk 2007), but also Polish diplomats seemed to be surprised by it.¹¹ In the words of a Polish diplomat, “the veto was a random choice, it was not consulted as it was not planned”.¹² Polish diplomats in Brussels were not aware that the veto had been decided and the Polish Representation in Brussels, although it was included in the information-sharing and coordination throughout the veto negotiations, was not able to convince the capital to change the chosen strategy.¹³ Also, the Law and Justice government, which was in power at the time, brought its own people to ministries and in top negotiation positions, choosing not to engage actively the civil servants and diplomats in place.¹⁴ Since the negotiations were conducted mainly at the ministerial level, with the personal and direct involvement of the Polish Minister of Foreign Affairs Anna Fotyga and of the President of the Republic of Poland Lech Kaczyński, and as the veto was applied in the General Affairs and External Relations Council (GAERC) (Banat-Adamiuk 2007), the working level of diplomatic services was not engaged in this process. The fact that the veto was applied at ministerial

⁶ Author’s interview with a European Commission official (DG RELEX), April 2008, Brussels.

⁷ “We wish to see those two things written down in the EU mandate”, interview with Polish diplomat, in ‘*Polska wstrzymuje Unie w drodze do Moskwy*’, *Gazeta Wyborcza*, 14.11.2006; author’s interview with a Polish diplomat, Polish Foreign Ministry, Warsaw, February 2007.

⁸ Author’s interview with a European Commission official (DG RELEX), Brussels, June 2008.

⁹ Author’s interview with a Polish diplomat, February 2007, Warsaw.

¹⁰ Statement of the Prime Minister Lech Kaczyński, *Kancelaria Prezesa Rady Ministrów*, Press Release, ‘*Polska nie godzi się aby traktowana ja jako kraj spoza UE*’, 24.11.2006, Warszawa.

¹¹ Author’s interviews with Polish diplomats and European senior officials, European Commission, Brussels, May and June 2008.

¹² Author’s interview with a Polish diplomat, Brussels, June 2008.

¹³ Authors’ interview with Polish diplomats, Brussels, April 2008.

¹⁴ Author’s interview with a Polish diplomat, Brussels, June 2008.

level had already excluded the possibility of a solution at the lower level and had put strong political pressure on both the Presidency and the Commission to make all possible efforts to solve the veto problem. The centralisation of power in the Prime Minister's Office, the lack of decision-making strength of the Minister of Foreign Affairs Fotyga, and the sudden engagement of the President caused miscommunication at both the national and EU levels, which was reinforced by the lack of a Polish EU Ambassador in Brussels (*Gazeta Wyborcza* 20/21.01.2007 and *Gazeta Wyborcza* 28.12.2006). Civil servants in Brussels were sometimes informed at the last moment of the Polish position and were not fully consulted.¹⁵ At the time, political appointees and the main decision-makers from the Law and Justice Party were reluctant to share information with professional civil servants. As the decision on the veto was announced suddenly, there was no strategy on how to approach the matter.¹⁶ The government, in the words of one of the former MFA director "was not taking into consideration the EU decision-making process itself, but only preparing for the summits."¹⁷ Both the lack of flexibility and ability to compromise and the lack of a prepared strategy made it difficult for other states to cooperate with Poland.¹⁸ The 'informal' competence division, giving the Prime Minister Jaroslaw Kaczynski the priority in domestic politics, whilst the President had priority in foreign policy, resulted in confusion in both the Commission and the Council.¹⁹ During this time, the Law and Justice Party started its reform of the diplomatic services by removing a high number of diplomatic staff from the ministries and replacing them in many cases by political appointees with strong party commitment, but no background in foreign policy (*Gazeta Wyborcza* 04.08.2007; 28.10.2006; 10.07.2006). The lack of cohesion of the ruling coalition of Law and Justice, Samoobrona and the League of the Polish Families and the division of different ministers amongst the coalition partners according to party allegiance contributed towards internal difficulties in forming a common negotiation position. It also needs to be mentioned that all parties in government were strongly eurosceptic and had little experience in government formation, which had limited their ability to benefit from previously established networks and play an important role in policy formation at the EU level.

However, after some time, this political inexperience in Brussels met with strong opposition from public opinion and resulted in much media criticism, which presented the Polish failures in the EU as an outcome of the politicisation (*Gazeta Wyborcza* 29.09.2007; 22.08.2007 and 07-08.07.2007). The internal criticisms, the EU pressure to adapt, as well as the lack of ability to project the objectives of the government onto the EU level have resulted in a change of approach and the search for experts that would support the stance of the government in the EU.

Negotiations between the EU and Russia were dominated by the mediation between the EU and Poland, with the Finnish Presidency and the President of the European Commission attempting to arbitrate. The members of the European institutions had highlighted the isolation of Poland many times and the fact that the Polish government did not understand how the EU decision-making process worked. The EU Commissioner for External Relations and the European Neighbourhood Policy, Benita Ferrero-Waldner said that "we all called on Poland many times to change its position" (*Gazeta Wyborcza*, 14.11.2006). Other states criticised Poland for not using all negotiation options within the Council and the Commission. German Deputy Foreign Minister, for example, declared that "the Warsaw government is not doing itself any favours with this veto (...). It is isolating Poland within the European Union" (*Deutsche Welle* 24.11.2006).

¹⁵ Author's interview with a Polish diplomat, Brussels, July 2008.

¹⁶ Author's interview with a Polish diplomat, Brussels, July 2008.

¹⁷ Author's interview with a former Polish senior diplomat, Warsaw, October 2009.

¹⁸ Author's interview with an EU civil servant, European Commission (DG RELEX), May 2008.

¹⁹ Author's interview with a European Commission official (DG RELEX), Brussels June 2008.

Strong pressure came from the EU to enlarge the negotiation margin by the Poles, especially after the EU called on Russia to lift the embargo, and also to leave the issues concerning the ratification of the Energy Charter and the Transit Protocol out of the veto question. A slow change in the Polish position began after much criticism not only from the EU, but also from domestic actors and the media (*Gazeta Wyborcza* 30.03.2007). The lifting of the veto was, however, applied only after the change from the Kaczynski government, when the Civic Platform took a constructive approach in the relations with Russia, and lobbied for the issues concerning energy security in the lower EU fora, leaving the lobbying to Polish diplomats in Brussels and Warsaw.

Even though the Polish veto did not get any formal support from any other EU member state, due to the lack of a clear argument from the Polish side, EU support was expressed by the Commission. The lifting of the embargo and EU solidarity were, however, not due to Polish lobbying or the existence of a well planned strategy, but rather a willingness to compromise from the EU side. Poland, after achieving the solidarity declaration, dropped the clauses concerning energy security in the PCA, but still developed an image of an “awkward partner” or “isolated and lonely player”, whose “confusing administration, lack of strategies and lack of ability to articulate what Poland wants”²⁰ limited the ability to provide constructive input concerning the EU relations with Eastern Europe. The lack of a clear and established communication channel between the EU and Poland was exposed, and strong dependence on the will of political party leaders and their nominees was made visible. The institutional bodies created during the pre-accession period proved to be inefficient as they did not receive information from the top of the administration, having been excluded in the process due to party politics.

A first success in projecting national interests: the Eastern Partnership

The negative image of the Law and Justice government amongst EU diplomats provided the Tusk government with many credits from the start.²¹ The Eastern Partnership and the establishment of regular and institutionalised cooperation with the EU’s Eastern neighbours became one of the key priorities of Tusk and his Foreign Minister Radoslaw Sikorski. The Minister of Foreign Affairs rapidly recognised the need for developing professional and effective diplomatic services. Increasing wages and the inflow of young professionals were defined as key-objectives during his office.²² He clearly identified Poland’s need for a professional diplomatic service in order to be effective in the EU.²³ Also, at the EU working level, the Poles proved to work more effectively as there was a strong understanding that the Eastern Dimension needed to finally find its place in the EU policy.

Meetings between European and Polish diplomats were conducted at different levels, starting with the working groups, senior officials, ambassadors, and included the Polish Minister of Foreign Affairs, Radoslaw Sikorski.²⁴ Poles very quickly learned that a constructive approach brings profits and took on board all the comments from the side of the Commission and the Council when trying to build a wider consensus for the requirement of special relations with the EU’s Eastern neighbours. Polish diplomats consulted the Commission on all phases of the Eastern Partnership Communication, drafting and incorporated all suggestions and comments, and at the same time showing a pro-active and

²⁰ Interviews by the author with EU officials, European Commission, Brussels, March-July 2008.

²¹ This a view expressed by many European Commission and European Council officials, Brussels, May 2008.

²² Sikorski’s declaration at the European Policy Centre, Brussels, 26.05.2008. See also ‘*Expose Ministra Spraw Zagranicznych Radoslaw Sikorskiego in 2008*’, available at <http://www.msz.gov.pl/Expose,2008,27479.html> , last accessed on 20.05.2009.

²³ Sikorski’s declaration at the European Policy Centre in Brussels, 26.05.2008.

²⁴ *Ibid.*

constructive engagement in all initiatives concerning the relations with the Eastern Partners.²⁵ The final text of the Communication on the Eastern Partnership excluded even the key promise of the future European Perspective for Ukraine, which throughout the years had been a major issue for Poland. The EU partners did not wish to accept it and in order to push the Communication through, Poland agreed.²⁶ The proposals were accompanied by a series of events and meetings on the need to strengthen relations with the Eastern Partners and not only involved the government, but also Polish Members of the European Parliament, NGOs, and think tanks that contributed to the promotion of the subject.²⁷ The Polish Minister of Foreign Affairs made it clear that the strengthening of the Eastern Partnership would be a major priority in the coming years and during the Polish Presidency in 2011.²⁸

Good coordination of all the efforts in Brussels, and Warsaw and consultations conducted in the European capitals by Polish diplomats started to bear fruit, as the Polish proposal gained support of all the Visegrad Group members, the Baltic States and Scandinavian countries due to the Polish and Swedish lobbying, creating a strong group in support of the Eastern Partnership. The coalition of those ten states could not be ignored. Even the usual competition between Poles and Czechs on the leadership in Eastern issues was by now constructive and joint efforts were made in order to give life to the Eastern Partnership. European officials highlighted that “getting Swedes was very clever, as the more experienced country helped to find the way in the Brussels corridors.”²⁹

The impact of the EU during the Civic Platform Government appeared through changes in the negotiations tactics and the understanding of the ‘*communautaire* language’ (Jordan 2003). For the Tusk government, the EU was perceived as a ‘force of good’, providing Poland with opportunities for upgrading its position in the international system. Also, the EU has allowed the MFA to crystallize an approach concerning its role in the shaping of EU external relations and has created pressure to deliver when there was a strong momentum.

It has to be admitted that the idea of the ‘Union for the Mediterranean’ proposed by French President Sarkozy, the events in Georgia, as well as the Slovenian Presidency - the first new EU Member State to hold the presidency -, have created a momentum for the Communication and made Polish ideas possible. However, it needs to be highlighted that the Polish government recognised the opportunity to bargain Polish support for the Southern Dimension in exchange for French support for the Eastern Partnership. The need for a strong coalition was also recognised, and Sweden provided help with negotiations and document drafting, in addition to demonstrating how to navigate the Brussels corridors. Sweden with its experience, and skilful, renowned and efficient diplomacy, managed to give the support in all those fields that Poland needed, starting with good drafting, through to getting in touch with the right people in the institutions, and finishing with bargaining and top level negotiating. Poland has, however, also mobilised different institutions and Polish and international experts to show the degree of preparation for the negotiations. Still, not all channels of influence were explored and not all informal mechanisms applied. Nevertheless, the outcome in the form of the European Council Conclusions in June 2008 and the Commission Communication on the Eastern Partnership proved that adapting to the EU game brings benefits and that Poland has begun to recognise this.

²⁵ Author’s interview with a senior official, European Commission (DG RELEX), May 2008.

²⁶ Communication from the Commission to the European Parliament and the Council on the ‘Eastern Partnership’, COM (2008) 823 final, Brussels, 03.12.2008.

²⁷ Minister Sikorski’s speech at the European Policy Centre, Brussels, 26.05.2008 on Poland’s New Foreign Policy; Conference organised by the Polish MEPs in June 2008 at the European Parliament on the Relations with Eastern neighbours and the European Neighbourhood Policy in the East; Polish Institute of International Affairs (PISM) Conference on Building a Common Eastern Policy of the EU in July 2008; Co-organised Conference on the Role of the Visegrad Group in Creating the Eastern Policy of the EU in December 2007.

²⁸ Minister Sikorski’s speech at the European Policy Centre, Brussels, 26.05.2008.

²⁹ Author’s interview with an EU senior official, European Commission (DG RELEX), May 2008.

Conclusion

Since the early 1990s, the Polish administration has been subjected to strong adaptation pressures from the EU in order to align itself with the EU administration standards and to establish a modern, professional and neutral civil service. The creation of new institutional bodies, such as the UKIE and the KERM and the launch of many EU-focused committees and departments in the Polish public administration structures are examples of europeanisation. However, the europeanisation of institutional structures was not profound enough to affect people that worked in them, as the lack of 'generational change' after 1990 resulted in many civil servants keeping their posts with low salaries and failing to encourage young professionals to join. The administrative reforms initiated in the pre-accession period were also not fully implemented or were even stopped after the enlargement, as in the case of the Civil Service Act in Poland. The centralisation of power in foreign policy and decentralisation in other policy areas caused changes in the EU coordination process, resulting in the marginalisation of the UKIE between 2004 and 2009 and a struggle for domination over the realm of foreign affairs between the Prime Minister, the President and the Ministry of Foreign Affairs. A rapid adaptation at the institutional level only started to occur under the Civic Platform government, which, having ambitious priorities in the area of EU external relations, was able to understand the need for change and reform in order to succeed in this field. Also, after five years of EU membership, Poland started to feel 'more at home in the Brussels setting and managed to create the EU elites amongst the national civil service, the elite aware of the national interests and the road map how to use tools such as consultation or good preparation in order to achieve the defined objective'.³⁰ The confusing hierarchy of different institutional actors in European policy-making, which has been reduced by the MFA-UKIE merger in 2010, might not be a major constraint to EU policy-making if there is a defined and clear working practice. Better information-sharing, cooperation with the Poles working for the EU institutions, clarification of the work responsibilities and promotion of young professionals would improve the working styles and ability to make a wider impact within the EU. Nevertheless, the Ministry of Foreign Affairs still has to adapt to dealing with a wider spectrum of actors in external relations.

The lack of clear coordination mechanisms and a high dependence on party coalitions and politics have resulted in communication deadlocks between the EU and Poland. The politicisation of the civil service (Murphy 2008) caused the brain drain of young and talented people and deteriorated the level of Polish diplomacy. The ability to project national interests is largely dependent on the existence of a skillful and professional diplomatic service, able to find its way in the Commission and Council corridors. Information-sharing and trust amongst decision-makers and their subordinates, together with good planning and strategies, can win more than any veto, but this needs to be acknowledged and implemented. The Polish aspirations of being a power, a part of the EU's '*directoire*' (Barbe 2000) will not be possible without investing in human resources that can and want to effectively promote the interests of the state in the EU arena. Undeniably, success in Brussels is dependent to a large extent on the 'human factor', including the existence of wide networks of contacts and skilled diplomats and officials. Those however need to be given strong support from the political top in Poland. The growing investment in the diplomatic corps and the restructuring of the Ministry of Foreign Affairs, as well as the use of top experts in order to achieve the planned projects, show that the Tusk-Sikorski tandem is aware of these needs. At the same time, all these recent changes show that the europeanisation of Polish foreign policy has only begun to occur in recent years.

³⁰ Author's interview with a former senior diplomat, October 2009, Warsaw, Poland.

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