

Focus on Poland

Monthly Newsletter – October

Topic of the month

Election results

On October 21st Polish people elected their local and regional representatives who will lead the communities for next five years (it was four in previous terms). The election results are very difficult to label as a clear victory of the government or the clear victory of the opposition, but here are a few conclusions.

PiS keeps on being the most popular party but will not be able to govern in more than 6 regions.

Local and regional elections are difficult to compare with the 2015 general elections (and PiS's victory) since in many places races fully focused on local problems, with local parties and prominent local figures. The only results that could serve as a national indicator are the elections to 16 regional assemblies (*sejmik*). And here the results are as follows:

PiS (Law and Justice) - 34,29%

KO (Civic Platform & Nowoczesna's Civic Coalition) - 27,1%

PSL (Polish People's Party, agrarian) - 12,13%

SLD (Left Democratic Alliance) - 6,56%

Kukiz'15 - 5,65%

BS (Independent Local Politics) - 5,3%

Wolność (ultraconservative libertarian, Eurosceptic) - 1,6%

Razem (radical left)- 1,58%

PiS kept its leading position, Civic Coalition was second and PSL third. Even though the PSL lost half of its voters (four years ago the result was over 23% of the votes), more people voted for KO and PSL than for PiS which is a good sign for 2019 general elections.

In terms of seats (in all 16 regional assemblies together) the results are as follows:

PiS- 254 seats

KO- 194 seats

PSL- 70 seats

BS- 15 seats

SLD- 11 seats

German Minority- 5 seats

Dutkiewicz for Lower Silesia- 2 seats

Wenta's Projekt: Świętokrzyskie- 1 seat

(Three bottom results are seats won by parties that are strong in only one region.)

Clearly the d'Hondt method of allocating seats is preferable for the winner, and big parties in general. From this perspective there are some conclusions to be made. First of all, the Civic Coalition was a success. If Civic Platform and Nowoczesna would have run separately they would have lost some 40 seats nationwide, 40 seats that could have given PiS majority in a few additional regions. Because of the alliance the liberal Nowoczesna won 31 seats compared to 11 seats of SLD and zero seats of Kukiz'15. The latter example is very symptomatic – a party that got almost 6% of votes will not have a single representative. If PSL or SLD had joined the Civic Coalition there would be high chances for mineralizing the seat difference between the ruling party and the democratic opposition.

PiS won in nine regions and KO in seven regions. Typically PiS won in the East and KO in the West. Lower Silesia is the only exception of a western Voivodship won by PiS. PiS will have an absolute majority in six regions, KO in coalition with PSL and SLD in eight of them. The only question that's left today is Lower Silesia and Western Pomerania where the so called independents from BS are kingmakers and both big blocks negotiating a deal with them.

There are confirmed rumors from these regions where the difference between PiS and the KO-PSL is very small and where PiS is trying to corrupt newly elected council members to join PiS-majority by offering well paid positions in state-owned companies.

Cities taken by KO

The liberal-centrist opposition mobilized its core supporters in urban areas winning high profile mayoral races.

KO was particularly buoyed by its surprisingly easy victory in the capital, the most prestigious and high profile contest which developed into a major strategic battleground between the government and opposition and set the tone for the campaign more generally. Here the KO contender Rafal Trzaskowski won with 56% of the vote in spite of the energetic campaign run by deputy justice minister Patryk Jaki, his Law and Justice-backed opponent. Jaki got only 28% of votes.

Mobilization

The turn-out in the first round reached 55% and it was the highest in the history of Polish local elections.

Polish local elections normally see a higher turnout in small towns and rural areas, where PiS enjoys strong support. This time, however, many voters in cities appear to have been mobilized by the fact that these elections were presented by both blocks and media as a plebiscite on the ruling party's transformative, but highly controversial and polarizing programme of socio-economic and institutional reforms.

Many commentators see the mobilization of centrist urban voters as a consequence of PiS's last week of campaigning. It looked like PiS panicked and tried to mobilize their core voters, which in turn also mobilized voters of KO. On October 17, PiS released a new commercial, one that was far more reminiscent of the previous campaign. It imagined what Poland would look like in 2020 should the opposition come to power and push a pro-immigrant agenda. Violence, rioting on the streets and the total dissolution of Polish society was what scene envisaged by the ad. The advertisement was met with disbelief, even from the far right. Krzysztof Bosak, one of the leaders of the anti-immigrant National Movement, tweeted that this was "disgusting, cynical, mean and stupid propaganda". But regular voters simply wondered what the refugee crisis in the Mediterranean, and its images from 2015, had to do with local elections.

Also, the topic of Polesxit became present in public debate since the justice minister Zbigniew Ziobro had asked the constitutional tribunal whether Polish judges had the right to refer queries on the interpretation of EU law to the European Court of Justice. Although PiS accused the opposition of manipulation, and denied vehemently that it had any plans to leave the EU, the KO argued that undermining the EU treaties in this way could be a precursor to a de facto Polesxit. The discussion was further ignited when, on the final day of campaigning, the European Court of Justice issued a preliminary injunction, ordering the immediate suspension of the Supreme Court law's early retirement provisions until it could hear the Commission's case.

In addition, before the last week of the campaign, a private conversation between PM Mateusz Morawiecki and some businessmen were published. Before publishing, website Onet.pl, examined 40 volumes of court documents regarding the 2014 publication of tapes of a private dinner conversation between politicians and businessmen. The website Onet.pl said that it found statements by restaurant waiters, who secretly taped Morawiecki with the former chief executive officer of Bank Santander SA's Polish unit. This damaged the image of the popular Prime Minister (*read more in "Politics" section*).

Second round

The second round of the mayoral elections was organized on November 4th in 649 municipalities where none of the candidates got more than 50% of votes. The turn-out was significantly lower, only 48% (still higher than four years ago). It was a clear victory of the opposition who won in all big cities. The biggest city where PiS candidate won was in Chełm, a town of 63.000 inhabitants.

In all five most interesting races PiS candidates were ignominiously defeated.

In Kraków Jacek Majchrowski from KO got 62% of votes and Małgorzata Wassermann from PiS 38%. In Gdańsk Paweł Adamowicz, independent (ex-PO), got 65% of votes and PiS's Kacper Płazyński 35%. In Kielce PO MEP Bogdan Wenta won against mayor Wojciech Lubawski with the proportion of votes 61:39. And in Radom, Radosław Witkowski supported by the KO, got 53% of the votes, Wojciech Skurkiewicz from PiS only 47%. In Szczecin independent mayor Piotr Krzystek defeated PiS's candidate with 78% of votes.

And the liberals?

It was the first ever regional and municipal election for the liberals from Nowoczesna. The strategic decision to create common lists with Civic Platform was a big success. Nowoczesna debuts in regional assemblies with 31 councilors, which gives it fourth position in the country, after PiS, PO and PSL. Nowoczesna's result should be also seen in comparison with SLD and Kukiz'15, two parties that got slightly better results in the 2015 general election than the liberal newcomer. SLD will have three times less councilors than Nowoczesna now, Kukiz'15 will remain with no representation on the regional level. 31 seats will give Nowoczesna the power to participate in regional coalitions in more than half of the Voivodships.

The success of Nowoczesna is even more visible in big cities. In Warsaw's city council Nowoczesna will be the third biggest party and Paweł Rabiej will become deputy mayor of the Poland's capital city. Similarly, the good results of Nowoczesna city council candidates will lead to liberal deputy mayors in various locations, including Poznań, or the smaller city of Kalisz.

Nowoczesna's candidates became mayors in a few cities and towns. The biggest success is Jacek Sutryk's victory in the first round in Wrocław, the fifth largest Polish city, or Mariusz Wołosz in Bytom, a city in Silesia with 180.000 inhabitants. One of the leaders of Nowoczesna's Youth became the youngest mayor in Poland, namely 27-year old Paweł Czuliński.

Local and regional elections were a good test before the 2019 European and general elections, giving hopes for good liberal and center representations and chances of removing PiS from power.

Politics

ECJ's Order

The European Commission took Poland's government to the European Court of Justice (ECJ) for lowering the age at which Supreme Court judges must retire from 70 to 65. ECJ ordered Poland's government on October 19th to immediately halt the implementation of a controversial law designed to force nearly two dozen of the nation's Supreme Court judges into early retirement. They include the First President of the Court, Prof. Malgorzata Gersdorf. She argues that she will remain in that role under the constitution and reported that she was "satisfied" with the ECJ ruling.

Around 10 Supreme Court judges forced into early retirement this summer returned to work three days after the ECJ's decision.

The PiS government had earlier suggested they might defy the ECJ's will, if the court sought to get involved in what the government sees as a purely domestic matter. Immediately after the interim measure was announced, the government offered mixed reactions to the decision. They insisted that they will abide by European law, while emphasising that the change to the retirement age cannot be reversed. Speaking on the sidelines of the European Council summit in Brussels, Poland's prime minister told reporters: "In the last hours... a notification arrived from the European Court of Justice. I can say that certainly after a thorough analysis we will take a position." Stanisław Piotrowicz, MP and ex-communist prosecutor, who is PiS' top fighter for the court reform, declared that he "did not think that Poland would have to amend anything".

Minister of foreign affairs Jacek Czaputowicz took a softer line, saying that it was conceivable that some judges could return to work and acknowledging that legal changes would be needed to implement the ECJ's order. "I think that this is possible, because the seats vacated by the judges who went into retirement have not been occupied," he said. "We have to find a solution, it seems to me, regarding specific people as well. Of course, these places are free, these judges could come back, it is possible."

On the other side, NGOs and politicians welcomed the intervention by the EU court. As reported by The Independent Covadonga de la Campa, interim director of Amnesty International's European Institutions Office, said: "Today's court order makes it clear that it is unacceptable for Poland to ignore the EU's most fundamental principles, in defiance of ongoing legal proceedings before the EU's top court. Anything but immediate and full compliance with this binding court order would clearly show, once again, that the Polish authorities have complete disregard for the rule of law." And Guy Verhofstadt from the ALDE Group said: "The European Court of Justice today took an important step in suspending the legislation in question until a final judgment can be made."

The government will appeal against an order. Jarosław Kaczyński said "We signed treaties, we will be observing them, but we will also defend our interests."

Economy

LOT flies low

Unionized LOT employees began a strike on October 18 over changes to employment contracts and LOT's dismissal of chief union representative Monika Żelazik from her job as flight attendant earlier this year. Union members have complained about a company decision to put most of the staff on self-employment contracts, which they say strip employees of certain labor rights like maternity leave. They are also demanding the implementation of a cancelled 2013 pay and employment deal, as well as more spending on flight security. They recently added a demand that some management should resign.

Almost 70 flight crew members took part in the strike and dozens of flights were cancelled. As a consequence LOT laid off 67 employees over work absences. "It was a sad, but necessary decision,"

said Rafał Milczarski, LOT chief executive. "It's another form of bullying," said Karol Sadowski, the lawyer representing the protesters, adding that the decision to lay off workers was illegal.

Strike became politicized. The opposition MPs supported the protesters. Prime Minister Morawiecki and minister of labour Rafalska did not find time to meet the pilots and cabin crew.

The LOT unions had also planned a strike in May demanding changes to the way LOT compensates its workers, but cancelled it citing responsibilities to LOT employees and passengers.

According to a LOT announcement the "strike at LOT ended with an agreement." Under the agreement, Żelazik will be reinstated and the unions will not be charged with the strike costs, LOT said. The management also pledged to start work on new salary terms.

Culture

Polish Avant-Garde at Centre Pompidou

The new exhibition at Centre Pompidou 'A Polish Avant-Garde: Katarzyna Kobro and Władysław Strzemiński' examines the work, artistic theories and social commitments of these two artists – a modern couple and discreet revolutionaries. As important members of the 'progressive international', who have attracted considerable scholarly attention; have remained largely – and unjustly – unknown to the wider public until now.

Founders of one of the first museums of modern art in the world, the Muzeum Sztuki in Łódź, which opened in 1931, Katarzyna Kobro and Władysław Strzemiński were major figures in Poland's constructivist avant-garde. Radical in their artistic positions, they gave expression to their ideas not only in their works but in teaching, publication and organisation.

Read and see more: <https://culture.pl/en/event/a-polish-avant-garde-katarzyna-kobro-wladyslaw-strzeminski-in-centre-pompidou>

The Witcher and the loser

Andrzej Sapkowski is the most popular Polish fantasy author. He wrote his first short story, "The Witcher" on a whim, in order to enter a contest by Polish science fiction and fantasy magazine *Fantastyka*. The story was published in 1986 and was enormously successful both with readers and critics. Sapkowski has created a cycle of tales based on the world of "The Witcher", comprising three collections of short stories and five novels. The universe of Sapkowski's "The Witcher" is known as one of the most detailed and best-explored in modern fantasy.

The Polish game developer, CD Projekt Red, created a role-playing game series based on "The Witcher" universe. The first game, titled simply "The Witcher", was first released in October 2007. The sequel, "The Witcher 2: Assassins of Kings" was released in 2011. The third and final game in the trilogy, "The Witcher 3: Wild Hunt", was released in May 2015 and was a global hit.

Andrzej Sapkowski is demanding now more than EUR 14 million in royalties from CD Projekt Red. The demand was made public today online at a Polish stock exchange where shares of CD Projekt are

traded on the open market. "I was stupid enough to sell them rights to the whole bunch," Sapkowski said at the time. "They offered me a percentage of their profits. I said, 'No, there will be no profit at all — give me all my money right now! The whole amount.' It was stupid. I was stupid enough to leave everything in their hands because I didn't believe in their success. But who could foresee their success? I couldn't."

According to CD Projekt Red (CDPR), without "The Witcher" game, there wouldn't even be "The Witcher" at all. The stories were popular in Poland, but the video game turned main character Geralt and his universe into a worldwide sensation. "We weren't buying 'The Witcher'," says co-founder Marcin] Iwinski, referring to CDPR's purchase of "The Witcher" rights from author Andrzej Sapkowski. "We were buying a [story] and then we turned it into "The Witcher", which became known all around the world."

Dmitriy Glukhovsky, author of another fantasy hit "Metro 20133" slammed Andrzej Sapkowski, for the latter's recent demand of EUR 60 million. Among the criticisms Glukhovsky dished out was that the brains behind "The Witcher" novels was an "old fool" and that he's "an ungrateful schmuck."

Germany and Poland

Warm words about Merkel. Finally.

October was an unprecedented month of compliments towards Angela Merkel from Polish top officials.

"German Chancellor Angela Merkel is a better partner for Poland than Gerhard Schroeder or Martin Schulz," Mateusz Morawiecki said in an interview published in the "Do Rzeczy". "I do know people who would have been much less predictable or favorable towards our country," Morawiecki said. Asked to comment on his praise of Merkel heard on recently revealed recordings of his 2013 private conversations with top bank executives (see section "Politics"), Morawiecki said that Merkel's policy had made it possible "to avoid aggravation of the economic crisis."

Poland's Foreign Minister Jacek Czaputowicz said on Monday that German Chancellor Angela Merkel plays an important role in stabilizing the European Union and expressed support for her to remain as chancellor. Too late...

Duda in Berlin

On October 22 President Andrzej Duda paid a two-days-long visit in Germany during which he held talks with German President Frank-Walter Steinmeier and Chancellor Angela Merkel.

Duda and Steinmeier will take part in the 19th Polish-German Forum "Europe 1918-2018: History with a future" hosted by the German Foreign Ministry. Head of the Polish President's Office Krzysztof Szczerski said that talks with Merkel and Steinmeier were focused on the future of Europe, transatlantic relations and the future of security policy in Central Eastern Europe. "The president will also raise issues which are areas of dispute in current Polish-German relations including the Nord

Stream 2 pipeline, our assessment of this matter, but also voices which have been heard on the issue at the latest summit of the Visegrad countries," Krzysztof Szczerski said. The presidential minister also pointed out that Andrzej Duda "discussed EU politics in the context of our region and the stance of the Visegrad Group regarding the main EU problems as well as the Three Seas initiative (...)."

Only two days after Duda's visit Secretary of State Szymon Szynkowski vel Sęk took part in the 19th Polish-German Forum in Berlin "Poland and Germany – together for a strong Europe" organized by the Foundation for Polish-German Cooperation with support from the ministries of foreign affairs of Poland and Germany. The central theme of this year's Forum was the future and unique value of the European Union. The speakers repeatedly stressed that they are hopeful that the Polish-German initiatives and constructive partnership and cooperation will contribute to a stronger Europe facing challenges in a globalised world. Panel discussions were accompanied by working group meetings of experts from Poland and Germany.

The Polish-German Forum was established pursuant to the "Joint Statement on the Development of Relations between the Polish People's Republic and the Federal Republic of Germany" of 1976 to deepen mutual understanding and cooperation. It was agreed that the Forum would take the form of regular meetings between politicians, academics, economists, and journalists from both countries. The importance of the Polish-German Forum was reaffirmed in the Treaty on Good Neighbourhood and Friendly Cooperation between the Republic of Poland and the Federal Republic of Germany of June 17, 1991. Since 2014, the Forum has been organized by the Foundation for Polish-German Cooperation.

Read more: Relation of Duda's visit in Berlin from right wing Polish weekly "Sieci": <https://wpolityce.pl/facts-from-poland/418600-the-president-of-poland-was-treated-scandalously-in-berlin>

Polls & trends

Support for Parties. Details

Exit poll by Ipsos

Support for parties by gender

	MEN	WOMEN
PiS (ECR)	33,8%	32,3%
KO (EPP&ALDE)	25,2%	28,1%
PSL (EPP)	13,4%	13,8%
Kukiz'15	7%	5%
SLD (S&D)	6,7%	6,5%

Support by age

	18-29	30-39	40-49	50-59	60+
PiS (ECR)	23,3%	24,9%	29,3%	37,9%	41,2%
KO (EPP&ALDE)	18,7%	25,4%	27,3%	23,6%	26,4%
PSL (EPP)	17,6%	17,1%	18,3%	17,4%	14%

About the author _____

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Expert at the Nowoczesna party. PhD, formerly a part-time teacher at Reykjavik University School of Law. His main areas of interest are comparative constitutional law and federalism. Board member of Projekt: Polska Association. Until September 2015, he worked as an expert within “Presidential Experts’ Programme” at the Chancellery of the President of the Republic of Poland. He is member of the Board of Directors of the European Liberal Forum.