

Constitutional crisis in Poland continues

By Clara Weiss
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Poland's conservative-nationalist PiS (Law and Justice Party) government has refused to recognize the decision of the Constitutional Court rejecting the recent judicial reform as unconstitutional.

The EU's Venice Commission has sided with the Constitutional Court, and US officials have also condemned the PiS government for its attack on the Constitutional Court. On Saturday, there were renewed opposition protests in Warsaw and other Polish cities, with tens of thousands of people taking part.

After its election victory in October, the PiS rapidly carried through a bloodless coup, bringing the intelligence agencies and public media under its control, and blocking the Constitutional Court. Jarosław Kaczyński's party is trying to arm itself against rising social tensions by building an authoritarian state, resorting to rapid militarization and threatening war against Russia.

The rightward shift of the Polish government has exacerbated the crisis in the EU and has escalated tensions with Germany in particular. For the first time in its history, the European Commission has imposed the so-called rule of law mechanism on Poland. It will give the Polish government recommendations for a change in some laws; if Warsaw refuses to comply, Poland could lose its voting and veto rights in the EU.

Now the Court has declared unconstitutional the 22 December 2015 legislative amendments, with which the PiS sought to regulate the operation of the Constitutional Court in summary proceedings. These prescribe that all meetings of the Court must be attended by at least 13 of the 15 judges, deal with all cases in chronological order, and decisions are reached by a two-thirds majority. The Constitutional Court justified its rejection of these changes on the basis they make its regular functioning impossible.

The PiS government has refused to either recognize or publish this ruling. A judgment of the Constitutional

Court only becomes legal in Poland when it is published. The PiS argues that the Court's decision was reached illegally, because it had not followed the 22 December guidelines it has declared illegal.

Shortly after the ruling of the Constitutional Court, the Venice Commission confirmed the EU's attitude towards it. The assessment of the Venice Commission had been requested by the Polish Foreign Ministry after protests by the EU and especially Germany in December.

The Venice Commission concluded that the changes in the law made "effective" action by the Constitutional Court difficult, if not impossible, threatening "democracy" and "human rights."

The PiS has already announced it will not recognize the Venice Commission's assessment, and several prominent officials said they would not tolerate "foreign interference" in Polish affairs.

Meanwhile, some US senators have expressed relatively mild criticism of the Polish government. Republican and Democratic senators have sent a letter to Prime Minister Beata Szydło expressing concern about the state of democracy and the rule of law. Szydło rejected the criticism as being an interference in Polish affairs.

The US government has kept noticeably quiet in recent months and expressed no official criticism of the PiS government, which places even more importance than its predecessors on an alliance with the US in the confrontation with Russia. Among other things, a permanent NATO troop presence in Poland is to be agreed at the NATO summit in Warsaw in July. Washington will not put this alliance in jeopardy at any cost.

At the same time, a letter by US senators, including John McCain, who is known for his anti-Russian positions, expresses concern that the political crisis in Poland is spiralling out of control and could undermine

US strategy in Eastern Europe.

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Both the EU and the US are concerned about the economic orientation of the PiS, which aims to limit the influence of foreign capital in the Polish economy in the interests of Polish small business.

On the other hand, the opposition movement, led by the Committee for the Defence of Democracy (KOD) and supported by the neo-liberal parties Civic Platform (PO) and Nowoczesna, speaks for sections of the bourgeoisie and the urban middle class, who profited from EU membership and the opening up of the country for international capital and who see their interests threatened by the policy of PiS.

Encouraged by the position taken by the EU in support of the Polish Constitutional Court and the intervention of some individual US representatives, the opposition in Poland held more protests in Warsaw and other cities on Saturday. The Warsaw protests, among the largest since the beginning of the so-called democracy movement, were attended by some 15,000 people according to the police. The opposition put the figure at 50,000.

As with previous demonstrations, the protest march consisted of a sea of Polish and EU flags. Some US flags were also to be seen. Members of KOD, which organized the protest, were seen selling Polish and EU flags on the fringes of the demonstration.

The demonstrators did not chant slogans, but made noise with vuvuzelas, daubed red and white, the colors of the Polish national flag. Posters mostly attacked President Andrzej Duda and PiS head Kaczyński. Many KOD badges repeated the slogan that had dominated the 1989 demonstrations: "We are the nation." After protesters passed in front of the presidential palace, the demonstration gradually dissolved after a little over two hours.

It speaks volumes about the political and social orientation of the KOD movement that it holds up the EU and the US as guarantors of "democracy" and "human rights", in a situation in which they are depriving millions of people of their homes through war and treating those fleeing worse than animals.

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