

# **Polish-Belarusian border crisis and Frontex**

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MSc International Organisation

# **Polish-Belarusian border crisis and Frontex**

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### **Abstract**

This thesis is focused on the crisis on the Polish-Belarusian border of 2021 during which thousands of migrants tried to illegally enter Poland. It highlights the county's unique response to the crisis, including its decision not to involve Frontex, and poses a research question regarding what process led to this decision. To answer this inquiry, this thesis conducts an explaining outcome process tracing study, utilizing theories of Rational Choice and Securitization. The analysis proves the hypotheses, linking the Law and Justice party's decision to the tension between them and the EU regarding migration policy, subsequently emphasizing independence from and growing military resources. Overall, it sheds light on the multifaceted nature of migration issues in contemporary Europe and the various political and institutional factors at play.

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### Introduction

In 2021, rather unexpectedly, a new hotspot for migration emerged on the Polish-Belarusian border. In July of that year, thousands of illegal migrants, mostly from the Middle East appeared there to attempt to enter the European Union. Suspicions pointed to the regime of Aleksander Lukashenko orchestrating their presence to exert pressure on this organization. This crisis differed from previous ones, as it was predominantly artificially manufactured by political actors (Filipec, 2022, p. 1). This thesis aims to explore the reasons behind the way that the Polish government handled this event.

Migration is a very complex issue which has garnered increasing significance within the European Union in recent years, as more and more people illegally entered its borders, particularly following the migration crisis of 2015, where those attempts added to over 1,8 million. (McEvoy, 2023). The growing number of individuals attempting to traverse the external borders of the EU has posed significant challenges to the entire institution, the agencies tasked with border control, and its member states. Certain countries, like Italy, Spain or Greece have been particularly impacted by this phenomenon, as many individuals seek to enter these nations via sea routes. While the Mediterranean route remains the most significant, there has been a notable shift in migration routes over the years and there has been a rise in migrants attempting to enter Europe through alternative routes (McEvoy 2023).

Unlike many members affected by the border crises, Poland has not asked for help from Frontex, therefore their involvement was not significant (Frontex, 2024). It is an unexpected decision as this EU agency's main purpose is to support member states in the task of protecting the external borders of the EU and is usually involved during crises. The European Border and Coast Guard Agency- Frontex, was established in 2004, but its role has notably expanded in recent years, especially at the time of the previously mentioned crisis of 2015. It is funded by the EU budget and contributions from associated countries within the Schengen framework. It's essential to highlight that Frontex conducts border operations upon request from a member state. During crises, it can deploy rapid intervention teams, determining the necessary officer profiles and numbers to address the situation but the member state on whose territory the problem occurred remains responsible for the control and surveillance of external borders. (Micinski, 2022, p. 56-57).

Poland has never been particularly affected by a migration crisis before. In September 2015, the European Council made a significant decision to relocate approximately 120,000

refugees across member states (European Commission 2015). While Poland did not oppose this resolution under the governance of the Civic Platform, a shift occurred following the subsequent election. The Law and Justice party, victorious in the polls later that year, opted against adhering to the relocation scheme. This decision led to a contentious dispute with the EU, ultimately escalating to legal proceedings. Moreover, they were creating a narrative that the European Union is forcefully pushing refugees into Poland and asserting that Poland should independently decide its migration policy. This is one of the multiple examples of the Law and Justice party criticizing the European Union's policies, especially those migration-related (Narkowicz 2018, p. 357).

At the same time, the Law and Justice party has been growing the country's military resources, becoming more independent from the EU in this area (O'Neill, 2024). While it is hard to deny that it is partially due to the growing threat of Russia, it can be argued that is not the only reason but also a part of their overall policy. The sudden emergence of a significant hotspot on the Poland-Belarusian border not only underscored the persistent challenges facing the EU but also raised questions about the dynamics of political influence in shaping migration patterns. Considering all of those factors the research question is: What process led to the Law and Justice party's decision on how to handle the crisis on the border of Poland and Belarus?

# Literature review

After introducing the thesis topics and objectives, the literature review will delve into the academia's contemporary state-of-the-art, offering a deeper understanding while identifying the gap in existing literature. Factors seeming to influence whether a country decides to involve Frontex are their military resources and their attitude towards migration. Therefore, the review will be structured in several parts, firstly, focusing on Frontex as an organization as well as the crisis on the Polish-Belarusian border, secondly on Poland's broader attitude towards migration and lastly on military resources.

### Frontex and the border crisis

Frontex is without a doubt a significant institution when it comes to dealing with border crises. Many scholars point to the migration crisis of 2015 as an event which led to the expansion of this institution and their more significant cooperation with the member states,

especially those who were the most impacted (Micinski, 2022; Léonar & Kaunert, 2022). Parkes (2017) points out that the role of Frontex has evolved towards taking the role of the crisis-management organization within the European Union. The agency was at first established to ensure effective management of the EU's external borders. It also focused on training, risk management and other forms of technical support, therefore this new dimension of their activity is significant (Ekelund, 2014).

Sadowski (2023) acknowledges the challenge for Poland in the face of the EU and international law regarding refugees. He points out that Poland has to follow the rules like non-refoulment but at the same time has the right to protect its borders. He states that it is hard to balance both when the country borders an undemocratic country that will not follow the same rules. Mikołajczyk (2022) also points out that Poland overall has been hesitant to cooperate with the EU regarding migration. Others bring Frontex directly into the equation suggesting, that involving this organization would have a high political cost as the relations between Warsaw and Brussels have been strained for a while, especially regarding the issue of migration. If the agency was involved, the Polish government would not hold all the decision-making power (Fraszka, 2021; Gruszczak, 2021).

Since this was the first time, that Poland had issues on its border, they had to establish their approach regarding how to handle this kind of situation (Filipec 2022). Reports prepared by Grupa Granica (2021) and Amnesty International (2022) have criticised the country's way of handling this as they point out that the push-back method and other controversial tactics had been used, which was a factor in the death of multiple individuals. The role of framing has been also highlighted. Since the state of emergency was imposed in Poland, journalists had limited access to the border, therefore especially at first, most information about what was happening came from the Border Guard which affected how this crisis was portrayed and there was a lack of specific information regarding for example very tough conditions that people were in. (Ociepka, 2023). In connection to that, with time many NGOs became involved at the border, which led to, among others, publicizing new information about what was happening (Jurek, 2022). Different media portrayed this crisis differently, some blaming the government. Some events brought up how Law and Justice politicized this crisis and that their handling of the crisis is connected to their tension with the EU.

#### **Attitudes towards migration**

Even though Poland has not been particularly affected by the migration crisis of 2015, since then, accepting refugees has become a key topic in national public debates and remains present in these discussions (Legut & Pędziwiatr, 2018). That crisis coincided in time with the election of the Law and Justice Party. Narkowicz (2019), Klaus (2017) and Follis (2019) point to the change in the government as the start of Poland's and EU's tension regarding migration as the new government had displayed hostility towards migrants, especially Muslims. They have also been framing them as a security threat and spreading nationalistic rhetoric. They used this narrative to also justify their stances against the EU's relocation scheme and taking in migrants as a whole. This strategy had significant consequences, as after the first year of the rule of the Law and Justice party, support for allowing refugees in Poland has become 30% lower (Legut & Pędziwiatr, 2018).

Religion is a significant part of the national identity of Poland. Additionally, to security concerns, Narkowicz (2018) and Pędziwiatr (2016) perceive Christianity as contributing to Poland's attitude towards migration, as it is deeply intertwined with the country's culture. Catholicism is widely dominant and the Law and Justice party had been promoting the idea of the Islamisation of Europe which would be a threat to that national identity. Those articles suggest another reason as to why Polish people have been receptive to the narrative spread by the Law and Justice party.

There is limited literature on war-driven migration from Ukraine, but the consensus is that the attitude towards these refugees has been relatively positive, especially from the government. The party has eased entry requirements and launched support programs (Nyzio, 2023). Some research attributes this positive reception to the similar ethnic and religious background and geographical proximity of Ukraine to Poland (Niedźwiecka-Iwańczak, 2023). These sources support the notion that attitudes towards migration in Poland vary depending on the ethnicity and religion of the migrants.

### Military presence

The country's military capacity is crucial when it comes to the protection of its territory. Due to Poland's geopolitical location, the country borders not only with other EU member states but also with third countries, which necessitates special protection of the eastern border,

especially in the last few years. Scholars point out that Poland's membership in international organizations like the European Union or NATO means that the matter of border safety is not just the concern of the country, but also those organizations. Moreover, the protection of the eastern border has become one of the most important issues in ensuring the security of this part of Europe, especially as Russia has become a bigger threat in the past years (Zyguła, 2023; Stańczuk, 2022).

Pawłuszko (2023) points out, that based on interviews with experts that he conducted in 2022, the defence policy is one of the top priorities of Poland. That is reflected in increased spending in this area as well as in a growing number of military personnel. Malasiewicz (2023) states that as Poland has been facing a growing threat to its security, its army size should go up as well. Moreover, the Border Guard is becoming more and more significant and is gaining new competencies and resources (Ilnicki, 2023). Zapałowski (2023) adds, that the military cannot grow endlessly as there are legal limitations regarding its size.

#### Gap

As demonstrated above, the literature addresses the evolution and operational trajectory of Frontex. While some sources touch upon the crisis at the Poland-Belarusian border, their number remains limited, largely due to the fact, that those events are very recent as they only took place in 2021. They also usually focus on the events themselves, and they are mostly in Polish. The notable gap lies when it comes to the rationale behind Poland's abstention from involving Frontex so it would be beneficial to explore those factors in detail.

### **Theoretical Framework**

Having addressed the relevant literature topics, the theoretical framework combines those themes into a theoretical foundation on which the thesis is built. After outlining the proposed theory, this section will develop hypotheses to be tested in the analysis. The relevant theories are Rational Choice Theory and Securitization. They can offer different perspectives when it comes to reasons for the decision of the Law and Justice party regarding the crisis. The first one highlights the assessment of costs and benefits regarding a certain action, the role of available resources and political cost. The latter highlights the social construction of threats and the intentional framing of a conflict to justify the government's action and to further its agenda.

### **Rational Choice Theory**

Rational Choice Theory initially emerged within economics, before gaining significant traction across social sciences. It is very broad as it includes many individual theories based on rationality assumptions (Quackenbush, 2004). Joe Oppenheimer defines it as: "Rational Choice Theory posits that individuals and states make decisions by weighing the costs and benefits of various options and choosing the one that maximizes their utility or achieves their goals" (Oppenheimer, 2008). Marc Petracca emphasises the role of goal fulfilment in this theory (Petracca, 1991). Stephen Quackenbush Points out that Rational Choice Theory assumes that outcomes are the result of choices made by actors (Quackenbush, 2004).

From a Rational Choice perspective, Poland may perceive the influx of migrants on its border as a challenge to its security and sovereignty. Faced with a sudden surge in migrants attempting to cross the border, Poland's government may calculate that taking a firm stance and not letting migrants in is the most rational course of action to address the crisis. The sudden influx of migrants on the border of Poland and Belarus, starting in the summer of 2021 is referred to as crisis in this case. At the same time, as a member of the European Union, Poland has obligations to manage its borders and uphold EU rules. That may have reached a conclusion where the most beneficial option in the eyes of the government was to handle the crisis one their own, as they deemed themselves to be capable of it and their military resources sufficient. The term military resources refers to the number of military personnel and units as well as monetary resources invested in this sector. That could be the case as this way they had more control regarding how to handle this crisis. They still had to hold regard towards the European Union but the decision to not involve Frontex could have been perceived as a rational choice in this situation, especially considering strained relations with the EU regarding migration policy. Involving Frontex would have a high political cost, therefore it could be perceived to be more beneficial to handle the crisis on the national level.

In this study, the term migration policy relates to migration from outside of the EU, mostly from the Middle East and Africa and in particular the relocation scheme and the idea of shared responsibility. The EU as a whole has accepted hundreds of thousands of migrants in recent years and while some other member-states have been letting them stay, the Polish government has not been so accepting and overall has been showing negative attitudes towards migration. (Statista Research Departament, 2022). Term migrants in this research refers to asylum seekers, refugees and more broadly people emigrating to find better and safer living conditions, as distinctions between those terms were rarely made by the Polish authorities.

However, it is not public information where the people trying to cross the Polish-Belarusian border came from exactly and what were their specific circumstances. The term negative attitudes refers to statements that portray migrants unfavourably and allowing them inside the country as dangerous, and employ language with negative connotations.

Overall, Rational Choice Theory provides a framework for understanding how considerations of security, sovereignty, domestic politics, and strategic interests shape Poland's response to the migration crisis. It suggests that the country's actions are driven by a calculated assessment of costs, benefits, and goals in navigating the complex challenges posed by irregular migration on its border with Belarus.

#### Securitization

While Rational Choice Theory provides a framework for understanding decision-making based on calculated assessments of costs and benefits, it is crucial to consider how these calculations are influenced by the social construction of threats. This is where the Securitization Theory comes into play. It is often defined as a process which takes the issue outside of normal politics. An intentional use of the language is very important in this theory. It is frequently brought up that security concerns often stem from leaders' efforts to understand and shape the world, contingent upon a community's ability to adapt its perceived norms and values. Securitization theory aims to understand why and how this happens, as well as the effects that this process has on the life and the politics of a community. In sum, the key idea underlying Securitization is that an issue is given sufficient saliency to gain the approval of the audience, which enables those who are authorized to handle the issue to use whatever means they deem most appropriate (Balzacq et al., 2016).

This concept is often applied to issues regarding migrants. In the 21st century, there has been a rise in representations of immigrants and asylum-seekers as threatening the sovereignty and identity of liberal democracies. Moreover, those people are outside of the frames of traditional security analysts but the language used to characterize them is characteristic of traditional security practices. The decision to portray immigrants as a threat is a choice, often conveyed by political figures to their domestic audiences, seemingly legitimizing controversial measures and the deviation from standard protocols. Securitization effectively sheds light on these mechanisms (McDonald, 2008).

A key concept connected to that is framing. More broadly, it is perceived as a struggle and negotiation, concentrating on the conscious negotiation of shared meanings through social interactions and public deliberation (Rychnovska 2014, p. 16). Linking it to migration, it can involve the strategic presentation of migrants as existential threats to security. Political leaders, facing the crisis can choose to selectively emphasize aspects of migrant arrivals to evoke fear and urgency. Those can include concerns about border security, national sovereignty, and potential destabilization. It serves to legitimize the government's actions and justify extraordinary measures that otherwise could be perceived as excessive. Framing of this kind has been done by the Law and Justice party since their election and it also took place during the crisis in question (Leśniczak, 2023; Narkowicz, 2018).

Looking for reasons behind this tactic, we can relate that to the role of values in shaping the government's behaviour. Linking that to a constructivist perspective, the party's response can be analyzed through the lens of perceptions of national identity, sovereignty, and security (Cahan, 2018). That is relevant as nationalist rhetoric has been widely used by the Law and Justice party both generally and in the context of migration. Through this lens, Poland may interpret the influx of migrants on its border not just as a practical security challenge but also as a threat to its national identity, sovereignty, and values. This highlights how threats are socially constructed and interpreted by states. In the case of this border crisis, the Polish government's framing of the situation as a security threat posed by migrants can be related to the party's idea of protecting the national identity.

In the context of Poland's response to the migration crisis, the decision to handle the crisis independently can be seen not only as a rational calculation of political and strategic benefits but also as a product of securitizing the migrant influx as a threat to national security and identity. This dual approach highlights the interplay between rational calculations and the social processes that define and amplify perceived threats, offering a comprehensive understanding of state behaviour in crises.

In examining the broader context of EU member-state relations, tensions often arise from disagreements on key policies and values. In this case, tension manifests by worsening the relationship between Poland and the EU as they have significant differences regarding different issues, mostly importantly migration policy. It is important to acknowledge that there are other sources of possible tension between Brussels and Warsaw, regarding areas like the judiciary system or energy. However, since this thesis is focused on migration policy, those cannot be further explored. Moreover, those topics are not related to matters of safety so they are not likely to influence stances about militarization. This tension reflects both practical

disagreements and deeper, value-based conflicts, making it a complex and persistent issue in EU-Poland relations. Those tensions are especially concerning as there is an interdependence between the two as Poland is a member of the European Union and for the organization to work effectively, it needs all its members to cooperate and comply with mutually agreed rules.

### **Hypotheses:**

Based on the literature review and relevant theories, multiple hypotheses that reflect possible causal mechanisms have been constructed. As shown in the literature review, the party has been vocal about their stances regarding migration. That has been related to their opinions regarding the EU's migration policy and that is a starting point of this analysis. Therefore it is going to be researched whether the subsequent hypotheses can be proven:

H1: Negative attitudes about the migration policy of the EU that the Law and Justice party displayed, created tension with the organization.

H2: Tension between the Law and Justice and the EU regarding migration prompted the party to emphasize Poland's independence from the organization

H3: The goal to reduce dependence on the EU resulted in increased emphasis being placed on military resources.

H4: The perception of having adequate resources led to the party's decision on how to handle the crisis on the border of Poland and Belarus.

### **Research Design**

In this section, the case selection is going to be addressed, as well as data collection and analysis methods. Process tracing has been selected as the method to conduct this research because it provides the best way to identify the factors leading to the decision to not involve Frontex. It is a method that aims to trace causal mechanisms as they play out in real-world cases using in-depth case studies. It analyzes trajectories of change, paying close attention to the sequence of variables. Therefore, each step of the mechanism leading to a known outcome needs to be identified and the evidence has to be found for each of the steps of the chain, leading to the overall causal mechanism (Beach, 2018, p. 700).

The explaining outcome variant of this method has been selected. It is used to produce a minimally sufficient, case-specific explanation of a particular known outcome. It is a single-outcome study that is defined as seeking the causes of a specific outcome. In this variant, the term casual mechanism is used in a broader sense. Moreover, this approach often includes non-systematic mechanisms that are case-specific (Beach & Pederson, 2011, p. 22). While other variants of process tracing are theory-focused, explaining outcome variants is case-centric. It takes into account that the social world is very complex, multifactored, and extremely context-specific, therefore the ambition is to account for particularly puzzling outcomes (Beach & Pederson 2013, p. 13). Relating that to this research, the known outcome is Poland not asking for Frontex's help therefore, it needs to be explained what mechanistic explanation could account for this outcome.

It is a single-case study and the analysis of this particular case is valuable as this is an example of a deviant case. Gerring (2010, p. 214) defines it as a case that is radically different than others. Applying it to this research, it is a more common choice to ask for help during a crisis of this nature so Poland not doing that makes this case deviant. It could be beneficial to understand the reasons behind this unique decision but at the same time, the results of this research do not have a high generalizability. It would be a singular causation as this is the first time that a chain of events like this took place, regarding this particular matter. Therefore, casual homogeneity is not going to be claimed as there have not been various consistent instances of this mechanism. Saylor (2020, p. 989) defines this concept as that when an explanatory variable takes on the same value, it will produce the same effect, at least within a defined population of cases. Therefore, in this research, it can only be attempted to explain a particular event, that took place just once. Due to those reasons, broader claims cannot be made about the replicability of the researched mechanism.

For each step of the process tracing, different data have been analyzed, although a significant part of the research is based on the quotes. Regarding attitudes of the party towards the EU's migration policy, quotes from the Law and Justice members have been analyzed. Those statements were made between 2015 and 2021, as this is the time since the party formed the government and until the crisis on the Belarusian border took place. The statements have been gathered through online searches in order to find relevant media articles quoting the politicians' statements and later grouping them into main themes. What themes are dominant and what narrative the party had created shows whether the hypothesis can be supported or not. They have been found by using phrases like migration, migration crisis and

tension EU combined with the Law and Justice party or names of the most high-up members like Kaczyński, Morawiecki, Duda etc.

A very similar process has been used regarding the separation from the EU. The same phrases have been used with the addition of words like separation and independence. Regarding the next step, quotes analysis has been also conducted using words like military resources with the party name or names of specific politicians. Sometimes, the words like migration and migration crisis have been added to that. Additionally, quantitative data have been used. Those are statistics retrieved from Statista which show the ratio of military spending to gross domestic, military expenditures of Poland and in comparison to other EU countries. When it comes to the last step it is similar to the first two steps, so quotes an analysis regarding how the party's politicians have been talking about the military in connection to the crisis on the border with Belarus specifically, using phrases like border crisis, Belarusian border or crisis on Belarusian border, later adding the name of the party or specific politicians and lastly adding Frontex instead of the names of the politicians.

## **Analysis**

Developing on the theoretical foundations, this analysis section will give a detailed insight into the reasons behind the decision of the Law and Justice party by employing an explaining outcome process tracing approach. The starting point of the analysis is the Law and Justice party displaying negative attitudes towards migration which is described in detail in the literature review. The outcome is not involving Frontex during the crisis on the border. The four-step causal mechanism linking them is proposed below.

The Law and Justice party displays negative attitudes towards the EU migration policy



Those attitudes cause tension with the EU



The goal of less dependence on the  $\boldsymbol{E}\boldsymbol{U}$ 



More emphasis on military resources



The decision not to involve Frontex during the crisis on the border with Belarus

#### Tension with the EU

The goal of this section is to find evidence of the first hypothesis which presumes that negative attitudes about the migration policy of the EU that the Law and Justice party displayed, created tension with the organization. In order to do that, multiple quotes by the members of the Law and Justice party regarding the European Union and their migration policy have been analyzed. They mostly refer to the relocation scheme as that policy would make Poland accept refugees to their territory. Three main themes have been identified: protection of national identity, framing other European countries as being mistaken regarding migration and safety concerns. Moreover, the legal proceedings regarding migration between Poland and the EU have been analyzed pointing to the tension coming from both sides.

One of the main themes identified is the protection of national identity. In one of the interviews, the party leader Jarosław Kaczyński stated that accepting refugees would change the culture of Poland (Forsal.pl, 2017). During another interview, he stated that it is highly possible that migrants would not adopt the Polish culture and impose their own on the citizens, which would lead to a declining national identity as is already happening in other EU countries (Gazeta.pl, 2015). It indicates that he perceives the EU policy as harmful and a threat to the national identity. He also said that the EU wants Poland to reject their values and culture and the government will protect the country's identity, even if that would result in financial repercussions (tvn24.pl, 2020). An idea closely related to national identity is religion. Jarosław Kaczyński stated that Poland is under attack in the EU because of its values ideas derived Christianity and those are not appreciated the organization anymore (PolskieRadio24.pl, 2019). During a different interview, he claimed accepting migrants would eventually lead the end Christian civilisation (PCH24.pl, 2017). The Law and Justice party members consistently emphasize the protection of Poland's national identity as a paramount concern in the context of EU migration policies. Through various statements, they assert that accepting refugees could alter Polish culture and threaten the nation's identity. They argue that the EU's push for acceptance of migrants challenges traditional Polish values rooted in Christianity. They frame the national values as being in jeopardy due to the European Union's decisions.

Another theme identified is framing other European countries as being mistaken regarding migration. In another interview, Kaczyński brought up countries like Finland and stated that they made a bad decision by accepting refugees. He also mentioned that they were supposed to take in a small number of people but that number grew and this is a

pattern, therefore Poland should learn from those mistakes (Newsweek.pl, 2017). Kaczyński also states that accepting migrants made countries like Italy, Germany or Sweden less safe (TVN24.pl, 2015). He opposes Poland to the Western countries regarding this issue and frames the latter as being in the wrong.

The last theme often mentioned is safety concerns. Kaczyński stated that accepting migrants would make Poland less safe. He brings up the threat of terrorism but also declining safety during day-to-day life. The President's representative, Krzysztof Łapiński shared a similar sentiment, stating that the government making the decision not to let migrants in is taking care of the safety of the citizens (Newsweek.pl, 2017). Another party member Sylwester Tułajew stated that Kaczyński's policy opposing the relocation scheme has kept the Polish citizens safe (PAP.pl, 2020). Moreover, Kaczyński also portrays migrants as a threat to women so letting them stay in Poland would require repressions towards them to protect females (GazetaPrawna.pl, 2017). During another interview, he brought up that migrants could bring diseases not seen in Europe for a long time (Newsweek.pl, 2015). As presented, safety emerges as a central theme in the discourse surrounding Poland's stance on accepting migrants. Those politicians tend to frame the EU's migration policy as a threat to the safety of the Polish people.

A main sign of tension, from the side of the European Union is the previously mentioned court case, regarding several member states who refused to partake in relocation, including Poland. Finally, in 2020 the European Court of Justice ruled that those countries broke the EU law and stated that they failed to fulfil their obligations (Court of Justice of the European Union, 2020). Polish government argued that this obligation is a threat to national security and infringes on national competencies as the member states are responsible for safeguarding their territory but the Court disagreed with those arguments, stating that provisions brought up by the country do not apply in this case (Curia Europa, 2020). However, despite this ruling, the conflict regarding the relocation scheme was ongoing until the end of the Law and Justice rule.

Considering the findings above, substantial support for the H1 has been found. During their time in power, the Law and Justice party clashed with the European Union over migration. Through various quotes and actions, party members consistently opposed EU migration policies, citing concerns about national identity and safety. The party framed the EU's stance as a threat to Polish values and sovereignty, reflecting broader scepticism towards EU mandates perceived as undermining Polish interests. The legal dispute over Poland's refusal to participate in the relocation scheme further underscored this tension, culminating in a ruling by the

European Court of Justice against Poland and other member states. Despite the ruling, the disagreement persisted until the end of Law and Justice's tenure, highlighting the enduring tension between Poland and the EU over migration policy.

# **Seperation from the EU**

The goal of this section is to find evidence of the second hypothesis which presumes that tension between the Law and Justice and the EU regarding migration prompted the party to emphasize Poland's independence from the organization. This section dives into the Law and Justice party's attempts to separate themselves from the European Union. Those efforts to put some distance are presumed to be connected to previously researched clashes with the organization regarding, among others, the migration policy. While the previous section is focused on attitudes towards the migration policy, this section's focal point is compliance. In gathered quotes, not implementing the EU's policy is portrayed as positive.

During multiple interviews that the Law and Justice party's members gave, a common narrative was that Poland was being pressured by the EU. Beata Szydło, who used to be a Prime Minister during the first term of the party's rule stated that Poland will not let the EU dictate their migration policy through the relocation scheme (Newsweek.pl, 2017). During a different interview, she also stated that Poland was being pressured the accept it but they did not give in (GazetaPrawna.pl, 2018). Jarosław Kaczyński also stated that no one will impose their will on Poland even if that would result in the country standing on its own in some matters. He also said that the country will stay the island of freedom and tolerance like it always has been (OKO.press.pl, 2017). Mateusz Morawiecki, after the EU's decision from 2018 to make relocation of the refugees voluntary, stated that strong pressure from some countries ongoing in the past two years was managed to be finally stopped and stances of the Visegrad group accepted. Parts of his speech were published on the official government website (gov.pl, 2018). These interviews underscore the party's commitment to defending Polish sovereignty and resisting what they perceive as undue EU influence. They also show a clear narrative that the duties of the EU's members, when not aligned with the party's stances are considered to be a burden and the pressure to comply is not appreciated.

A common narrative displayed by the Law and Justice politicians was also an idea that going against the EU and sticking to their view is an accomplishment. Szydło said that Poland was right all along. She stated that not implementing the relocation scheme is a success as it

would put Europeans in danger, (GazetaPrawna.pl, 2018) yet she did not provide more information regarding the meaning of that. Chief of the Prime Minister's office, Michał Dworczyk stated that the EU's migration policy turned out to be a failure and they will admit that Poland was right (PAP.pl, 2018). Mateusz Morawiecki shared a similar sentiment saying that a sovereign state must have the right to make decisions about who it wants to admit to its territory. He also stated that consistency in the refugee matter paid off, despite the EU threatening to impose financial penalties (wiadomości.onet.pl, 2018). The members of the Law and Justice party consistently emphasized the idea that resisting EU pressure on migration policies was a success for Poland. They asserted that maintaining sovereignty in decision-making regarding admission of migrants proved to be beneficial, despite perceived threats, criticisms from the EU and even legal proceedings.

The last central theme identified, is that competencies of the states should be strengthened within the European Union. Kaczyński stated that for the EU to survive it needs to be reformed. The national states' competencies need to be strengthened and the EU's reduced (tvrepublika.pl). During another interview, he stated that while Poland will remain in the EU, this institution requires changes as the members are not equal and countries like Germany dominate over others. He also mentioned that he wants Poland to be more sovereign (tvn24.pl, 2021). During a different interview, he stated that the idea of the nation-state should be brought back as this institution secures freedom and the vitality of the cultures (PAP.pl, 2016). Ryszard Terlecki, vice-president of the parliament shared a similar sentiment stating that while Poland should remain in the EU, the country's freedom can not be limited and that Brussels conducts a dictatorship of its bureaucracy (tvn24.pl, 2021). Those sentiments reflect a broader push within the party to assert Poland's independence from the organization.

Considering the findings above, substantial support for the H2 has been found. Through an analysis of various interviews and statements by party members, three central themes emerged: resistance to perceived EU pressure on migration policies, the portrayal of Poland's defiance as a success and advocacy for strengthening the competencies of member states within the EU. Such views reflect a broader sentiment of prioritizing national priorities over collective EU mandates, framing non-compliance as a strategic move. The framing of the issue presented by the party members underscores their commitment to resisting what they perceive as undue EU influence, ultimately suggesting a complex relationship between Poland and the European Union, particularly in the context of migration policy.

### Military resorces

The goal of this section is to find evidence for the third hypothesis, which presumes that the goal to reduce dependence on the EU resulted in increased emphasis being placed on military resources. Statistic data regarding the military are analyzed, researching whether this sector has been growing, although some statements by the party members are provided as well.

Researching this topic, it is essential to acknowledge the influence of other factors, such as security concerns regarding Russia which also affected Poland's defence strategy during this period. However, it can be presumed that there would be less of a need to militarize if the relationship with the EU would not be strained. Moreover, other countries who also face similar threats due to Russia's actions have not been growing their military so significantly. Lithuania, Latvia and Estonia all have spent more on the military in 2021 than in 2014, however, compared to Poland that is still a very insignificant amount. Among those, it is Lithuania who spent the most in 2021 and it is worth noting that they struggled that year with the same border crisis as Poland (McEvoy, 2023).

Data retrieved from Statista show that Poland has been growing their military resources during the time of the Law and Justice party. In 2014, before the Law and Justice party formed the government, the ratio of military spending to the gross domestic product was 1.92%, while in 2021 it was 2.22% (O'Neill, 2024). Moreover, in 2014 military expenditures in Poland accounted for 10,345.15, while in 2021 they accounted for 15, 112.49 (Sas, 2023). Additionally, while in 2014 Poland had the 6th highest military expenditures in the EU, in 2021 their position changed to 4th (McEvoy, 2023).

The party also expanded its military by creating a new type of armed forces. Shortly after establishing the government, the party started to work on creating the Territorial Defence Force, which started operating in 2017. Their purpose is to support local communities and perform local defence tasks. The structure of the units and their management system have been adapted to the territorial division of the country and local needs and conditions. By the end of 2021, almost 40 thousand soldiers were a part of this force (Ministerstwo Obrony Narodowej, 2022).

During an interview about the relocation scheme, Andrzej Duda stated that the government is still against that policy but is focused on the matter of border protection. He said that the Border Guard is in the process of modernization, the number of personnel is

increasing and their equipment is being improved (Interia.pl, 2021). Moreover, in 2021 compensation for the guards had been significantly increased (Kancelaria Prezesa Rady Ministrów, 2022). The same year, Kaczyński said that the country that is on the NATO and EU border needs to have a significant military just in case and needs to be able to protect their land by themselves (PAP.pl, 2021).

The Law and Justice party during their rule has been also focused on strengthening their relationship with the USA. The most significant accomplishment in this area has been signing the treaty in 2020, which increased the number of American soldiers in Poland (OnetWiadomości.pl, 2020). An article published on the Carnegie Europe website in 2020 additionally links this accelerated cooperation to Poland's deteriorating relationship with the EU. They state that the government's efforts to bring more American soldiers to Poland show that the country does not trust the EU and does not want to rely on them for the protection of their territory.

Considering the findings above, some support for the H3 has been found. During the Law and Justice party's tenure in Poland, there was a discernible shift towards increasing military resources, which the statistical analysis indicated. Moreover, the Territorial Defence Force was established and more allocated the Border resources were to Guard which underscores the administration's commitment to bolstering national defense capabilities. The latter has been linked by the President to the migration issue during an interview. The Law and Justice party also strengthened the military relationship with the USA which can also suggest that in the light of the tension with the EU, they have been looking for allies elsewhere. While it can be proven that there has been more focus on military resources, as mentioned before, it is not possible to indicate just one reason for this policy shift. There is some evidence that it is linked to the worsening relationship with the EU, however, data about the reasons behind this policy shift is not easily available.

### **Border crisis**

The goal of this section is to find evidence of the third hypothesis which presumes that the perception of having adequate resources led to the party's decision on how to handle the crisis on the border of Poland and Belarus. Quotes provided by the government have been analyzed relating to the military capacity during the border crisis and Frontex's involvement. Regarding the latter, quotes from the EU's representatives have been looked into as well.

The number of attempts to cross the border illegally varies by month. The highest numbers occurred between September and November of 2021 with the peak in October when they accounted for over 17 thousand (Sas, 2024). The government addressed the situation on the border multiple times, often focusing on the matter of military resources. The President stated that there have been more personnel from the Border Guard delegated to the border as well as police officers and soldiers and that the situation is rapidly changing. (RMF24.pl, 2021). In October of 2021, National Defence Minister Mariusz Błaszczak said that 7,5 thousand soldiers were delegated to the border but they wanted to make it 10 thousand soon. Moreover, the government wanted to make their compensation higher. He also said that the Territorial Defence Forces were delegated to help people living close to the border (Newsweek, 2021). In December of 2021, he stated that at that time, the Polish armed forces had 113,000 professional soldiers, while in 2015 it was 95,000. He said that if Poland had to face this kind of crisis then, the country would have much more trouble handling it. He added that the consistent policy of the Law and Justice party made Poland more secure, (Wprost, 2021). Those comments show that the government was making efforts to mobilize their military resources and that they perceived them as significant. This underscores the administration's emphasis on strengthening border security and highlights the dynamic and evolving nature of the situation during that period.

When it comes to the Frontex involvement it is crucial to mention that there is not any particular number of migrants trying to cross the border which would make them get involved, It is a matter of perception of the member state when that help is necessary. While the government addressed the situation at the border numerous times, they only mentioned Frontex explicitly on 2 occasions, saying very similar things. The Prime Minister addressed the voices of other political forces urging them to request Frontex's involvement. He stated that, while he respects the institution, Poland has nearly 15 thousand Board Guards and nearly 13 thousand soldiers that could be delegated to the border which will make it well-protected (naTemat.pl, 2021). He also said that Frontex does not have many available personnel and that Poland is protecting the EU from another migration crisis (TVN24.pl, 2021). Those statements show that the politicians wanted to highlight that the available resources were significant and that the help of Frontex was not necessary. However, considering all of the research in previous sections it can be presumed that the government did not want this help for additional, political reasons. Frontex's involvement would restrict the Law and Justice's decision-making process during this crisis and infringe on the self-sufficient image that the party has been building (Gruszczak, 2021).

On the other hand, EU's Commissioner for Internal Affairs, Ylvy Johansson urged authorities to invite Frontex to the border with Belarus - if not border officers, then at least Frontex liaison officials who would have insight into the taken course of action regarding migrants, including potential refugees. (DW.com). However, after it became clear that the government will not take this advice, the topic was not addressed further by the EU officials. A month later, executives from Frontex have addressed the situation from their side as well. Executive director, Fabrice Leggeri mentioned the crisis at the border is geopolitical and Frontex is the operational agency, hence a political decision was needed to determine what support countries like Poland might need. He also said that the agency is willing to provide any necessary help. Moroever, during his visit to the border in October of 2021 he stated that he was content with how the Polish government was handling the crisis at that point (TVN24.pl, 2021. Those statements show a will to become more involved, yet since Poland was managing the crisis and it did not spread further, neither Frontex nor the EU itself pressured the country further.

Considering the findings above, substantial support for the H4 has been found. The Polish government, at the time of the crisis, emphasized its military and Border Guard capacities, with significant troop deployments and increases in personnel. Statements from key government officials underscored the administration's confidence in its resources and its strategic decision to avoid seeking Frontex's intervention, despite inquiries about this decision. Moreover, while Frontex and EU officials expressed a willingness to assist and even recommended involvement, the Polish government maintained its stance, in order to preserve its autonomy and political narrative of strength, self-sufficiency and capability to handle the crisis independently. The reluctance to engage Frontex was a strategic choice to maintain control over the situation.

### **Conclusion**

The goal of this thesis was to answer the question of what process led to the Law and Justice party's decision on how to handle the crisis on the border of Poland and Belarus. The conducted analysis showed support for all hypotheses, linking them to the researched outcome.

### Findings and relevance

Conducted research shows that the Law and Justice party's stance on the EU's migration policy has fostered significant tension with the organization. The party consistently framed EU migration policy as a threat to Poland's national identity, safety, and sovereignty. This tension was underscored by the legal dispute over the EU's relocation scheme, resulting in a European Court of Justice ruling against Poland for non-compliance. Despite this, the party maintained its opposition, highlighting a broader scepticism towards EU mandates perceived as undermining Polish interests. This tension prompted efforts to assert Poland's independence from the EU, with party members portraying noncompliance as a positive accomplishment and advocating for stronger national competencies within the EU, reflecting a strategic move to distance Poland from perceived EU overreach. The Law and Justice party's goal to reduce dependence on the EU resulted in an increased emphasis on military resources, as the statistical data show significant growth in Poland's military spending and capabilities during the party's tenure. The establishment of the Territorial Defence Force and increased support for the Border Guard underscore the administration's focus on bolstering national defence. Additionally, strengthened military ties with the USA suggest a strategic pivot towards alternative alliances. The perception of adequate resources influenced the party's handling of the border crisis with Belarus, with the government emphasizing Poland's military and the Border Guard capacities to justify avoiding Frontex involvement, reflecting a broader narrative of independence and self-sufficiency.

The analysis explores the reasons behind Poland's unique crisis response, shedding light on how the political agenda can shape it. It also highlights the interplay between national security concerns and political strategies, The findings offer a case study in the broader context of European politics, where migration policy remains a contentious and divisive issue, influencing both domestic and international policy decisions.

#### Limitations and recommendations

This research is focused on migration policy-related tension between Poland and the EU, excluding other significant areas of conflict such as judiciary reforms and energy policies. These areas, while outside the scope of this thesis, could provide a more comprehensive understanding of the broader EU-Poland relations. Moreover, especially when it comes to the

role of military resources it is impossible to extract a singular reason behind the shift in the country's military policy. While the analysis links it to migration issues, other factors, such as security concerns regarding Russia, undoubtedly influenced Poland's defence strategy.

Since this research is focused on quite recent events, not many academic papers regarding the same or very similar subject have been published. Gruszczak (2021), in his short article about the crisis and Frontex, has similar conclusions, stating that the government of the Law and Justice party did not want to be restrained in their decision-making process by other actors. He also links this response to negative attitudes towards migration. Future research should consider a more holistic approach by examining various sources of tension between Poland and the EU beyond migration policy. Additionally, it would be beneficial to examine the situation on the border in later years as the issue is ongoing and the situation has changed multiple times and has not been fully resolved. There have been new, very recent developments that would be useful to look into in the future. Moreover, a broader comparative study between Polish and Lithuanian responses to this country would be very beneficial as both countries have been affected by this crisis, yet they chose different ways to handle it.

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