



CONFRONTATION AND COOPERATION

1000 YEARS OF POLISH–GERMAN–RUSSIAN RELATIONS

THE JOURNAL OF KOLEGIUM JAGIELLOŃSKIE TORUŃSKA SZKOŁA WYŻSZA
VOL. 1: 32–38

DOI: 10.2478/conc-2014-0005

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The safety of Poland in the context of American Ballistic Missile Defense

Key words: NATO, Russia

Fifteen years ago Poland joined NATO, and ten years ago it became a member of the European Union. Many politicians thought then that in this way we had fulfilled our dreams of returning to Europe and western civilization. However, the safety of a state cannot be taken for granted once and for ever. The country so experienced by the history and with such a location has to monitor the current situation in the world constantly. In the field of the state's security we must be wiser before the damage is made.

Since the beginning of the 1990s, the moment Poland had regained its sovereignty; it had undertaken the effort to „return to Europe”. Polish social and system transformation was not seeking any third, alternative solution. All the significant political groups agreed that Poland was to be a democratic state with a market economy, and strong position within European and Atlantic structures. After relatively short discussion on the military cooperation with the collapsing USSR or daydreaming on setting up so called NATO-bis, we had agreed on applying for the membership in the North Atlantic Treaty. This strategic direction of safety perception had been determined by the government of Jan Olszewski, in which the post of the Minister of Defense was held by Jan Parys Ph.D., currently the Rector of KJ-TSW.

The NATO membership was considered in Poland to guarantee both the safety of our borders and the stability of system and economy transformation. The Treaty was perceived as the efficient organization of the collective defense, which had greatly contributed to the several decades of peace in Europe, as an institution setting the standards of civilian and military cooperation in a democratic state, as well as the instrument of creating peaceful international relations between the neighboring regions of the world.

1. The motifs of the cooperation with the USA.

In spite of the above mentioned, while entering NATO at the end of the 1990s, many experts in Poland were aware of the fact that the Treaty had considerably evolved and undergone a significant transformation. It was no longer the Treaty of „our fathers” as ones said, or the Treaty from the cold war period, as others claimed, the Treaty with the clear interpretation of the international situation and determination to defend its members. The Treaty gave up the traditional mission, i.e. defending the territories of its member states, to increase its expedition and anti-terrorist actions. The transformation was

aiming at the creation of light, mobile forces, which were supposed to be able to pacify conflicts far from the territories of member states so that the threat wouldn't develop enough to reach our borders. Poland was sharing the opinion on the necessity of adopting the Treaty for the new challenges. However, it favored more balanced attitude and called upon keeping the balance between the new and traditional assignments of the Treaty. A lot of analysts, however, came to conclusion that this balance had been disturbed during the last years. It was proved by the significant reductions of military budgets in NATO member states, as well as the fact that the traditional defense planning hadn't been updated for years. Russian appeals to acknowledge.

Justified safety interests, which were accepted by our western allies demanding the increasing involvement of Russia in solving world and European problems, had arisen our anxiety. The fear has appeared that in case of the change in the international situation and the need of traditional mission of the Treaty, i.e. the defense of the member states territory, it might turn out that the Treaty wouldn't be able to meet the challenge.

There was also the anxiety that the countries located east of Poland, especially Russia, might not follow the route of Middle Europe countries leading towards democracy and political transformation, to become eventually a free market democracy. Unpredictable character of the situation in the east would indicate to keep the NATO ability to fulfill its traditional defensive function.

Polish anxieties concerning the fact that the idea of the membership of Middle Europe states in NATO was mainly a political plan, which wasn't followed by adequate military decisions, have been recently confirmed by numerous statements by the previous architects of the NATO extension. From Germany (e.g. Egon Bahr) allusions could be heard that the extension had been made basing on special conditions agreed on with Russia. While from the USA Ron Asmus was informing that new members had been given second-rate safety status on purpose. New members were not given the same guarantees as the western ones. Recently it has been confirmed by the German minister of foreign affairs. In his response to the appeal of the Polish minister to place in Poland American troops in reaction to the Russian-Ukrainian conflict, minister Stenmeier reminded that NATO had political commitments to Russia concerning non-stationing of the Treaty units in Middle Europe.

Many Polish politicians and defense experts spotted the problem at the beginning of our presence

in NATO. We had doubts whether we had actually joined the Treaty of our dreams? Many made attempts to convince the Treaty to change the situation of a different safety status of the newly accepted members. Poland was striving for updating contingency plans, automatic interpretation of the Treaty safety mechanism expressed in article 5, as well as equal setting of defense infrastructure of NATO, so far focused in the western part of the continent. The actions, however, didn't bring expected results. Particular political correctness, the increasing understanding of the West for Russian phobias and ambitions, as well as individual interests of some allies were hindering all the attempts we had made to urge NATO to react to our problems. Making an important partner from NATO interested in the safety of our region has become another option.

The United States was one of the countries whose safety policy in many cases was coherent with the Polish view on the region. Therefore when between 2002 and 2003 American idea of cooperation with Poland appeared as a part of war against terrorism (including the war in Iraq), Polish diplomatic services responded positively, seeing it as a chance to involve the United States indirectly with the safety of Poland in our region. There was an assumption that by joining in the activities against global terrorism and supporting American attempts towards the democratization of the Middle East, we would increase the American attention for the problems of our region. Cooperation with the Americans in the Middle East, where we had been taking part in military missions for a few decades, would have given the opportunity for political discounting of this presence in our pursuit to increase our status in Europe. Such a policy, however, was only partly and indirectly successful. The status of Poland was increasing, we were perceived both in the Middle East (we were invited to participate in the peace process-the conference in Annapolis, representatives of rich Arab countries visited Poland) and in Europe as a significant participant. The increase of the political meaning as well as economic cooperation with the Middle East region wasn't reflected in the expected change of our safety status in our region of Europe.

In 2004 we joined the European Union. Undoubtedly, it strengthened our socio-economic transformation and significantly supported the further modernization. However, we joined the Union when this institution had already been involved in long-lasting debate over its internal reforms, and up to now it hasn't been able to create common foreign policy, not

to mention defense. In the meantime Polish support for the democratic transformation in Georgia, and then in Ukraine worsened relation with assertive Russia, which at the end of 2005 even applied economic sanctions for Poland. The EU membership, accepting countless norms and standards, hasn't turned out to be a magic wand solving all Polish problems, both internal and external. For Russia we haven't become an untouchable, western country.

2. Why the Defense?

The next opportunity to draw the American attention towards our region appeared when the administration of president Bush presented the concept of Ballistic Missile Defense. The main objective of the shield, consisting of radar bases and Ground Based Interceptor bases was the protection against rogue states, which had broken from the international order and make attempts to build up their position, at least in their region, using force.

The preparations to follow the American initiative had started a few years before Prawo i Sprawiedliwość overtook the power. It was already in 2004 and 2005 that the government of M. Belka was intensely preparing Poland for negotiations. Numerous evaluations and opinions appeared then. A preliminary documentation was prepared and appropriate negotiation structures got appointed.

Beside intense talks with the American party, we had made separate actions by ourselves aiming at consulting the initiatives on the international background. The question of the threat connected with the development of ballistic missile program in the Middle East was discussed while the leaders of Saudi Arabia, Egypt, Pakistan, Palestine and Israel were visiting Poland. Delegations of ministers and experts consulted the neighbors and leading European countries, especially the ones hosting American bases. We didn't neglect the direct contacts with Iran, and even North Korea, in order to examine their determination to develop nuclear and missile programs. The decision to start negotiations with the USA was therefore preceded by a thorough recognition of the problem, both the threat and the implications for the regional and international position of Poland.

At the same time Polish diplomatic services were observing the efforts of states and international organizations to make Teheran give up their nuclear

ambitions, which clearly was aiming at the construction of a nuclear bomb. Therefore, Poland supported the efforts of the European Union, initiated in 2003, to start the dialogue with Iran and to persuade it to give up these programs. We were supporting economic sanctions applied on Iran by the UN Security Council. Diplomatic, political, and economic attempts didn't, however, bring the desired results. The states determined to get nuclear and missile technology continued their activity despite the existence of NPT, MTCR, PSI and other international regimes. Also Iran hasn't given up its works aiming at acquiring nuclear weapons, and is still developing its missile program. In this situation the construction of a missile defense system seemed completely rational.

The program of Ballistic Missile Defense is based on the new approach towards the concept of defense. Up to recent times the defense against the weapons of mass destruction was founded on the idea of deterrence and retaliation. The shield, on the other hand, gave priority to defense rather than attack. Therefore it was as alternative for the retaliation. It was based on the assumption, that it is better to capture the strike, avoid attack, rather than respond after the devastating attack. Supporters of the idea pointed at this apparently defensive character and a significant fact, that a nuclear attack could be stopped by the use of a conventional means, since Ground Based Interceptors wouldn't have nuclear warheads.

Surprisingly, it was this change of attitude towards the concept of defense that seemed to be a threat for the opponents of the Ballistic Missile Defense. They claimed that the United States had the possibility of performing a lethal nuclear strike against its potential opponent. If additionally the USA acquired defense abilities which would eliminate the counterstrike of the opponent, it would mean the possibility to acquire strategic advantage, and result in American domination over the world. Moreover, in Europe this critical opinions were associated with the suspicion concerning the American doctrine of prevention. In consequence the Ballistic Missile Defense program of president George W. Bush got demonized and presented as a project leading to the preservation of American hegemony over the world.

Polish government didn't share the anxiety. The Ballistic Missile Defense system was neither provocative, nor destabilizing the regional balance. On the contrary, the lack of the missile defense encouraged the others to develop missile technology to gain advantage. The lack of the shield allowed the others to introduce the aggressive

policy of threats. The need of the increased involvement of Europe in solving crises in the neighboring regions has also been seen for years. Therefore, Europe shouldn't have been interested in decreasing the military potential of the USA, which was directly contributing to the safety of the continent. From the political perspective, the cooperation between the Americans and the Europeans in issues concerning AR shield could be the factor strengthening trans-Atlantic bonds. Placing American installations in Europe would extend American missile defense umbrella over our continent, strengthen the rule of collective defense of the Treaty, and confirm American obligations concerning the safety of Europe.

3. Negotiations with the USA

The American offer of constructing the Ground Based Interceptor base in Poland and the radar base in Czech Republic appeared at the beginning of 2007. The main motif pointing at Poland was its geographical location, which allowed the most effective use of missile interception to neutralize the ones launched in the Middle East both in the direction of The United States and Europe. The political context, Polish-American relations, or still then ambivalent attitude of Russia towards the project, didn't were of little significance when the American decision was being made.

The Polish party, sharing the conclusions of the Ramsfeld's report on the growing threat of nuclear and missile weapons, and basing on its own analysis, expressed the will to start negotiations. Poland didn't experience any direct threat from rogue states, but it expressed solidarity with the allies seeing the threat of such kind. No Polish government was going to accept the American initiative „despite anything”, „agreeing on all conditions”, and neither was it willing to finance it. The negotiations were long since we were caring for the interests of Poland, the additional safety measure: American obligation to defend the base and support the modernization of the Polish army. The base was to be an American investment on the Polish territory, where no idea of extraterritoriality was taken into consideration. We didn't join the virtual project either. American had already had two fully operational missile defense bases as well as the system of working radars, including the next one which was going to be transferred to Czech Republic. Also Great Britain and Denmark had already been involved in the program. Hence, it was the will to join a multiparty defense program. The program which

was to protect the whole trans-Atlantic area in case Iran wasn't persuaded to give up its missile and nuclear programs.

The program was supposed to complement the efforts of NATO, since the idea of creating two missile defense programs had been discussed in the Treaty for years. The first one would protect the units of NATO taking part in peace missions beyond the treaty area, e.g. in Afghanistan. The other one was about creating the defense against the short and middle range missiles, i.e. defending the territories of the member states. The American concept of creating the defense against the long range missiles would surely complement the efforts of NATO. Therefore, the American initiative didn't divide NATO and Europe. The Americans forwarded their offer to a couple of NATO members. They made numerous efforts to consult the proposal with the Europeans both in bilateral as well as multiparty formula through the Treaty. Eventually, the idea was approved of by the Treaty in Bucharest in April 2008, and again confirmed at the jubilee summit in 2009. In this context the American program is usually placed against the NATO system, supposedly accepted unanimously. It isn't mentioned, however, that the system would cost a fortune, and would have to acquire the approval of all the NATO members to purchase American missile defense. The route to gain such a solution has been and still is long.

There are numerous proofs that it was a coherent program, based on rational foundations, which was complementing both political and economic efforts of the international community to stop Iran. It was coherent with the NATO policy, since it was complementary for the projected NATO programs. It was coherent with the idea of the additional protection of Poland, since it guaranteed the chance of acquiring from the Americans additional support for the security of Poland, as well as the assistance in the process of modernization of the Polish army. Ballistic Missile Defense should be perceived from such a perspective. Not as some separate, isolated plan, which was protecting solely the interests of America, but as a great idea, which could be in tune with the efforts of international organizations, of NATO, as well as the concept of Polish security.

Because of the parliamentary elections campaign the government of PiS suspended already well-on-way negotiations with the USA in the autumn of 2007. Up to then the American party had already accepted the most important demands of Warsaw. During his visit in Poland in June, president Bush announced that the

United States were going to make a fair agreement. The whole AR system was to protect Poland, and in the future cooperate with the defensive system of NATO. The Americans had also agreed on the strategic institutional cooperation. It meant that Poland wouldn't have to rely on courteous, occasional consultations in its relations with the USA, but the problems concerning safety was to be the permanent element of the cooperation between the two countries in their bilateral contacts as well as the international organizations forum. Taking into consideration the traditional unwillingness to make bilateral alliances, fulfilling the agreement would give Poland a privileged status in its relations with the USA. These obvious advantages let president Lech Kaczyński announce in July, during his meeting with president Bush in Washington, that the agreement had practically been reached.

In the autumn of 2007, after the change of government, the negotiation accents were significantly altered on the Polish side. It couldn't have been a surprise, since the opposition politicians (including Radosław Sikorski) had been warning the American party for months not to see the issue of the agreement on the shield as the already decided. They threatened to block the agreement in parliament and started to express demands concerning the compensation for locating American bases. As a result of such an attitude the negotiations were stopped till the spring of 2008. At that time the explanatory talks were started with Russia, which was more and more intensely criticizing the American initiative, and began an open campaign of threats towards Poland. The talks couldn't have brought any visible decrease in the tense relations between Warsaw and Moscow, since for Russia it wasn't the base with ten conventional intercepting missiles that was a threat, but the American presence in Poland, which would mean break our country from the area of undefined safety. The only advantage of the talks was showing the world the actual attitude Russia had towards the safety status of our region of Europe. It seems that Russia had misunderstood the European integration and the extension of NATO, and assumed that these processes were somehow connected with the obligation not to extend military installations of the Treaty. Thus, it perceived the region through the status Finland had during the cold war times. Poland in no way could agree to be perceived as some kind of separate area, buffer one, between the old members of NATO and Russia. As a sovereign state, like other countries in Middle Europe, we have the right to shape our own

safety. Obviously we didn't want to and still don't to do this in confrontational way.

During the talks with Russia there appeared a demand to place permanently Russian observers in bases located in Poland and Czech Republic. The demand was unacceptable for political reasons, as well as completely unnecessary from technical and military point of view. Both Polish and American parties agreed on installing electronic sensors, which would let Russians make sure the character of missiles wasn't altered. There was also the will to start talks on inspections frequent enough to show that in the meantime the character and the aim of the base wasn't changed either.

Poland couldn't accept the permanent presence of Russians in the base for obvious political reasons, in the situation when the Russian didn't agree on reciprocal inspections, and because of the past events, although they were not the most significant. A substantive reason was of greater importance. The agreement with the Americans concerning the construction of the base in Poland was to be legally binding and assumed the obligation to defend against missile attack by the American missile defense system. The permanent presence of Russians with the right of veto or the right to decide when the system was to be activated, would mean that it would be the Russians who would make decisions about fulfilling these guarantees, and not the Polish-American agreement.

In political publications it is sometimes pointed out that the American initiative was anti-Russian. It is completely absurd attitude promoted usually by the people presenting negative attitude towards the USA, suspecting the Americans to have the tendency for military blackmailing the whole world. The missile defense system wasn't of aggressive character, and didn't include armed warheads, not to mention nuclear ones. It allowed the Russians to verify the installations. It was the Russians who used the AR shield as the pretext and justification for their aggressive policy of reconstructing their area of influence and interests, the policy initiated after Putin had taken over the power. Poland and other European countries experienced Russian counter-claims after supporting democratic transformation in Georgia and Ukraine, i.e. before any negotiations on so called European element of missile defense started. It wasn't Poland that was intentionally making the relations with Russia worse. Poland was trying to respond to new reality-the increasing assertiveness of Russia, its attempts of revising the 20th century history, and the construction of the new architecture of European safety

based on the agreement between the leading powers over our heads.

In the meantime, during our talks with the Americans which had been resumed in the spring of 2008, the Polish party started to diminish the meaning of American safety guarantees and transform the negotiations into transaction with the USA rather than the agreement of ally character. The main weight of the negotiations was placed on the talks concerning the potential assistance of the USA in the modernization of the Polish armed forces. In American opinions Warsaw was expressing exaggerated demands. The next deadlock in talks had place. The situation changed when the Americans presented the offer of rotation stationing of the „Patriot” missile battery in Poland. In accordance with the initial offer they declared the arrival of battery in the first quarter of 2009 if the whole package of agreements was negotiated including the one on the legal aspects of the stationing of American soldiers, so called SOFA.

On the turn of June and July 2008 the fundamental part of the negotiations on the package of Polish-American agreements was completed. Accepting at that time the agreements would have made it possible to start the simultaneous talks concerning American assistance in the modernization of the Polish armed forces. On 4th July 2008, the national holiday of the United States, Prime Minister Donald Tusk rejected the previously negotiated agreement claiming that it didn't contribute to the increase in the safety of Poland. As a result of such an unfriendly gesture, both the planned visit of the Secretary of State C. Rice in Warsaw as well as the ceremony of signing the agreement didn't take place.

As a consequence of fierce criticism in the following weeks and fearing that radical deterioration in the bilateral relations could have taken place, Warsaw resumed the negotiations. However, the further talks didn't bring any additional arrangements. The obligations that the American party had made in July were put in writing. The package of agreements involved the one concerning the missile defense base and the agreement, which had the character of political declaration, on the strategic cooperation. The latter one was to involve the annexes on the American assistance in the modernization of the Polish armed forces, and the science and industrial cooperation in the future. The American part also confirmed its readiness for the rotational stationing of „Patriot” missile battery in Poland as well as seeking the possibility of increasing

the military assistance for Poland in the future. The main value of the agreement was American obligation to grant Poland *de facto* the safety guarantee against the missile attack, and to create the institutional bonds of political and military cooperation by establishing a consulting group for the strategic cooperation issues. Eventually, the agreement was signed in Warsaw on 20th August 2008.

4. Unfulfilled agreement

The agreement, however, hadn't been ratified by Poland. Officially it was claimed that the whole package of arrangements would be ratified, including the legal one SOFA, which started to be negotiated only at the end of 2008. The other reason was expecting the declaration of the new American administration, which formally took over the power at the end of January 2009. However, on 17th September 2009 the Americans informed us about the radical change of missile defense program. They were refraining from the project that had been negotiated by the former administration, and offered the return to alike solution, i.e. the Ground Based Interceptor of other type (the installation of modified missiles from AEGIS warships), but only after 2018, which makes this initiative pretty unrealistic. The new offer presented in the context of reset with Russia meant that during both terms of Obama, no shield would come into existence in Poland. In the following years the American offer had undergone further „modifications”. Among the others the Americans gave up the idea of building up in Europe the system that would be the element of the USA defense. The base in Poland is only supposed to defend Europe. Such a plan makes it even more unrealistic. Therefore a question should be asked: Will there be in the future an American president altruistic enough to sponsor a missile defense system for Europe? Will the Americans defend a system that is not a part of their defense like their own one?

A state so experienced in history as Poland has been, has to take into consideration the fact that its safety is not guaranteed once and for ever. Turning down the cooperation with the Americans in the Ballistic Missile Defense program we lost a vital opportunity to increase the safety of Poland. The next opportunity might never appear. After cooperation in Iraq, and the opportunity associated with the Ballistic Missile Defense, the third chance to make the Americans interested and bind them tightly with the safety of this region might not

appear. The economic relations initiated on the ground of searching for shale gas come as a hope.

Was it possible to act in a different way? Is it possible that president Obama wasn't going to give up the initiative anyway? It shows that the Polish government should have been more determined, and not have been pondering on the issue of whether to carry on the negotiations or not for half a year after the elections. Withholding the ratification of the agreement on an American base in Redzikowo, the lack of agreement on the issue of the legal status of American soldiers, and in consequence the lack of numerous implementing regulations, meant that the former American administration wasn't capable of starting the investments, nor could it present the eventual cost of building the base in Poland.

Before the spring of 2009 the issue of the shield in Poland hadn't seemed to be foregone in negative way. It was still in 2009 that the American Secretary of Defense R. Gates pleaded at the meeting of the defense ministers of NATO, for the ratification of the agreement by Poland and Czech Republic. In spring 2009 the case was tested by Senator Lewin during his visit in Poland (wikileaks). Then it was estimated that the Polish-Czech option would be the least costly one. Obviously the ratification didn't guarantee that the agreement would be continued by the new American administration. Yet, the formal process of its notice of termination would have lasted 2 years. Taking this into consideration and the possible negative international repercussions of such an action, it could be assumed that the Americans would have made their mind longer and would have been obliged to find the way to solve the situation in the way beneficial for both parties.

5. The future of Polish-America relations

The character of our diplomatic services, that in no way could be called ambitious, didn't allow to preserve the status of the privileged partner of the United States in the past years. The reasons of this anti-American policy have been brought into the open when the talks between Sikorski and Rostowski were published.

However, the recreation of the „strategic dialogue” with the USA in the nearest future seems necessary. The project: „united, free, and democratic Europe” hasn't been accomplished. Stopping NATO expansion to the east doom us to live on the verge of this organization for decades. The retreat from the processes of democratic transformation in the east means that we will be the neighbors of potentially unpredictable and unstable, shortly speaking dangerous area. The agenda of bilateral cooperation will still be concerning the issues of safety and defense, since there is still a similar perception as far as these topics are concerned, and even common interests of Poland and the United States. It isn't an exotic alliance. Both states are equally interested in preserving the global order and, which is more significant for us, the European balance provided by the American presence on the Old Continent.

Paradoxically, the latest radical change of the international situation in our region seems to be the only hope. Russian aggression against Ukraine has revealed the imperial intentions of Moscow. Opposing such intentions requires the strengthening of the military safety of Poland and the Baltic states. The first declarations were expressed by president Obama in Warsaw, „you will never be alone again”. The American have also made military gestures. Several combat planes flew to Poland, and what is more a company of special forces appeared on several months long military training. The decision concerning the permanent presence of allied forces in Poland may be taken at the September NATO summit in Wales.

Only a few years ago the assumption that no one and nothing could be a threat for us was common. It was thought that we hadn't been in a better geopolitical situation for 300 years, and after joining NATO and European Union we had achieved our national goals, and it was enough to just be a part of these institutions to be safe. The latest announcements of the president and the prime minister on the need of considerable arming of the Polish armed forces prove that the Polish authorities are aware of the fact that our safety is deteriorating. The time will show whether this situation will incline the authorities to resume the cooperation with the USA.