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## **THE MEMBERSHIP IN THE EU AND THE INTERNAL SECURITY OF POLAND. BENEFITS – COSTS – PERSPECTIVES**

Key words:

*European Union, Poland, Internal Security, Rational Choice Analysis, Justice and Home Affairs*

Polish accession and membership in the EU is often, if not almost exclusively, evaluated from the economic point of view (i.e. the amount of money obtained by Poland from the European Union's budget, Common Agricultural Policy, infrastructure development etc.), as well as on the basis of the foreign policy, external security and generally European politics. The impact of Polish membership in the EU on Poland's internal security is rarely a subject to scientific analysis and is often excluded from many complex reviews and scientific publications. Many authors accept the fact that the EU membership was important to the process of providing internal security in Poland, but this impact has scarcely been researched in a meticulous and scientific way.

The costs of the Polish integration with the EU, especially in the scope of internal security, are often left out and neglected in many scientific publications. Yet it is important to understand that, apart from many obvious benefits (especially economic ones), Polish membership in the EU produced a situation, in which the security of Polish state was transformed by emerging new challenges and intensification of some threats to internal security. That is why it seems important to compare the costs of integration with the EU to the benefits emerging from this process in regard to internal security of Poland.

The main purpose of this paper is to present the benefits and the costs of the process of integration with the EU to the internal security of Poland.

The juxtaposition of the aforementioned costs and benefits is important to understand, how the internal security environment in Poland has changed in the previous eight years. The next step is to present the possible perspective for both the costs and the benefits of the EU integration to polish internal security by drawing possible scenarios of how this balance may change in the future. It is worth mentioning that this paper aims at pointing out only one aspect of the Polish membership in the EU, therefore, regardless to the outcome, the results of the benefits/costs comparison should not be interpreted as an attempt to evaluate the Polish membership in the EU solely on the basis of the internal security. Both costs and benefits of the whole process of the European integration of Poland to Polish internal security can be significantly outweighed by both costs and benefits in other areas, such as monetary, agricultural or foreign policy. It is therefore important to underline that this paper does not evaluate the Polish membership in the EU in general, nor does it focus on national (state) security. The presented paper focuses solely on the effects of EU integration on internal security of Poland.

This paper consists of five parts. In the first two parts, theoretical approach and key definition used by the Author are presented. Analysis of costs and benefits emerging from the process of integration with the EU to Poland's internal security is presented in the third and the fourth part. Perspectives and possible scenarios of a shift in balance of the aforementioned costs and benefits are the subject of the fifth part, followed by a short conclusion and a reflection.

### **Theoretical perspective**

Multiple theoretical approaches, often as not named "theories", may be useful in analysing the phenomenon of European integration. There is also a wide range of theoretical perspectives related to the matters of international, national and internal (homeland/domestic) security of modern states. In analysing the impact of the EU membership on Poland's internal security, it is crucial to choose a theoretical approach that may prove fruitful in explaining both the European cooperation in

Justice and Home Affairs (on the European level) and Poland's internal security itself (on the national level). Only the theoretical approach with significant explanatory capabilities in both these fields may prove useful in reaching a satisfying and dependable result.

In the Author's opinion, one of the most suitable theoretical approach for this task is a rational choice institutionalism. There are several key arguments supporting such a choice. The rational choice institutionalism is an approach with significant explanatory capabilities in the field of European integration, with many renowned Authors contributing to its development<sup>1</sup>. The rational choice institutionalism provides the Author with a set of coherent thesis and axioms, which explain the purpose, course and a possible outcome of integration of modern states, as well as produces an answer to one of the most important questions in this field: "why do the nation states decide to delegate various aspects of their activities and sovereignty to an institutionalized and supranational structure?" (out of necessity or the positive outcome of benefits/costs balance).

Rational component has traditionally been deemed useful in analyzing matters of national and internal security which are one of the most existential needs and goals of any modern state. The model that provides us with an assumption that states are self-centred actors, that engage in various activities on the rational basis, is suitable in analyzing the matters of national (and internal) security, because providing security is the most constant "unpoliticized" and technocratic goals of any government. In other words, in the matter of uttermost importance to the existence of the state, such as internal security, it is hard to imagine that any state will base its decision on anything else than a rational choice perceived as a result of balance of benefits and costs<sup>2</sup>. This argument is generally true, yet for the purpose of this paper its value is somehow less significant, because the juxtaposition of costs and benefits

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<sup>1</sup> See: M D. Aspinwall, G.Schneider, *Same Menu, Seperate Tables: The Institutional Turn in Political Science and the Study of European Integration*, "European Journal of Political Research" Volume 38, Issue 1, 2000; P. A. Hall, R. C. R. Taylor, *Political Science and the Three New Institutionalisms*, "Political Studies", Volume 44, Issue 5, 1996.

<sup>2</sup> N. Gerspacher, V. Pujas, *International police organizations: the missing link to effective cooperation*, [in:], F. Lemieux (ed.), *International Police Cooperation. Emerging issues, theory and practice*, Cullompton 2010, p. 242.

analyzed here applies only to the matters of internal security, while in the decision-making process balance of costs and benefits includes also other factors, such as external security, economy and social impact of decision-making process. Despite that the argument shows that the rational choice institutionalism has significant explanatory capabilities in the general field of security studies.

Rational rather than behavioural approaches are especially suitable in explaining the matters of internal security, as well as Justice and Home Affairs in the EU, because both these areas of activities of nation states and other political actors are best characterized by their technocratic<sup>3</sup>, rather than democratic character, which makes them less vulnerable to ideology and political interference (even though the process of integration in Justice and Home Affairs is significantly less technocratic than it used to be in the 1990's<sup>4</sup>). The technocratic institutions that dominate this area of integration are not only the result of international cooperation of national security institutions, but they also encourage this process by underlining, along with many renown authors, that in the XXI century, the lack of such cooperation is in fact a silent acquiescence to the development of threats, such as organized crime, terrorism etc<sup>5</sup>.

Furthermore, because of its characteristics, the subject of this paper makes it impossible to observe the analyzed phenomena directly (as is it common in many behavioural approaches). Observing and analyzing the subject of this paper is possible only through observation of institutionalized actors (i.e. EU and national agencies and institutions, as well as some informal, yet institutionalized transnational actors) and their, both formal and informal, interactions.

All the arguments presented here prove that the rational choice institutionalism, with its focus on the balance of costs and benefits of the process of the European integration, is a theoretical approach well capable of explaining both

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<sup>3</sup> I. Loader, *Policing Securitization and Democratization in Europe*, Challenge Paper, 2005 [in:] T. Newburn (Ed.), R Sprarks (Ed.), *Criminal Justice and Political Cultures: National and International Dimensions of Crime Control*, Cullompton 2004, pp. 49-79.

<sup>4</sup> J. Monar, *The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs*, "Journal of Common Market Studies", Vol. 39, No 4., 2001, p. 769.

<sup>5</sup> N. Gerspacher, V. Pujas, *International police...*, p. 243.



national and supranational dimension of the process of providing the Member States of the EU with internal security and that it may prove useful in further analysis of the impact of the EU membership on Poland's internal security<sup>6</sup>.

## Definitions

In order to analyze and evaluate both costs and benefits of integration with the EU in regard to Poland's internal security, it is crucial to define some of the most important terms used in this paper. Providing short definitions of terms, such as "internal security", its "threats" and "challenges" is as important as defining "costs" and "benefits" itself. It is also crucial to present some interpretation of the term "institution", since the whole analysis presented in this paper is based on institutional theoretic approach and institutions are key elements in understanding the balance of benefits and costs of the European integration in matters of Poland's internal security.

Internal security is hard to define precisely, yet it certainly must be considered as a part of the much more complex term – national security. The distinction between internal and external security of the state was much clearer in the XIX and in the early XX century than it is now. Because of globalization, regionalization and intensification of the development of modern nation states, the distinction between internal and external aspects of national security became blurred and sometimes impossible to define precisely<sup>7</sup>. The internal security can therefore no longer be perceived as a matter, which can be dealt with solely by internal (national) measures. According to D. Bigo " *Internal security activities block the possibility of distinguishing between an outside, state, sovereign security and an inside, societal, identity security. They are always entrenched and cannot be isolated from foreign policy or considered*

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<sup>6</sup> Regardless to this usefulness, the rational approach is of often being criticized by many authors for the lack of interest in identities and focusing mainly on the national security institutions instead of social and cultural context of security. See: D. Bigo, *The Mobius Ribbon of Internal and External Security(ies)*, [in:] M. Albert, D. Jacobson, Y. Lapid (eds), *Identities, borders, orders: Rethinking International Relations Theory*, Minneapolis, 2001, pp. 91-116.

<sup>7</sup> M. Anderson, J. Apap, *Changing Conceptions of Security and their Implications for the EU Justice and Home Affairs Cooperation*, "CEPS Policy Brief "No. 26, 2005, p. 2; D. Bigo, *The Mobius Ribbon...* p. 91.

simply as 'the protection of national territory against internal threats by using national means'<sup>8</sup>. The necessity to stop perceiving internal security solely in regard to geographical borders, has been noticed not only by scholars, but also by the governments<sup>9</sup>.

On the other hand, the definition of security has been both "deepened" and "broadened" in the last 60 years, the term "national security" holds in the XXI century too many notions for a complex analysis of the security of a nation. Therefore, the taxonomy of the term "national security" seems justified, if not necessary for a proper, detailed analysis of protecting the state, the nation and the people from threats that occur within the border of the state (regardless of the fact that they may have their source beyond the borders of the state)<sup>10</sup>.

Internal security has been defined by many renown Authors and experts in international relations, political science and security studies. One approach towards defining internal security is a short description of this term. An example of such an explanation of what internal security is and what it is not was produced by D. Bigo: *Internal security is not an 'internal problem between communities in a public sphere about the definition of national identity', internal security is a transversal vision of some knowledge about public order and surveillance inside or outside the territory, associated with specific devices of control*<sup>11</sup>. However, internal security is a concept hard to capture indisputably, therefore another approach towards defining this term is necessary.

The other approach focuses on enlisting the key elements, crucial to providing internal security of any state. Public order, mentioned in Bigo's definition seems one of the most obvious and most popular components of internal security. *Internal*

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<sup>8</sup> D. Bigo, *When Two Become One: Internal and external securitisation in Europe*, [in:] M. Kelstrup, M.C. Williams (eds.), *International relations theory and the politics of European integration. Power, security and community*, London, 2000, p. 173.

<sup>9</sup> Including the government of Great Britain - a country geographically well isolated and thus, in theory, less sensitive to transnational threats to security. See: House of Lords European Union Committee, *17th report of session 2010-2012. The EU internal Security Strategy*, p. 11.

<sup>10</sup> M. Anderson, J. Apap, *Changing Conceptions...*, pp. 2-3.

<sup>11</sup> D. Bigo, *When Two Become One...* p. 173.

*Security Strategy for the European Union: Towards a European Security Model* puts stress on several other elements, that are crucial to maintaining internal security: law enforcement, border management and protection, judicial system and preserving the lives, safety and well being of citizens in case of man-made and natural disasters<sup>12</sup>. Polish scholars and security experts have also produced a number of definitions of internal security, which include terms, such as public order, public security, constitutional security, social security or personal and community security (protecting lives and health of the citizens, including providing a proper environmental protection)<sup>13</sup>.

Combining the two aforementioned approaches and basing on Bigo's definition (regardless of this author's scepticism toward rational analysis of internal security matters), as well as on the elements most commonly listed as the components of internal security in publications and documents (including *Internal Security Strategy of the EU*), internal security may be described as a process protecting the public order, constitutional framework of the state, community(ies) and persons from the threats that occur within the state borders and may have national or transnational source, with specific methods and devices of control and surveillance including, but not limited to: law-enforcement, border management, judiciary procedures, criminal prevention and disaster management.

Threats to the security and challenges to the security are terms often misinterpreted or confused with each other. Yet understanding of the difference between these two notions may provide crucial to evaluating both costs and benefits of the whole process of integration with the EU to Poland's internal security. According to R. Zięba, threats have more direct and clearly negative impact on

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<sup>12</sup> *Internal Security Strategy for the European Union: "Towards a European Security Model"* adopted by the Justice and Home Affairs Council at its meeting on 25 and 26 February 2010, approved by the European Council on 25 and 26 March 2010.

<sup>13</sup> For detailed definitions see: W. Fehler, *O pojęciu bezpieczeństwa państwa*, [in:] W. Śmialek, J. Tymanowski, *Bezpieczeństwo państw i narodów w procesie integracji europejskiej*, Toruń 2002, p. 72; M. Brzeziński, *Rodzaje bezpieczeństwa państwa*, [in:] S. Sulowski, M. Brzeziński (eds.), *Bezpieczeństwo wewnętrzne państwa*, Warszawa 2009, pp. 40-41; B. Wiśniewski, *Bezpieczeństwo Państwa*, [in:] B. Wiśniewski, S. Zalewski, *Bezpieczeństwo wewnętrzne RP w ujęciu systemowym i zadań administracji państwa*, Bielsko-Biała 2006, p. 26.

security, while challenges to the security are defined (by the same author) as emerging new situations that require redefining terms, answering emerging issues and undertaking proportional actions<sup>14</sup>. Both threats and challenges are quite subjective in their characteristics and can be interpreted differently by different actors and institution. Generally, threats are often associated with more negative value to national security, while challenges seem to be best characterized as states and processes or emerging issues that change the security environment of the state which can, but do not necessarily have to, become direct threats.

Benefits are defined for the purpose of this paper as various states, processes and phenomena, caused directly or indirectly by Poland's membership in the EU, which influence Polish internal security in a positive way, by enhancing the process of elimination of the threats and neutralization of the challenges to Poland's internal security. Costs, on the other hand, are various states, processes and phenomena, caused directly or indirectly by Poland's membership in the EU, which influence Polish internal security in a negative way, by enhancing the already existing threats and challenges to Poland's internal security or creating new ones.

The definition of institutions for the purpose of this paper is based on the tradition of the rational choice institutionalism, which states that institutions are formal and informal (in some approaches closer to historical institutionalism) principles and mechanisms that oblige political actors to act in a certain manner, which are accepted by these actors, because in a long-term perspective they allow the political actors to achieve their goals<sup>15</sup>. Internal security institutions are therefore all institutions that are responsible for maintaining the internal security in Member States and which are equipped with various legal and coercive instruments to perform this task.

The institutions on which this paper focuses are: national internal security institutions, EU institutions (including EU law, regulations, agencies and main

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<sup>14</sup> R. Zięba, *Wprowadzenie. Pozimnowojenny paradygmat bezpieczeństwa międzynarodowego*, [in:] R. Zięba (ed.), *Bezpieczeństwo międzynarodowe po zimnej wojnie*, Warszawa 2008, pp. 26-27.

<sup>15</sup> M D. Aspinwall, G.Schneider, *Same Menu...*, p. 7, *passim*.



institutions, such as Council, Commission or the European Parliament<sup>16</sup>), as well as informal, yet somehow institutionalized and organized actors, such as transnational terrorist groups and transnational organized crime groups.

## Costs

As mentioned before, the negative effects (costs) that the process of integration with the EU causes to Poland's (and in fact any other Member State's) internal security are rarely analyzed in political science and security studies. While analyzing the EU membership, most authors put stress on the benefits rising from enhanced international cooperation of law enforcement authorities and other institutions important to national and internal security of modern states. However, while analyzing the whole process of the European integration, basing on the rational choice institutionalism, the cost of the integration process must be highlighted as precisely as the benefits of this process, in order to fully understand the mechanisms shaping the internal security of the Member States, as well as the European cooperation in the field of Justice and Home Affairs.

One of the most significant costs of the whole process of integrating Europe under one institutional framework is the decline in the nation state's sovereignty<sup>17</sup>. This decline is also, and perhaps especially, prominent and perceptible in the matters of internal security. Providing security for the state and its citizens has traditionally been perceived as one of the most important duties and prerogatives of any form of state's government. In the external aspect of security, the institutions such as pacts and alliances have always been considered an important factor, yet providing security, public order and law enforcement within the borders of the state has traditionally been strictly internal (national) competence. With accelerating integration of markets, introducing freedom of movement within the Schengen Area, enhancing cooperation between EC/EU Member States in the matters of internal

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<sup>16</sup> For more information on the institutional framework of EU's Justice and Home Affairs see: S. Hix, B. Hoyland, *The Political System of the European Union*, New York 2011, pp. 273-300.

<sup>17</sup> D. Bigo, *When Two Become One...*, p. 172.

security seemed inevitable, although various theoretical approaches differ in the matter of the source of this necessity<sup>18</sup>. Regardless of the reason for the necessity of integration in Justice and Home Affairs, it must be said that this process has declined the national state's sovereignty in a very particular way. The limitation of the sovereignty has not (up to date) been as significant as in the matters of monetary, agricultural or trade policy, but because of the symbolic dimension of limiting a sovereignty in such an important field as providing internal security dictates, this limitation must be considered by governments (and therefore Member States) as a significant cost of European integration<sup>19</sup>. Furthermore, intelligence and operational information sharing may be perceived as a cost of integration by governments and national security institutions characterized by their lack of trust toward external actors<sup>20</sup>.

The next aspect of European integration that may be considered a cost to Poland's internal security is the decreasing control over most of the state borders and therefore the decreasing control over the movement of persons and goods on the territory of the Republic of Poland<sup>21</sup>. Freedom of movement is one of the most important accomplishment of the EC/EU *aquis* and without a shadow of a doubt it has revolutionized the economic, market, job and education opportunities and transportation in Europe, giving both the people and the governments of the Member States virtually endless new possibilities. To the internal security, however, introducing an almost unlimited freedom of movement within most of the EU, it created a series of rapidly changing new challenges and completely revolutionized the perception of the territory and its boundaries in matters of internal security<sup>22</sup>.

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<sup>18</sup> Functionalism will put stress on spill-over effect, rational choice analysis on the outcome of cost/benefit balance and constructivist and social theories will underline identity and social needs as reasons for such cooperation.

<sup>19</sup> J. Monar, *The Institutional Framework of the AFSJ: Specific Challenges and Dynamics of Change*, [in:] J. Monar (ed.), *The Institutional Dimension of the European Union's Area of Freedom, Security and Justice*, Brussels 2010, p. 24.

<sup>20</sup> N. Gerspacher, V. Pujas, *International police...*, p. 245.

<sup>21</sup> S. Hix, B. Hoyland, *The Political System...*, p. 288.

<sup>22</sup> L. Guille, *Police Cooperation in Europe: bilateral versus multilateral cooperation*, [in:] F. Lemieux (ed.), *International Police Cooperation. Emerging issues, theory and practice*, Cullompton 2010, p. 25.

Implementation of Schengen Treaty and all its *aquis* limited the state's abilities to decide which people and goods are allowed to enter the country, created new opportunities for transnational crime (both common and organized) as well as for terrorist organizations. In general terms, implementing the freedom of movement created equal opportunities for people, enterprises and groups pursuing both legitimate and illegitimate goals, therefore it must be considered a challenge to internal security (i.e. cost of integration), especially for the "new" Member States from Central-East Europe (including Poland), which accepted Schengen *aquis* almost at once (contrary to the western member states, which had been developing this regime for decades, prior to the 2004 enlargement).

In case of Poland, the implementation of Schengen *aquis* created yet another challenge. After the enlargement of 2004, Polish eastern border became the longest section of the European Union's external land border, which required a number of adjustments to be made in Polish system of border surveillance. Huge amount of resources (both human and non-human) needed to be relocated from western to eastern Poland. Additionally, the standards of border protection needed to be raised, which required significant investment in both training and equipment of the Polish Border Guard. The Border Guard itself needed to be reorganized and gained numerous new responsibilities and duties not only in the proximity of the borders (especially EU external border), but on the whole territory of Poland. Such a task has been a huge challenge not only to the Polish border management, but also to the institutional framework operating to provide internal security. Therefore, it is justified to accept the costs of transformation of the Polish border management as a cost of Poland's integration with the EU, not only in economic (financial) but also in organizational and legal way .

Not only the border management agencies have been forced to reorganize some aspects of their activities, because of the Polish membership in the EU. Many other Polish institutions crucial to maintaining internal security were influenced by the 2004 enlargement. Accession to the EU forced law enforcement agencies, such as

National Police, the Internal Security Agency, Customs Service and numerous other institutions, to partly reorganize their activity. Creation of special departments for international and European cooperation and introducing a long term training curriculum for the law enforcement and administrative personnel was one type of organizational challenges for these institutions. The other was adjusting various segments of national law, such as some aspects of criminal law (including both material and procedural law) to the regulations, requirements and guidelines issued by both the EU main institutions and the EU specialized institutions (agencies). One of the best example of such challenge was full implementation of the European Arrest Warrant Framework Decision<sup>23</sup>, which required the amendment of the Constitution of the Republic of Poland.

Creation of the Single European Market has seemingly little impact on the internal security of the Member States of the EU. However, it is worth mentioning that integration of European markets has never been limited to legitimate markets only. Freedom of services, goods, capital and movement of persons has not only been a huge contribution to the economic growth of the Member States, it also enhanced the cooperation between large, national organized crime groups. In place of several national "black markets" for illegal immigrants, drugs, arms and counterfeit goods, a new form of pan-European black market emerged, although it has not been a process even remotely controlled by EC/EU institutions or the Members States' governments. The black market for goods such as small arms, amphetamine, heroine or illegal immigrants may lack the formal regulations and institutionalization of the Single European Market, but the economic mechanism supporting the idea of liberalization of trade apply also to the black market. For national, as well as transnational organized crime groups, the supply and demand for illegal goods and activities has been multiplied due to the whole process of European integration and some aspects of organized crime (money laundering, VAT fraud, white collar crime

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<sup>23</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJL 190, 18.07.2002, pp. 1-20.



and many forms of cyber-crime) could not have been developed if it was not for the integration legitimate markets. The creation of numerous new development possibilities and new sources of illegal income for organized crime in the Member States must be considered a significant cost of the process of European integration in regard to the internal security of Poland, since organized crime has a direct and manifold impact on every state's internal and national security<sup>24</sup>.

In case of Poland, the new opportunities for organized crime have been changing rapidly in recent years, from the expansion of amphetamine and methamphetamine production, through escalation of common crimes against people and property, to dominating the production of counterfeit cigarettes in the whole European Union<sup>25</sup>. It is also worth mentioning that the Polish organized crime groups are often perceived by their Ukrainian and Russian counterparts as a key link for the supply of the contraband, drugs, small arms and illegal immigrant to western Europe<sup>26</sup>, which is one of their primary source of income.

All the costs emerging from Poland's membership in the EU that have been presented thus far have organizational, legal or criminal character rather than political one. There is, however, one significant cost of the Polish integration with the EU in regard to internal security, which has strictly political character. Many Authors and institutions clearly point out that Poland has been potentially more exposed and vulnerable to terrorist attack since the 2004 enlargement<sup>27</sup>. The political dimension of this cost of integration with the EU lies within the political nature of terrorist attacks<sup>28</sup>, as well as within the political reason for the increase in terrorism threats in Poland. Since its accession to the EU, Poland ceased to be perceived as a completely separated state and began to be perceived as one of the largest Member States of

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<sup>24</sup> For more information on the impact of European integration on illicit markets in Central Europe see: B. Bogusz, M. King, *Controlling drug trafficking in Central Europe: the impact of EU policies in the Czech Republic, Hungary and Lithuania*, [in:] A. Edwards, P. Gill, *Transnational Organised Crime. Perspectives on global security*, London and New York 2003, pp. 143-153.

<sup>25</sup> *EU Organized Crime Threat Assessment 2011*, p. 25.

<sup>26</sup> *EU Organized Crime Threat Assessment 2006-2011*.

<sup>27</sup> *National Security Strategy of the Republic Of Poland*, Warsaw 2007, p. 9.

<sup>28</sup> B. Hoffman, *Inside Terrorism*, New York 2006, p. 40.

the European Union. The terrorism threat level, however, increased by the accession to the EU, remains low, although the significance of the membership of the EU to terrorism threat in Poland should be taken under consideration while analyzing the impact of the integration with the EU on Poland's internal security.

Most of the costs mentioned in this part of this paper occurred and became significant issues before the accession in 2004, during the first months of the membership and in the period of implementing the Schengen *aquis* (2004-2007). After this period, the costs remained on virtually constant level, since no significant new challenges and threats emerged and the challenges and threats that had occurred in the previous period (2004-2007) have not been enhanced, only transformed (without significant impact on the "level" of internal security in Poland). The development of the costs of integration in regard to Poland's internal security over time is presented in Fig. 1.

To conclude, the costs of integration with the EU in regard to Poland's internal security can be divided in three main categories. First category are the costs related to organization and legal challenges, as well as strictly financial costs of adaptation to the regulations, requirements and legal act issued by the EU. The second category is the development of new challenges to the security emerging from full implementation of Schengen *aquis*. The third category is the significant increase of threats to the internal security, such as development of new opportunities for organized crime and increased threat of potential terrorist attack in Poland.

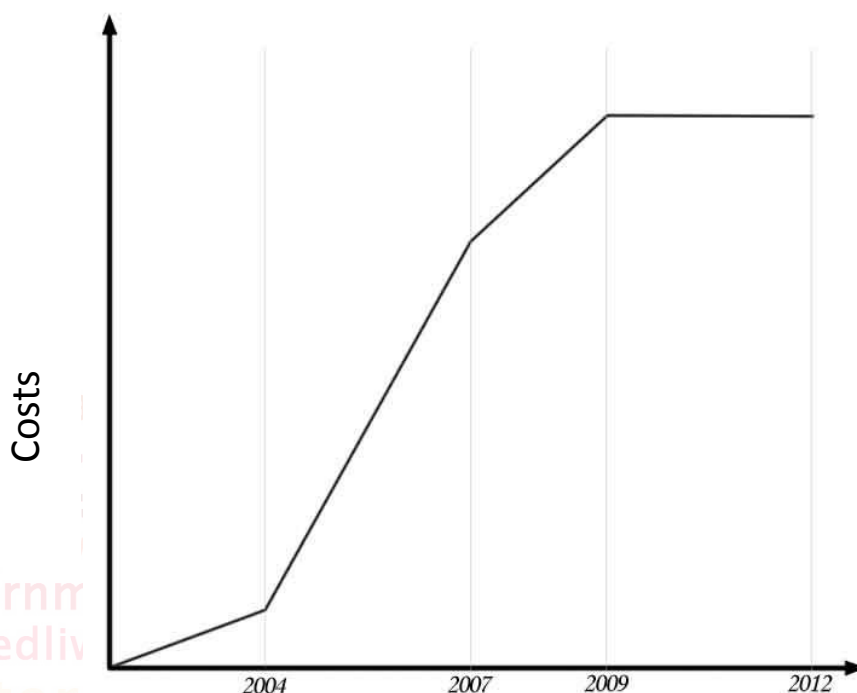


Figure 1: The symbolic representation of the change of the costs of European integration in regard to Poland's internal security. Source: self elaboration.

### Benefits

Presenting and analyzing benefits to Poland's internal security, emerging from the membership in the EU seems a much easier task, than presenting the costs of this process. However, a presentation of such benefits must be followed by their meticulous analysis and interpretation based partly on the thesis and the assumptions of the rational choice institutionalism.

As in case of many other aspects and areas of integration with the EU, the financial aspect of the membership in the EU seems to be a primary benefit of Poland's accession to the EU in regard to its internal security. Many institutions, such as security services, law enforcement agencies and even regional and local emergency centres benefited financially from the Polish membership in the EU, either directly (from national budget) or through the complex system of European funds (primarily European Social Fund, European Cohesion Fund and European Regional Development Fund). It is worth mentioning that huge part of the expenses needed to adapt national internal security institutions (especially Police, Border Guard and

Customs Service) to the standards, requirements and regulations of the EU, were covered directly or indirectly from the EU budget.

Apart from the financial aspect of the support, national institutions devoted to internal security have also been receiving training support and know-how transfer, which are of uttermost importance to the proper implementation of the EU standards, good practices and regulations. Many European institutions (in this case mostly agencies such as Frontex or CEPOL) organize and conduct special courses and training curriculum for the Polish border guards, custom officers, police officers, during which the officers receive specialist training which allows them to increase their competence and provide better service for their country<sup>29</sup>. The training and *know how* support are as crucial to the adaptation of the Polish internal security institution to the regulations, standards and requirements of the EU, as well as to the new challenges emerging from Poland's membership in the EU as is the financial support from the EU. Therefore, they must be considered as an important benefit of the integration.

Various national institutions devoted to internal security have also gained another form of support from the specialized institutions (i.e. agencies) of the EU. Technical and logistic support is offered to the Polish Border Guard in (hypothetical) situation of an urgent need for both human and material resources in order to maintain a proper management of the external border of the EU. Rapid Border Intervention Teams<sup>30</sup> are just an example of how the EU facilitates the cooperation between the Member States (including Poland) and provides them with effective support if there is a need, in regard to internal security.

One of the most important aspects of the cooperation between the Member States and the EU institutions is the enhanced exchange of information crucial to maintaining internal security in the Member States. The transfer of information is

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<sup>29</sup> *European Police College Five Year Report* adopted by the Governing Board on 10 March 2011 p. 41, 87.

<sup>30</sup> *Regulation No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers*, OJ L 199, 31.7.2007, pp. 30-39.



enabled due to the activities of the bodies, such as Europol and Frontex and is further enhanced by the complex network of IT systems (SIS, Europol Information System, EuroDac etc.), and liaison officers. The EU facilitated exchange of analytical, intelligence and investigative information is the core of EU police and judicial cooperation in criminal matters and provides the Polish internal security institutions with data and information necessary to adapt to new challenges to Poland's internal security, emerging from Poland's membership in the EU. In case of Poland, the ability to exchange (within the EU facilitated network) two major types of information seems to be the most significant benefit of Poland's membership in the EU in regard to internal security. The first is the exchange of criminal intelligence and operational information between the Polish law enforcement and security agencies and their counterpart in other Member States, as well as with the Europol itself. The second type is the exchange of analytical data regarding the trends and development in illegal trafficking of drugs, illicit goods, small arms and illegal immigrants through the external border of the EU (especially through its land part). The EU facilitated exchange of intelligence, analytical materials and other crucial information is useful in neutralizing challenges and threats to the internal security, emerging from the full implementation of Schengen *aquis* and the development of transnational organized crime.

The next key benefit emerging from the Polish membership in the EU is the extension of competences of the key Polish internal security institutions. This extension may be interpreted twofold. First interpretation puts stress on the geographical aspect of the competence of certain national institution devoted to the internal security of Poland. Although no Polish internal security institution may have equal competences and prerogatives in Poland and abroad, the EU legal *aquis* (including Schengen *aquis*) allows these institutions to operate indirectly (through liaisons and other member states' internal security institution) on the territory of the whole European Union. The best example of such a legal instrument is the European Arrest Warrant, which allows for quicker and more effective extradition of people

wanted by the law enforcement institutions, as well as justice and penitentiary systems. The other instruments that allow for the Polish internal security institutions to extend their competence geographically are trans-border surveillance, trans-border pursuit (both parts of Schengen *aquis* implemented to EU *aquis*) and Joint Investigation Teams<sup>31</sup>. Thanks to such instruments, the challenges to the internal security of Poland, emerging from the membership in the EU can be partly overcome and the Polish internal security institutions are better suited to perform their duties even if the subject of their activities leaves the Polish territory.

The other aspect of extending the competences of the Polish internal is strictly legal. Various internal security agencies have gained new prerogatives and competences in order to perform their duties under new conditions emerging from the Polish accession to the EU. For example, the Polish Border Guard acquired competence to control the legality of residence and employment of non-EU citizens residing on the whole territory (not only in the border zone) and the Polish Internal Security Agency became the Polish national security authority, charged with a task of controlling the circulation of the EU classified documents.

Last but most definitely not least, the Treaty of Lisbon introduces the so called “solidarity clause”, which states that *the Union and its Member States shall act jointly and in spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster*<sup>32</sup>. This article is a legal guarantee of assistance in case of serious threat to internal security, be it a terrorist attack or a serious threat to common security (natural and man-made disaster), which must be interpreted as hypothetical, yet significant benefit emerging from the Polish membership in the EU. Its significance lies not only in the importance of the assurance of assistance from other Member States, but also in the fact that in regard to natural and man-made disasters, this provision of the Lisbon Treaty is the only key

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<sup>31</sup> Article 40-44 of *The Convention implementing the Schengen Agreement; Council Framework Decision of 13 June 2002 on joint investigation teams*, OJ L 162, 20.6.2002, pp. 1-3.

<sup>32</sup> Article 222. TFEU.

benefit of Poland's membership in the EU, which is not a direct or indirect response to a cost of this membership(threat or a challenge to the internal security).

The benefits analyzed in this part of this paper, first occurred, similarly to the costs that have been analyzed in the previous part, before the Polish accession to the EU. The benefits that occurred before the accession or shortly after it, have remained at constant level throughout the whole period of the Polish membership in the EU. It is also worth mentioning, that some new benefits emerged from Lisbon Treaty coming to force in December 2009. The development of the costs of integration in regard to Poland's internal security over time is presented in Fig 2.

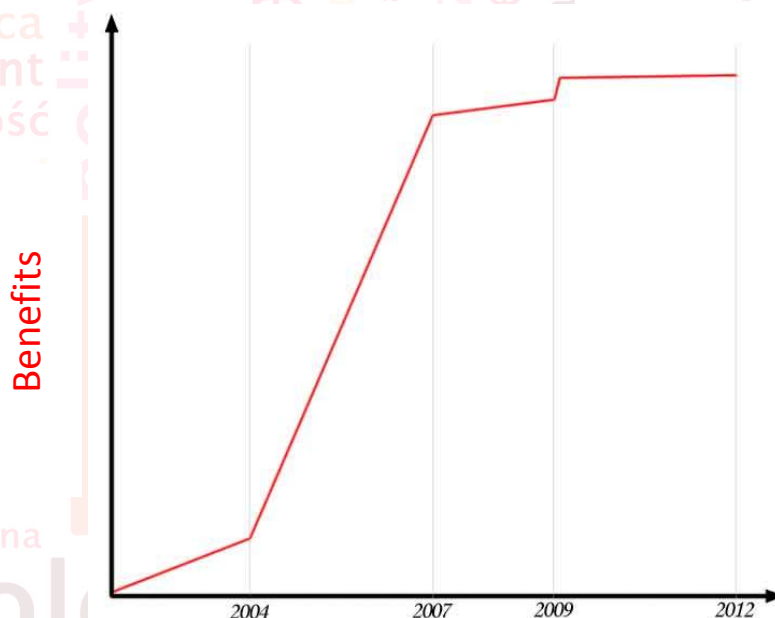


Figure 2.: The symbolic representation of the change of the benefits of European integration in regard to Poland's internal security. Source: self elaboration.

To conclude, benefits to the internal security of Poland, which emerge from the Polish accession to the EU can generally be described as an institutionalized response to the costs generated by the Polish membership in the EU<sup>33</sup>. The benefits however, were introduced simultaneously to the emerging costs, which allowed Poland's internal security to maintain on a relatively constant level throughout the

<sup>33</sup> In the same way as international police cooperation is perceived as a response to transnational terrorism and organized crime. See: F. Lemieux, *The nature and structure of international police cooperation: an introduction*, [in:] F. Lemieux, *International Police Cooperation. Emerging issues, theory and practice*, Collumpton 2010, p. 2.

whole, still incomplete in certain ways, process of European integration. The only key benefit, which has not taken shape of a direct or indirect response to threats emerging from the process of Poland's integration with the EU is the assurance of help and assistance from both Member States and the EU itself in case of a terrorist attack or natural or man-made disaster, which generates an "value added" to Poland's internal security generated by the membership in the EU.

### Perspectives

In order to present the perspectives for the balance of costs and benefits to the internal security of Poland emerging from the membership in the EU, certain assumptions, basing on the rational choice intuitionism must be pointed out. It is also worth mentioning that the rational choice rationalism is a theoretical approach widely considered to have significant predictive capabilities, suitable for drawing possible scenarios for the future of regional integration<sup>34</sup>.

**First assumption:** The present balance of costs and benefits is satisfying to all key political actors i.e. the Polish government and the EU general and specialized institutions. If the present balance of costs and benefits had been unsatisfying for any these actors, the matter of institutional change would have already arisen on the European agenda, especially during Polish Presidency in the EU in 2011<sup>35</sup>.

**Second assumption:** Due to the subsidiary principle and the fact, that the main focus of the EU agenda is fixed on economical and financial matters, rather than on internal security of the Member States, the situation, in which benefits to the internal security of the Member States are increased, without an apparent and significant increase of costs of integration in regard to the internal security of the Member States seems highly unlikely.

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<sup>34</sup> P.A.Hall, R.C.R.Taylor, *Political Science and ...*, p. 951.

<sup>35</sup> Polish government has proposed few improvements and changes to the EU institutional system asylum granting, migration control and border management, but these proposition had no sense of urgency, neither were they of fundamental meaning to the whole institutional framework Justice and Home Affairs of the EU. See: B. Skłodowski, *Polska prezydencja w Unii Europejskiej wobec problemów przestrzeni wolności bezpieczeństwa i sprawiedliwości UE*, [in:] R. Bartłomiejski, D. Kowalewska, R. Podgórska (eds.), *Prezydencja, jako wyzwanie dla Polski oraz szansa promocji jej interesów Unii Europejskiej*, Szczecin 2011, pp. 231-246.



**Third assumption:** If the costs of the integration with the EU in regard to the Member States security somehow increase, the Member States and the EU institutions may be inclined to increase the corresponding benefits in response, but only by as much as is needed to neutralize the increasing costs.

**Fourth assumption:** A decrease in costs of integration with the EU to a Member States' internal security is highly unlikely because the costs emerge from the accomplishments of the whole process of European integration, which is virtually irreversible. Since the benefits are correlated to the costs, a decrease in costs must also be viewed as highly unlikely.

After presenting the assumptions on which the analysis of possible scenarios (perspectives) for the change of benefits/costs balance is based, it is necessary to set out the variables on which the whole analysis is to be constructed. Since the decrease in benefits, as well as decrease in costs is highly unlikely, there are only two variables left to be taken under consideration. The independent variable is the increase of the costs of the integration in regard to the Polish internal security, since it depends on the factors from outside the institutional system of the EU. The second variable (dependent) is the increase of benefits, which depends on the response of the EU institutional system (including national governments) to the emerging new threats and challenges to the internal security of Poland (or their lack). The diagram showing both variables and all possible outcomes is presented in Figure 3.

Short analysis of the theoretical assumptions and the possible outcomes emerging from different variants of the abovementioned variables leads to four conclusions (scenarios), which are crucial to understanding the perspectives for the balance of costs and benefits to the internal security of Poland emerging from the Polish membership in the EU.

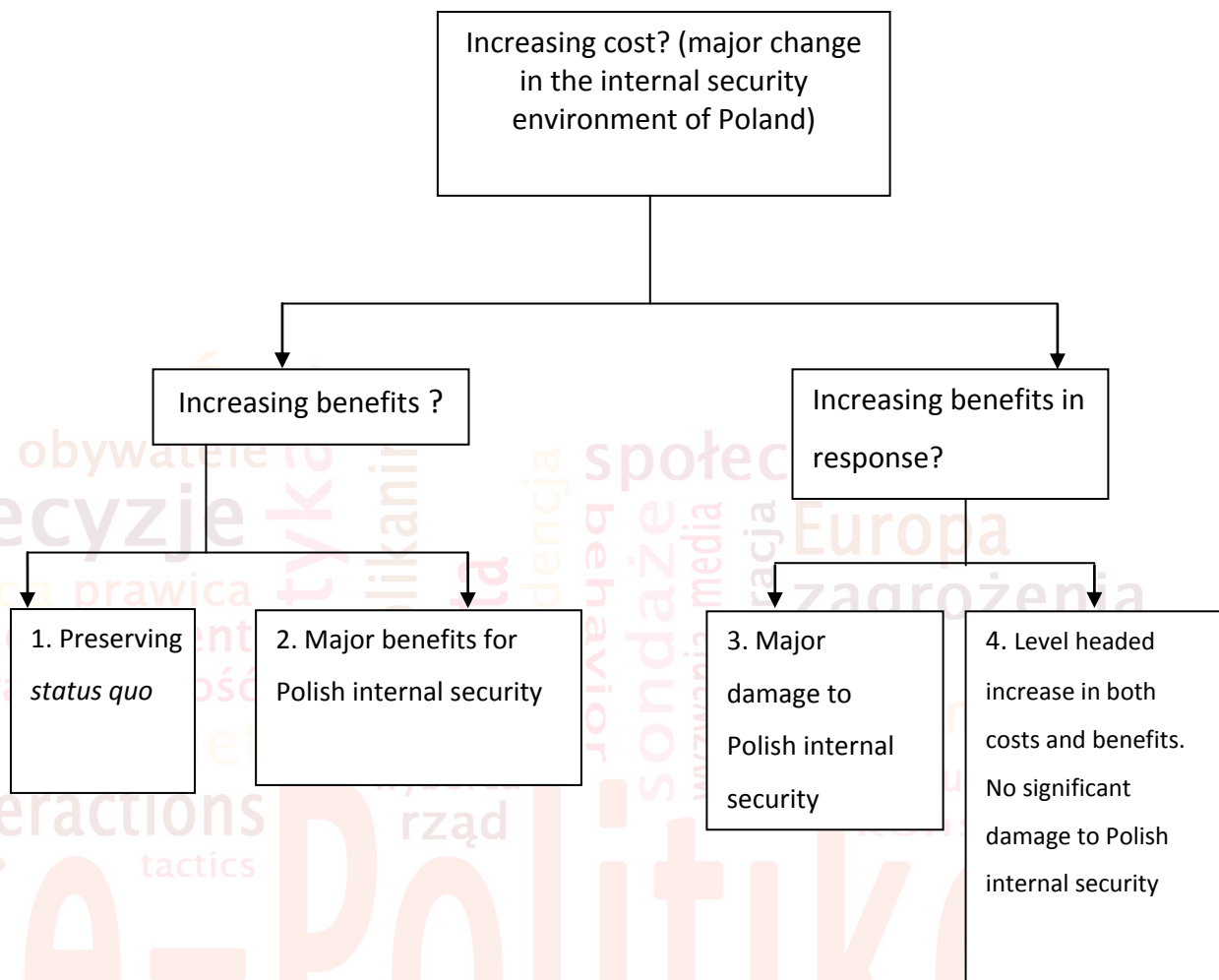


Figure 3.: Possible scenarios for the future balance of benefits and costs of the Polish membership in the EU in regard to Poland's internal security. Source: self elaboration

**Scenario 1:** If neither costs nor benefits of Poland's membership in the EU will increase, *status quo* will be preserved and there will be no change in the relation (balance) of costs and benefits of this process in regard to Poland's internal security. This scenario is likely to take place if no major changes in the security environment take place, i.e. if no sudden, unpredicted and unanticipated change (concerning Poland) of contraband trafficking, illegal migration or transnational organized crime pattern etc. takes place.

**Scenario 2:** An increase in benefits to the Polish internal security emerging from Poland's membership in the EU, without increasing the costs of this process is highly unlikely, if not impossible. This scenario will be inconsistent with the thesis of

the rational choice institutionalism and with subsidiary principle, which is one of the most prominent pillars of the European integration.

**Scenario 3:** Increasing costs of the Polish membership in the EU unaccompanied by the increase of benefits emerging from it is possible but not likely. The EU may not find such a hypothetical enhancement of threats and challenges to the internal security of Poland emerging from the membership in the EU a sufficient reason for increasing the institutionalized support for Poland in regard to the Polish internal security, although it is not likely to take place. Because of the freedom of movement among most of the Member States, a serious threat or a challenge to security may easily spread to other Member States, therefore both national governments and the EU institutions will be inclined to support Poland, should the costs of integration suddenly outweigh the benefits of this process in regard to Poland's internal security.

**Scenario 4:** If both costs and benefits to the internal security increase (equally), the balance will be preserved and there will be no significant damage to the Polish internal security, only a significant change in the process of its maintaining.

The most likely scenarios are the first one and the fourth one (depending on whether there will be an increase of costs of European integration in regard to Poland's internal security). The third scenario seems unlikely, but is possible (consistent with the theoretical approach), while the second scenario is virtually impossible to take place (it is inconsistent with the rational choice analysis and the subsidiary principle).

## Conclusions

The assessment of the impact of the membership in the EU on Poland's internal security proves that the accession to the EU had a significant impact on the process of maintaining internal security in Poland. There was, however, no significant "increase" in the internal security of Poland caused by the accession to the EU. Over the last eight years both benefits and costs of the integration in the EU in regard to

Poland's internal security emerged and their level increased but, from the rational choice institutionalism point of view, the benefits were equally or only slightly more significant than the costs (Fig. 4.).

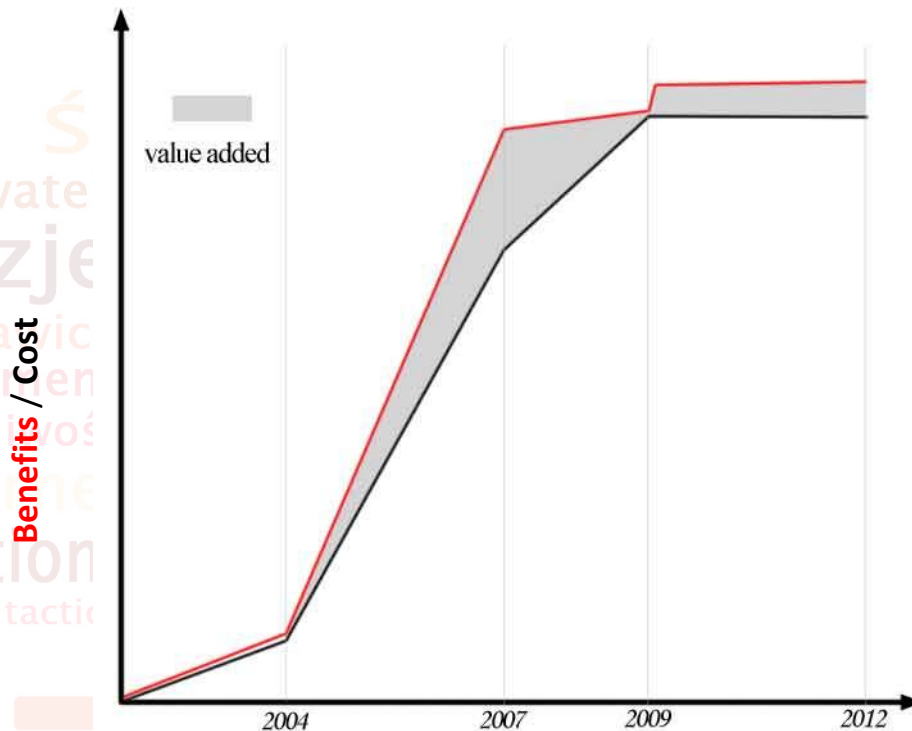


Figure 4.: The symbolic representation of the change of the benefits and costs of European integration in regard to Poland's internal security. Source: self elaboration

Figure 4. Shows that two periods of time can be characterised by the dominance of the benefits over the costs, which constitutes the value added of the membership in the EU in regard to Poland's internal security. Between 2004 and 2007, Poland has received much support, both in financial and organisational terms, in anticipation of the full implementation of the Schengen *aquis*, without the emergence costs of such implementation. This period of time can therefore can be characterised as one with a significant increase in the Polish internal security. After the implementation of the Lisbon Treaty, the benefit of the "solidarity clause" emerged without the emergence of corresponding cost, therefore, since 2009, one can presume that the internal security of Poland has also been increased, even though this benefit is rather



hypothetical and has not been fully exploited by Poland (there has been no need for the implementation of the “solidarity” clause thus far).

The analysis of the costs and benefits of the membership in the EU in regard to Poland’s internal security also shows that the majority of the benefits emerging from the integration with the EU is a direct or indirect response to the costs caused by this process. For example, the technical, financial, legal and logistic support offered by EU institutions to the Polish Border Guard was needed as a proverbial counterweight to some new responsibilities of the Border Guard and new challenges created by the implementation of Schengen *aquis*. The key feature of the impact of the EU integration on the internal security of Poland is the fact that both the costs and the benefits emerged more or less simultaneously shows that such “pre-emptive” emergence of the benefits is perhaps the most important advantage of the integration with the EU in regard to Poland’s internal security, because it allowed for swift integration without a situation, in which the internal security of Poland is radically endangered.

It is also worth mentioning, that there is a significant difference between source of the costs and the benefits analyzed in this paper. Whereas the costs of the integration with the EU in regard to the internal security of Poland arise from the whole complex process of European development of the EU with many aspects and areas of integration, the benefits of this processes result from particular activities of the Member States and the EU institutions, such as police and judicial cooperation, external border management or anti-terrorism policy of the EU. It shows that all the benefits presented in this paper result from intentional activities of the EU, which aim at reducing the deficit in the internal security of the Member States (including Poland).

Basing on the thesis of the rational choice institutionalism and taking into consideration only the matters directly related to the internal security, it is hard to state that the membership had a significantly positive impact on the internal security of Poland. The accession to the EU has transformed the process of maintaining the

internal security of Poland, but the benefits of the integration with the EU in regard to Poland's internal security were almost equal in the intensity to the costs of this process, therefore the small value added to the internal security of Poland cannot be perceived as significant.

In this paper, the Author presented both the costs and the benefits in regard to Poland's internal security emerging from the process of the European Integration, compared their character and, basing on the rational choice institutionalism, presented some perspective for future shift of their balance. The presented problem should be subjected to further research, which would allow to measure precisely, how the process of European integration has affected internal security of Poland. The biggest challenge of the further and more extended research on the presented subject is finding proper qualitative and quantitative methods and indicators, helpful in assessing the impact of integration with the EU on internal security more precisely. In further research of the problem presented in this paper it is also worth focusing on other theoretical approaches towards European integration, such as multi-level governance, social institutionalism, intergovernmentalism in order to present the presented subject through different perspectives and compare the results of analysis based on various assumptions.

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### **Abstract**

The following paper focuses on the impact of the membership in the EU on Poland's internal security. The analysis is based on the rational choice institutionalism and takes into account both costs and benefits of the process of integration with the EU in regard to Poland's internal security. In the first parts, the theoretical perspective is presented, as well as definitions of key terms used in this paper. Further, the costs

and the benefits of integration with the EU in regard to Poland's internal security are presented, as well as some perspectives for a future change in their balance.

## **CZŁONKOSTWO W UNII EUROPEJSKIEJ A BEZPIECZEŃSTWO WEWNĘTRNE POLSKI KORZYŚCI – KOSZTY – PERSPEKTYWY**

### **Abstrakt**

Niniejsza praca skupia się na przeanalizowaniu wpływu członkostwa Polski w UE na jej bezpieczeństwo wewnętrzne. Analiza ta opiera się na instytucjonalizmie racjonalnego wyboru i uwzględnia zarówno korzyści, jak i koszty integracji z UE w odniesieniu do bezpieczeństwa wewnętrznego Polski. W pierwszej i drugiej przybliżono obrane podejście teoretyczne oraz kluczowe dla dalszej analizy pojęcia. W późniejszych częściach przedstawione zostały koszty oraz zyski dla bezpieczeństwa wewnętrznego Polski płynące z integracji z UE, a także perspektywy zmiany ich bilansu w przyszłości.