



**Government Defence
Integrity Index**



2020

Country Brief:

POLAND

POLAND

Poland has made defence a key policy priority in recent years. In October 2019, Minister of Defence Mariusz Blaszczak announced a new \$133bn Technical Modernisation Plan (TMP) for the armed forces for 2021-2035, covering the acquisition of new aircraft, air defence systems, cyber defence and drones.¹ Poland's goal is to increase defence spending to 2.4% of GDP, well above what most other NATO countries spend, and to increase the size of armed forces to 200,000 personnel, including 50,000 of voluntary territorial defence troops, double the figure in 2015.² The speed of Poland's military build-up has been notable and comes at a time when a number of NGOs and international organisations are raising serious concerns about Poland's democratic backsliding,³ erosion of the rule of law and the weakening of institutional oversight mechanisms.⁴

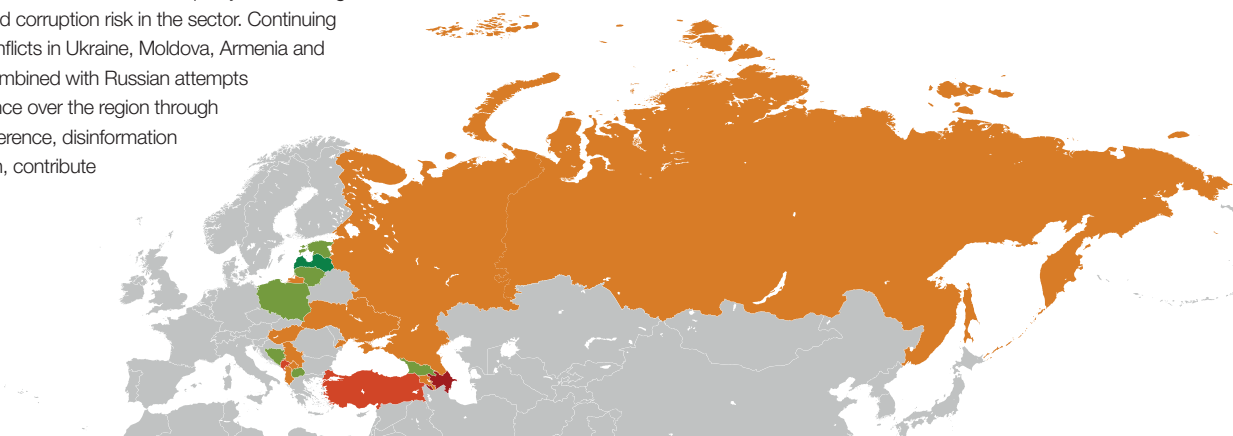
The NGO Freedom House in its latest assessment downgraded Poland to a "partially consolidated democracy"⁵, whilst V-Dem Institute also noted Poland's slide towards authoritarianism.⁶ Against this backdrop of increased defence spending and growing clout within NATO, institutional safeguards against corruption in defence are a crucial means of halting the weakening of independent oversight and accountability mechanisms. As things stand, external scrutiny of defence is limited, transparency and access to information are restricted, and whistleblowing remains unregulated. Corruption risk is critical in military operations, while procurement procedures for defence are opaque and particularly vulnerable to corruption.

Member of Open Government Partnership	No
UN Convention Against Corruption	Ratified in 2006
Arms Trade Treaty	Ratified in 2014

Central and Eastern Europe Overview

As Central and Eastern European states become increasingly integrated with the EU and NATO through membership and partnerships, they are poised to play a key role in the continent's future, and in particular its security and defence decisions. Nevertheless, a combination of acute threat perceptions, rising defence budgets, and challenges to democratic institutions make states in Central and Eastern Europe and the Caucasus particularly vulnerable to setbacks in defence governance, which could threaten the progress made over the past decades. Already, authoritarian governments, particularly in the Western Balkans and Central Europe, have overseen significant democratic backsliding that has undermined the quality of defence governance and heightened corruption risk in the sector. Continuing and frozen conflicts in Ukraine, Moldova, Armenia and Azerbaijan, combined with Russian attempts to exert influence over the region through electoral interference, disinformation and corruption, contribute

to a delicate security situation in a strategically critical region. This will test the quality of defence governance across the region, which though fairly robust, has persistent gaps and deficiencies that need addressing. Weak parliamentary oversight and increasing alignment between the executive and legislature is undermining the quality of external scrutiny, while procurement continues to be shrouded in secrecy and exempted from standard contracting and reporting procedures. Equally, access to information and whistleblower protection systems are increasingly coming under threat and anti-corruption remains poorly integrated into military operations.



¹ Maciej Szopa, 'Poland to Spend USD 133 Billion on Modernisation of the Armed Forces, New F-16 to be Ordered', *Defence24.com*, 14 October 2019.
² Felix K. Chang, 'Preparing for the Worst: Poland's Military Modernisation', *Foreign Policy Research Institute*, 22 March 2018.
³ Wojciech Przybylski, 'Explaining Eastern Europe: Can Poland's Backsliding Be Stopped?', *Journal of Democracy*, July 2018.
⁴ The Financial Times, 'In Poland, the Rule of Law is Under Ever Greater Threat', 9 February 2020.
⁵ Freedom House, *Nations in Transit 2020: Dropping the Democratic Façade*, Freedom House, Washington DC, 2020.
⁶ Varieties of Democracy Institute, *Autocratisation Surges – Resistance Grows: Democracy Report 2020*, V-DEM, Gothenburg, 2020.

POLAND

Overall scores

The size of the colour band corresponds to number of countries that fall into that category.

POLAND SCORE
MODERATE RISK

C

55



A > 83-100 VERY LOW

B > 67-82 LOW

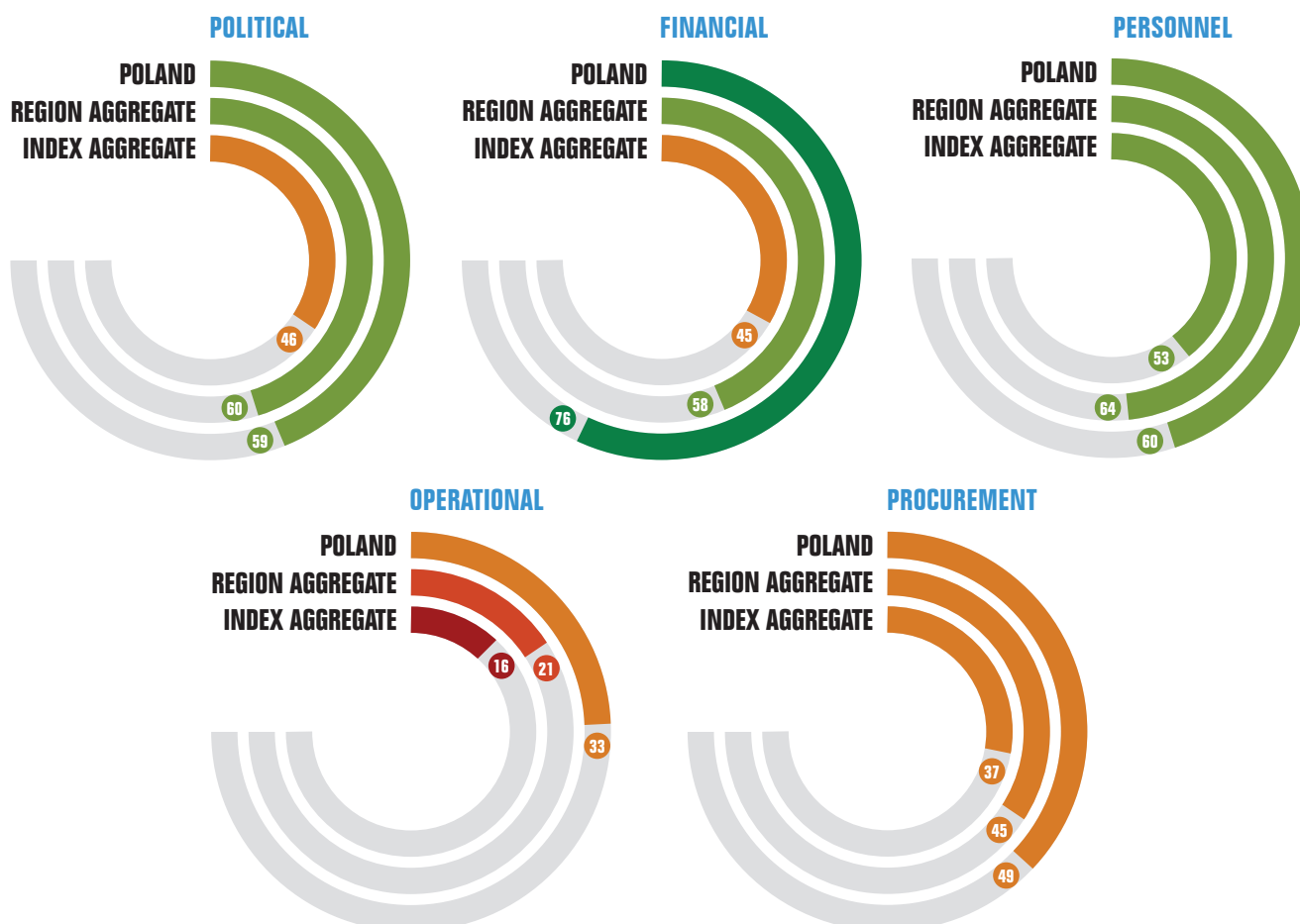
C > 50-66 MODERATE

D > 33-49 HIGH

E > 17-32 VERY HIGH

F > 0-16 CRITICAL

Risk Comparison



POLAND

Parliamentary Oversight

Legislative oversight of budget (Open Budget Survey, 2019)	83/100
Military expenditure as share of government spending (SIPRI, 2020)	4.4%
Committee members with defence expertise (%)	32% (12 of 38)
# of meetings/year	23 (2019); 34 (2018); 35 (2017)
Last review of defence policy/strategy	2014

Since coming to power in 2015, the Law and Justice (PiS) party has been accused of overseeing systematic democratic backsliding. Poland has been widely criticised by international organisations and especially the EU, which has activated the Art. 7 procedure, applicable when member states violate democratic principles and the rule of law. In the case of Poland, this is due to its attacks on judicial independence, civil society and media freedom.⁷ PiS' attempts to strengthen its grip on power have led to accusations of state capture and the dismantling of liberal democracy.⁸ Parliamentary oversight, already relatively weak before PiS' victory in 2015, remains poor. Despite losing control of Parliament's upper house in the 2019 parliamentary elections, victory in the 2020 presidential elections has ensured that PiS retains control of key facets of the legislative process and has tightened its control over the armed forces.⁹ With regards to defence, Parliament does not have the power to reject official defence and security policy and can only vote on legislation and approve the budget.¹⁰ Moreover, in practice, high levels of party discipline limit the independence of scrutiny and give the ruling party strong control over the legislative agenda, enabling it to push through reforms with little opposition.¹¹ The Parliamentary Committee on National Defence, responsible for scrutiny of defence policy and implementation, meets regularly (three times a month) although in three and a half years, it has adopted only two minor budget recommendations and has not conducted any long-term investigations.¹² Equally, the Committee does not have access to financial audit reports from the Ministry of Defence's Internal Audit Unit, restricting its ability to scrutinise the sector's financial management. As a result, the Committee has negligible influence on defence activities, and its passiveness in terms of proposing recommendations, amendments and conducting investigations is indicative of strong party discipline and lax oversight. External financial scrutiny is also conducted by the Supreme Audit Office (SAO), which is relatively active in auditing defence spending, including financial and performance audits.¹³ However, the Ministry of Defence only irregularly addresses SAO findings in practice and its recommendations are non-binding.¹⁴

Financial Transparency

Defence-related access to information response rates	(1) % granted full or partial access: Insufficient data. (2) # subject to backlog: Insufficient data.
Defence-related complaints to ombudsman/ commissioner #	Data is not publicly available.
Does the commissioner have authority over the MoD?	Yes
Audit reports on defence (2015-2020) #	12 performance audits since 2015 (Supreme Audit Office)
Open Budget Index (IBP, 2019)	60/100
World Press Freedom Index (RSF, 2021)	64th out of 180

The right to public information is guaranteed by the constitution and the 2001 Act on Access to Public Information, which is applicable to the defence sector.¹⁵ However, there are often delays in responding to requests from the media and civil society and many instances of information being unduly refused or redacted for loosely defined national security purposes. A number of Polish NGOs have even had to resort to court proceedings to obtain information from the Internal Security Agency and Military Counter-Intelligence Service after repeated requests were ignored.¹⁶ There are also some challenges with regards to proactive financial information published by defence institutions. Generally, the defence budget is fairly transparent and published online in a timely manner, containing disaggregated information on the recipients, holders and purpose of allocation, across all areas, including military intelligence agencies.¹⁷ It is accompanied by an explanation in the form of a presentation for the general public, but lacks expert justifications.¹⁸ However, the publication of the 2019 and 2020 budgets on the ministerial websites were significantly delayed and were initially only posted in the official journal of the Ministry of Defence, which is not widely known to the public. The government generally avoids consulting outside experts or civil society organisations on budgetary matters, reducing transparency over decision-making. Similarly, while the Ministry of Finance publishes monthly and annual reports on budget execution, defence information is highly aggregated into broad categories such as "National Defence", making it difficult to assess the real allocation of funds.¹⁹ These reports also do not contain any explanations for variances between original allocations and actual spend.

⁷ Fernando Casal Bertoa & Simone Guerra, 'Democratic Backsliding, Poland's Election and COVID-19: What Needs to be Considered?', 24 April 2020.

⁸ Edit Zgut, 'Tilting the Playing Field in Hungary and Poland Through Informal Power', *German Marshall Fund of the United States*, 28 April 2021.

⁹ Shaun Walker, 'Poland Election: Duda Forced into Second Round against Liberal Challenger', *The Guardian*, 29 June 2020.

¹⁰ Parliament, 'The Act on the Universal Obligation to Defence the Republic of Poland', 21 November 1967.

¹¹ Maciej Pisz, 'Party discipline and the constitutional concept of the free mandate', *Obserwator Konstytucyjny*, 14 January 2015.

¹² See, 'Opinion No. 8 on defence budget draft for 2017', 20 October 2016; and, 'Opinion No. 12 on defence budget draft for 2018', 26 October 2017.

¹³ Supreme Audit Office, 'Database'.

¹⁴ Przemysław Ciszak, 'The MOD has another problem: the Supreme Audit Office questions some expenditures', *Money.pl*, 13 June 2018.

¹⁵ Republic of Poland, 'Law of 6 September 2001 on Access to Information', DZ.U. 2001 nr. 112.

¹⁶ 'Military counter-intelligence and access to information: same old story', *Panoptikon*, 19 February 2016; Polish Ombudsman Office, 'Ombudsman joins the eState Foundation against the Internal Security Agency at the Supreme Administrative Court', 14 August 2018.

¹⁷ Parliament, 'The 2020 Budget Act', 2019.

¹⁸ Ministry of Defence, 'Information on the MoD Budget for 2019', 2018.

¹⁹ Ministry of Finance, 'Report on the Implementation of the State Budget in 2019', 2019.

POLAND

Personnel Ethics Framework

Whistleblowing legislation	None
# defence-sector whistleblower cases	Data is not publicly available
# Code of conduct violations	Military: Data is not publicly available
	Civilian: Data is not publicly available
Financial disclosure system	# submitted: Data is not publicly available
	# of violations: Data is not publicly available

Though Poland has generally robust standards in place to regulate defence personnel management, there are significant gaps with regard to anti-corruption provisions. Codes of conduct make only superficial reference to corruption. Aside from a set of rules regulating interactions with contractors,²⁰ defence personnel are not provided with specific guidance on corruption issues. For civilian staff, the Civil Service Ethics Principles apply and do include conflicts of interest and bribery, albeit without any tangible guidance on how personnel should proceed in such situations.²¹ Nevertheless, evidence of investigations and prosecutions of defence personnel for corruption does point to some enforcement of anti-bribery and anti-corruption laws in the sector. A study of military court judgements over five years indicated that 66% of defendants in corruption cases were convicted, although only 1% were sent to prison, the others receiving suspended sentences or fines.²² A key impediment to integrity-building and anti-corruption in the sector is the continued absence of whistleblower legislation in Poland. A 2016 report by the Ombudsman urgently requested the government to address the insufficient protection granted to whistleblowers in the military but no progress has been made since.²³ The Ministry of Defence itself has admitted that “the current system of legal protection for whistleblowers in military services is insufficient”.²⁴ Whistleblowing is not encouraged in Poland and lack of specific legislation and a culture of secrecy in the military mean that it represents a disproportionate risk for the whistleblower. However, a 2019 EU Directive on Whistleblowing could kick start the process of drawing up whistleblower legislation.²⁵ The directive, which must be transposed into national legislation by December 2021, aims to set minimum standards for whistleblower protection across the EU.

Operations

Total armed forces personnel (World Bank, 2018)	191,000
Troops deployed on operations #	1,000 in Latvia (NATO PMC), 230 in Kosovo (NATO KFOR), 50 in Bosnia (EUFOR/MTT), 120 in Italy (EUNAVFOR IRINI), Unknown (EUTM RCA)

Currently, just over 3000 Polish troops are deployed as part of 13 international operations under the auspices of NATO, the UN and the EU,²⁶ including 230 in Kosovo²⁷ and 1000 in Latvia. This represents a consistent year on year increase from 1400 soldiers in six operations in 2016 to 2500 soldiers in 10 operations in 2017.²⁸ However, despite Poland's involvement in international deployments, significant corruption risks remain. Poland's military doctrine does not mention corruption as a strategic threat for the success of operations. There is also no evidence of corruption being considered in the forward planning of operations and no evidence of the deployment of anti-corruption specialists in the field or of the existence of any guidelines related to corruption risks. However, Poland has initiated anti-corruption courses for commanders as part of pre-deployment training, including an 8-hour course on corruption risks in operations that represents a step in the right direction. Poland also has an anti-corruption programme for the Ministry of Defence, although it is not public, making it impossible to assess how effectively it covers issues of corruption risk in deployments. In 2017, media reports revealed that over 1000 individuals were interrogated and a handful of officers charged, in connection with corruption and the paying of bribes during the qualification process for soldiers to participate in foreign military operations, indicating serious failings in Poland's planning process for operations.²⁹

²⁰ Minister of National Defence, 'Decision no. 145/MOD dated 13 July 2017 on the principles of conduct in interactions with contractors', 2017.

²¹ Minister of National Defence 'Decision no. 86/MOD dated 17 July 2018, amending the decision on the principles of conduct in interactions with contractors', 2018.

²² Ministry of Defence, 'MoD 2nd Anti-Corruption Conference, post-conference materials', 2012.

²³ Polish Ombudsman's Office, 'Inadequate legal protection of whistleblowers in uniformed services', 24 November 2016.

²⁴ Reply of the Minister of National Defense to the letter of the Ombudsman, 31/08/2017.

²⁵ European Parliament, 'Directive (EU) 2019/1937 of the European Parliament and of the Council on the Protection of Persons who Report Breaches of Union Law', *Official Journal of the European Union* 305/17, 26 November 2019.

²⁶ Ministry of Defence, 'Missions'.

²⁷ NATO, 'KFOR'.

²⁸ Rafal Lesiecki, 'The Number of Polish soldiers on Foreign Missions has Increased', *Defence24*, 31 January 2018.

²⁹ Łapówki w zamian za wyjazdy na misje wojskowe ("Bribes for postings in international missions"), *Wirtualna Polska*, 15 January 2017.

POLAND

Defence Procurement

Military expenditure (US\$ mil) (SIPRI, 2020)	12,815
Open competition in defence procurement (%)	70% single sourced
Main defence exports – to (SIPRI, 2016-20)	Lithuania, Ukraine, Germany, Jordan, Ecuador
Main defence imports – from (SIPRI, 2016-20)	United States, Germany, Italy, South Korea, UK

Poland accounted for 38% of total military spending for Central Europe in 2019, having increased its military spending by 51% from 2010–19.³⁰ In 2019, the MoD stated that 39% of funds would be dedicated to procurement by 2026, underscoring the importance Poland places on revamping its military forces.³¹ This significant increase in investment risks being wasted without a corresponding strengthening of the procurement planning processes and of oversight and accountability mechanisms, which have been systematically undermined. Previously, the Anti-Corruption Procedures Bureau in the Ministry of Defence (MoD) was responsible for procurement oversight and had the highest level of independence within the ministry. However, it was disbanded in 2018 and replaced with the Anti-Corruption Procedures Unit, which is directly subordinate to the minister's office, raising concerns over its independence.³² Its reports and recommendations are also classified, hampering external oversight of

procurement processes and reducing transparency. There is no external body that can scrutinise and review MoD procurement decisions or procedure selections before the award of a contract. This is particularly concerning as around 64% of defence procurement is conducted through single sourcing and public notification of such a contract is not mandatory for the defence sector.³³ As a result, there is a serious gap in Poland's oversight architecture, with weak control mechanisms, no external scrutiny and a large proportion of single sourced contracts. Furthermore, Poland has historically struggled with continuity in defence planning, with successive administrations preparing their own modernisation programmes, leading to chaotic, uncoordinated and wasteful procurement plans.³⁴ This is due to the lack of oversight over the acquisition planning process, which is developed by the General Staff in closed sessions. Minutes from a defence committee meeting in February 2019 indicate that it was not informed or consulted on the elaboration of the plan.³⁵

³⁰ Nan Tian, Alexandra Kuimova, Diego Lopes da Silva, Pieter D. Wezeman & Siemon T. Wezeman, 'Trends in World Military expenditure, 2019', *SIPRI Fact Sheet*, April 2020, p. 9.

³¹ Grant Turnbull, 'From Russia to NATO: The Logic Behind Poland's Military Modernisation', *Global Defence Technology*, June 2019.

³² Ministry of Defence, '§ 48 of the new MoD statute', 2018.

³³ Public Procurement Office, 'Report of the Director of the Public Procurement Office on the functioning of the public procurement system in 2017', 2017.

³⁴ Turnbull, 'From Russia to NATO.'

³⁵ Parliament, 'Record of the Defence Committee meeting on 19 February 2019', 2019.

Version 1.0, October 2021

GDI data collection for **Poland** was conducted April 2018 to September 2019. The narrative discussion in this GDI brief was produced at a later time with the most recent information available for the country, which may not be reflected in the GDI country assessments or scores.

POLAND 2020 GDI Scorecard

		Grade	Score
Political Risk		C	59
Q1	Legislative Scrutiny	C	50
Q2	Defence Committee	D	35
Q3	Defence Policy Debate	C	50
Q4	CSO Engagement	C	50
Q5	Conventions: UNCAC / OECD	C	63
Q6	Public Debate	B	75
Q7	Anticorruption Policy	A	88
Q8	Compliance and Ethics Units	C	58
Q9	Public Trust in Institutions	NS	
Q10	Risk Assessments	D	33
Q11	Acquisition Planning	E	17
Q12	Budget Transparency & Detail	A	88
Q13	Budget Scrutiny	C	50
Q14	Budget Availability	A	83
Q15	Defence Income	B	67
Q16	Internal Audit	C	50
Q17	External Audit	B	75
Q18	Natural Resources	A	83
Q19	Organised Crime Links	C	63
Q20	Organised Crime Policing	A	83
Q21	Intelligence Services Oversight	C	63
Q22	Intelligence Services Recruitment	E	25
Q23	Export Controls (ATT)	B	75
Q76	Lobbying	E	25

Financial Risk		B	76
Q24	Asset Disposal Controls	B	67
Q25	Asset Disposal Scrutiny	B	75
Q26	Secret Spending	B	75
Q27	Legislative Access to Information	C	50
Q28	Secret Program Auditing	C	63
Q29	Off-budget Spending	A	100
Q30	Access to Information	A	88
Q31	Beneficial Ownership	A	100
Q32	Military-Owned Business Scrutiny	A	100
Q33	Unauthorised Private Enterprise	C	63
Q77	Defence Spending	C	56

Personnel Risk		C	60
Q34	Public Commitment to Integrity	E	17
Q35	Disciplinary Measures for Personnel	A	88
Q36	Whistleblowing	F	0
Q37	High-risk Positions	D	33
Q38	Numbers of Personnel	C	58
Q39	Pay Rates and Allowances	A	100
Q40	Payment System	A	100
Q41	Objective Appointments	E	25
Q42	Objective Promotions	E	31
Q43	Bribery to Avoid Conscription	NA	
Q44	Bribery for Preferred Postings	A	83
Q45	Chains of Command and Payment	A	100
Q46	Military Code of Conduct	B	67

OVERALL COUNTRY SCORE

MODERATE RISK

C

55

RISK GRADE

A • 83-100 VERY LOW

B • 67-82 LOW

C • 50-66 MODERATE

D • 33-49 HIGH

E • 17-32 VERY HIGH

F • 0-16 CRITICAL



Personnel Risk		C	60
Q47	Civilian Code of Conduct	C	63
Q48	Anticorruption Training	B	67
Q49	Corruption Prosecutions	D	42
Q50	Facilitation Payments	A	83

Operational Risk		E	33
Q51	Military Doctrine	F	0
Q52	Operational Training	A	100
Q53	Forward Planning	F	0
Q54	Corruption Monitoring in Operations	E	25
Q55	Controls in Contracting	D	38
Q56	Private Military Contractors	NS	

Procurement Risk		D	49
Q57	Procurement Legislation	C	50
Q58	Procurement Cycle	B	75
Q59	Procurement Oversight Mechanisms	C	50
Q60	Potential Purchases Disclosed	C	63
Q61	Actual Purchases Disclosed	A	88
Q62	Business Compliance Standards	D	38
Q63	Procurement Requirements	F	8
Q64	Competition in Procurement	E	25
Q65	Tender Board Controls	C	63
Q66	Anti-Collusion Controls	B	75
Q67	Contract Award / Delivery	C	56
Q68	Complaint Mechanisms	A	83
Q69	Supplier Sanctions	B	67
Q70	Offset Contracts	C	50
Q71	Offset Contract Monitoring	E	25
Q72	Offset Competition	C	50
Q73	Agents and Intermediaries	F	0
Q74	Financing Packages	E	25
Q75	Political Pressure in Acquisitions	NS	

KEY

NEI Not enough information to score indicator

NS Indicator is not scored for any country

NA Not applicable



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Acknowledgements

We would like to thank the UK Foreign Commonwealth and Development Office (FCDO) and the Ministry of Foreign Affairs of the Kingdom of the Netherlands for their generous financial support of the production of the Government Defence Integrity Index. Thanks are also extended to the many country assessors and peer reviewers who contributed the underlying data for this index.

Series editor: **Stephanie Trapnell**, *Senior Advisor*
Author: **Matthew Steadman**, *Research Officer*
Project Manager: **Michael Ofori-Mensah**, *Head of Research*
Design: **Arnold and Pearn**



Foreign, Commonwealth
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