



TRANSITION OF POLAND'S LOCAL GOVERNMENT BETWEEN 1989 AND 2004

POLONYA YEREL YÖNETİMLERİNİN 1989 İLE 2004 ARASINDAKİ DÖNÜŞÜMÜ

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ABSTRACT

The study focuses on the reforms of the Polish local governments between 1989 and 2004. After the collapse of the communist system in Poland, the reconstruction of local government became the one of most important pillars of the 1989 political transformation within the country. These reforms significantly empowered local communities and created the system of local self-government. These reforms clearly distinguished Poland from other post-communist countries in Central and Eastern Europe. A number of decentralization policies are accepted in the Polish local governments. Second wave of reforms pursued this decentralization trend in 1998 and 1999 respectively. With the membership to European Union on 2004 caused new reforms in the local government system of Poland. In this study, the process of decentralization and main actors in regional policies are analyzed. Poland is known as most decentralized country in Central and Eastern Europe through these reforms within the country.

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ÖZET

Bu çalışma 1989 ile 2004 yılları arasında Polonya'daki yerel yönetim reformlarına odaklanmaktadır. Polonya'da komünist sistemin çöküşüyle beraber, yerel yönetimlerin yeniden inşası, ülkedeki 1989 siyasi dönüşümünün en önemli direklerinden biri olmuştur. Bu reformlar yerel toplulukları ciddi düzeyde güçlendirmiş ve yerel öz-yönetim sistemi yaratmıştır. Söz konusu reformlar Polonya'yı, diğer Orta ve Doğu Avrupa'daki eski komünist ülkelerden açıkça ayırmıştır. Polonya yerel idarelerinde bir dizi yerelleşme politikaları kabul edilmiştir. İkinci dalga reformlar sırasıyla 1998 ve 1999 yıllarında bu yerelleşme trendini takip etmiştir. 2004 yılındaki Avrupa Birliği üyeliği, Polonya'nın yerel yönetim sisteminde yeni reformlara yol açmıştır. Bu çalışmada yerelleşme süreci ve bölgesel politikadaki başlıca aktörler analiz edilmiştir. Ülke içerisindeki bu reformların neticesinde Polonya, Orta ve Doğu Avrupa'nın en fazla yerelleşmiş ülkesi olarak bilinmektedir.

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INTRODUCTION

The history of local governments goes back to the time which the state apparatus emerged in the history of humankind. The transition of human communities from race based organizations to political organizations became possible with the creating the institutions of the local government. After that, human communities started to describe their identities according to their place of residence while they were describing their identities pursuant to their races until then (Guler, 1992).

The institution of local government played an important role in the creation of modern states likewise the emergence of the state. The creation of modern central states in Western Europe realized due to not merely the fall of monarchies during the Middle Age, at the same time it become possible with the dissolution of local governments of the Middle Age. Generally historians accept that the local

governments of the Middle Age in Europe created convenient and protective environment for the development of capitalism between 11th and 15th centuries (Guler, 1992).

Local government is an institution which deals with the subjects regarding the human communities who are living in a particular locality. However local government is not a sovereign government. Hence it has nothing to do along with defense, security, foreign policy or taxation at the national level. Rather it acts as the local administration which keeps the streets clean, gives education to children or builds houses for the local inhabitants if necessary. Because its main target is to lead its people to civilized standards of life (Sikander, 2015). Therefore we can describe the local government as an agent of social change.

Another definition of decentralization is the transfer of responsibility for management, planning, raising and allocation of sources from the central government to autonomous public authorities, functional authorities or nongovernmental organizations (Rondinelli and Nellis, 1986; Islam, 1997). However decentralization is identified as the transfer of authority from center to agencies, institutions or persons working at the periphery for planning, decision making and performing other administrative Works (Rahman, 1996).

The most of modern states have large lands and Poland is also a large country in terms of territory. Therefore all of their areas cannot be ruled with officials appointed and controlled by the central government. Because of that the administration requires decentralization. Decentralization basically means the transfer of some authority from central government to local government. And the basis of such transfers is usually based on territory and aims to create territorial hierarchy at the local level in order to serve people who are closer geographically.

There are four major types of decentralization according to classifications made by the United Nations Development Program and the World Bank articles. These are political decentralization, administrative decentralization, fiscal decentralization and market decentralization (Hossain, 2004). Drawing distinctions between these various concepts is useful for highlighting many dimensions to successful decentralization and the need for the coordination among them. Political, administrative, market and fiscal decentralization may also appear within distinct forms and combinations in different countries.

Definition of self-government is necessary in this context. Szreniawski describes self-government as a form of social organization through which it can decide relevant issues in the limits of the law, acting directly or through democratically elected and functioning representation (Szreniawski, 2004). According to Mulawa, a self-governmental entity is a community which is separated and based on common interests (Mulawa, 2013). When defining the concept of self-government essential criteria is that there should be inhabitants who are sharing the same territory. And then it can be mentioned regarding the self-government.

1. Historical Background of Local Government in Poland

Poland was under the rule and the influence of other strong countries many times in its history. On 1795, Polish lands are shared by its three neighboring countries such as Russia, Austria and Prussia. Polish nation was not independent for 123 years and it gained its independence on 1918 again. Until 1921, the system of local government of Poland was separated into three parts and each part was representing the understanding of those three countries and was regulated according to law systems of Russia, Austria and Prussia. After then, the Constitution of 17 March 1921 is accepted and the provision of this new constitution fastened the centralization in terms of self- government. Some principles of the Constitution of 1921 are still valid nowadays. Along with the occupation of the country on the September of 1939 by Germany and Russia caused disintegration of the country. After then, the control of the public life increased extremely and destroyed every dissenting opinion. The Public Authorities has the power to restrict the power of local administrations if they think that there is a threat against their order. The Territorial Agencies of the Uniform State Authority Act entered into the force on 1950. With this law, local governments are bounded to central government. As a result, local government became dependent

on central government after legislative changes (Kocon, 1991). According to the new regulations, local government did not have its own budget as well as its own property rights. Consequently, centralism gained power across all the country. Properties of municipalities are nationalized and hence they were lost their own properties. The local governments started to be controlled by the central government. Therefore the local government became dependent on grants, donations and transfers by the central government and it meant that they were lost their financial autonomy (Kocon, 1991). This pessimistic situation continued till the fall of the communist system in Poland.

The idea of self-government has a long history in Poland and it goes back to the Middle Ages. The current evolution of local government in Poland reflects the historical developments which occurred in Poland in the last two centuries. On 1795, Poland was partitioned by the three neighboring countries such as Austria, Russia and Prussia. Here it should be known that the all of these three states had different administrative systems. Hence Polish territories were ruled according to three different understandings. Even the same trend continued when Poland gained again its independency on 1918 and it lasted on 1939 with the occupation of country by Germany. After the Second World War, the long lasting tradition of local government in Poland was ended by the Communists. Poland incorporated the Soviet system of administration including the soviet councils and its executives at all levels of territorial divisions. Poland was divided into 49 medium-sized regions which are called as wojewodztwa in Polish language and 3157 basic units namely communes and cities. Communes are called as gminas and cities are called as powiats in Polish language. The system was highly centralized and structuring was vertical instead of horizontal. The rule of the unitary feature of the state power replaced the famous Montesquie's division of powers. The state apparatus was focused on giving orders and controlling the implementation. All decisions were consulted with the strong Communist Party. The Central Government was deciding everything, even candidates during the local elections by approving or declining them. Also it was deciding the budget of the local government and hence it has financial tutelage over the local administrations.

With the collapse of the communism, Polish system of local governments changed dramatically and this transformation was led by the Solidarnosc, I mean Solidarity Movement. Nonetheless we should not ignore the detail that Polish society was ready and expected radical changes in the system of the local government in comparison to the other Central and Eastern European countries to be honest.

Since 1989, Poland has experienced a lot of change on its political, economic and social life. The one of the most important changes in Poland was the decentralization. Decentralization is understood by the Polish people as a move against authoritarian governments and a reaction against the failure of the centralized state. Indeed it was perceived as the bringing power to the people again. Decentralization process started with the agreement reached between the democratic opposition and the representatives of the government after the Roundtable talks on 1989. The parties concluded the Roundtable Agreement on 1989 and the transformation of the local government in Poland started with this agreement. Decentralization was one of the most challenging issues for the Polish political elite indeed.

In Poland, the self-government of local administrations was under the control of the Polish state until 1989. It was not possible to mention about the local self-government during the period between 1950 and 1989. Local council's centralized structure was considering the issues of the central government instead of the need of inhabitants at the local level. With the fall of the Communist System in 1989, the State's structure started to being democratized. Polish people expected to alter the political system completely and pass to market economy. Also it should be mentioned here that Polish people were ready for those dramatic changes in comparison to the other Central and Eastern European countries. This readiness fastened the process of decentralization in Poland without any doubt.

The Polish local governmental system can be divided into three parts. On this context, each part will be called as a wave of decentralization. First wave of decentralization started on 1989 and the second wave

started on 1998 and continued two years and the third wave started with the process of the membership to the European Union.

2. First Wave of Decentralization in Poland

It was known that the Poland's political system has to change after the fall of the communist system within the country. Also it was equally known that some classes in the country's political life could be resistant to these changes. Therefore the central government had to overcome this resistance by previous political elites within the country. In this context, the Polish governments after the fall of the communist system in Poland were quite enthusiastic to realize these changes.

In the winter of 1989, the Polish United Workers Party and then illegal trade union named Solidarnosc sat down at the Roundtable Talks. These talks led to the relegalization of the Solidarity Movement partially free parliamentary elections in June 1989. With the summer the communist system collapsed and Poland had elections for 2500 Gminas on March 1990 (Levitas, 2017). However during the preparation to the talks, the union's main negotiators did not put the issue of local government on the agenda indeed. Nevertheless they decided to put this critical subject to their agenda at the last minutes before starting the talks (Regulski, 2000).

For the most of the time, the representatives of the opposition were not interested in local government, merely a small group of geographers and lawyers were working on the issue of local government (Regulski, 2000). Opposition groups believed that bringing power closer to the people would lead to better public services. Thus it is clear that they were not able to see real virtues of local government in terms of citizen participation. Instead of that they saw newly elected representatives as the primary agents of transformation of the Polish local governmental system (Levitas, 2017).

Before the first wave of the decentralization, the Polish central government had five monopolies over the Polish local governments. These are monopoly on the local politics, monopoly on the homogeneous state power, monopoly on the state property, monopoly on the public finances and lastly monopoly on the state administration. With the reforms of decentralization those monopolies were destroyed on the beginning of 1990's. Poland saw France and Italy as convenient examples of its decentralization process. Common point was that the both countries had the three-tier territorial divisions. During the first wave of decentralization on the turn of 1990's territorial organization of the country did not change. Nevertheless some kind of local governmental power was given to local communities, we call as *gmina* in Polish language. *Gmina* is a basic territorial unit along with average number of inhabitants like 7000 people. The main aim of establishing *gminas* was not merely to separate the country's administrative territory. But also it was aiming to develop the local communities for solving their own issues.

In order to establish local authorities which are self-governing, it was necessary to amend the then Polish Constitution. First step for that was to create *gminas* in Polish local governmental system. With establishing such a new administrative unit in public administration required to accept new laws, recruiting employees for implementing *gminas*. As a result of those struggles, new election law was adopted. The Senate amended the Polish Constitution on January 19, 1989. After the decision of the Senate, the Sejm accepted the Local Government Act and various laws which regulate *gmina* councils' elections on March 8, 1990. Also new chapters added to the Polish Constitution during the same day in order to describe rights and duties of local government in Poland.

Administrative issues were solved easily without any resistance. Besides that financial and economic issues were faced with strong resistance indeed. For instance, new regulations regarding the transfer of some of state properties to *gminas* was extremely difficult. As it is emphasized above, the content of the reforms included merely *gminas*. Here it should be mentioned that *Powiaty* were introduced later. Large amount of rights was given to assemblies of local government which is called as *sejmiki* in Polish language.

Decision of establishing a new administrative unit named Powiat received objection and support by the representatives of local communities. Some people were criticizing the new regulation because of that they perceived it as a threat to their local administrations. The others were evaluated it as an opportunity to have district offices within their localities. And hence those debates continued during the most of 1990's (Regulski, 2013).

3. Second Wave of Decentralization in Poland

It is widely accepted that one of the most successful reforms undertaken in Poland after the fall of communism on 1989 was the reconstruction of the Polish local governmental system. Those reforms were a clear result of the political transformation within the country and they caused economic and social changes in the country. Indeed it realized after the fall of communist system despite the idea of bringing the power back to local administrations started before the fall of communist system in Poland.

The Suchocka government had some plans for the restoration of powiats in respectively 1992 and 1993. Some pilot programs were introduced in some of biggest cities. After five years of the start of pilot programs, the details of the restoration about powiats were ready indeed on 1997. In his talk in the Sejm, Polish Prime Minister Jerzy Buzek said that they wanted the authority to people and hence Polish citizens and local communities can take part in authorities. Also performances of gminas showed that the local government administrations were more effective than the central government. Therefore it is thought that with the ceration of powiats and voivodships, reforms process could go easier. With this aim, the reforms began on 1998 and continued during 1999. The conditions and the political will were ready on 1998 while the reforms started on 1990. After that the subsidiarity principle was mentioned first time in the preface of the Constitution of 1997.

The second wave of decentralization realized when the post-Solidarity political parties returned to power on the autumn of 1997. It was the cabinet of Jerzy Buzek. These reforms were better prepared when it is compared with the previous wave of decentralization. Because many strategies developed, many research realized and external experiences shared through consultations, study visits and pilot projects. There was need for the political will and reformer got it on 1998 (Regulski, 2000). But there was a limited period of time in front of them and hence they could not check every aspect of the reform as well as political risks.

With the new regulations, powiats and voivodships were adopted as obligatory administrative units such as gminas. They had the right on property and court protection over their autonomy. Powiats were thought as the second tier of local government. They had some functions such as public roads, hospitals and the management of secondary schools. Another responsibility of powiats was the prevention of unemployment in locality was well as the protection of consumer rights in locality. The voivodship is the third tier of the Polish local governmental system and it is focused on major issues such as economic and regional development of Polish regions. Hence the responsibility of voivodships was not to satisfy the needs of local communities due to that the responsibility of satisfying local residents was the duty of powiats and gminas. The leader of voivodship is voivods and voivods are the representative of the Polish central government hence they have larger responsibilities and rights over their regions. Primary duties of them are environmental control, health inspection, sanitary inspection and infrastructure. Nonetheless powiats also have inspection right due to that voivodships are quite large and their responsibilities are too much. For example, powiats have police stations, fire stations and inspections. Actually the main aim of these reforms was to consolidate public administration at the local level such as voivodship and powiat. But it did not become possible in terms of military, customs, marine and mining.

4. Third Wave of Decentralization in Poland

With the third wave of the decentralization in Poland, some changes happened in the Polish local government. On 1 January 1999, the three-tier territorial division was introduced in Poland. The reforms shaped the local administrations not only gminas also powiats and voivodships. As a result, three-tier

system was established and it consists of 2489 municipalities, 308 districts and 16 regions. With these reforms, regionalization policies were implemented in Poland. The regional administrations and legislative authorities which is called sejmik in Polish language, are elected by the citizens of the region. And then these assemblies started to choose executive. Polish citizens mostly appreciated these bottom-up initiatives. Besides that the process of the membership to European Union played a critical role in his context. For instance, the mayors started to be elected directly. On 2003, system of the local finance changed dramatically. During this period, some amendments realized on the Polish Constitution and according to article 15 of the Constitution: "The territorial system of the Republic of Poland shall ensure the decentralization of public power. The basic territorial division of the State shall be determined by statute, allowing for the social, economic and cultural ties which ensure the territorial units the capacity to perform their public duties." After the success of the reforms during the first wave of decentralization, the central government was encouraged to make more reforms at the local and the regional levels.

According to the Constitution of the Republic of Poland, the State Administration and Public Bureaucracy have four principles: Poland is a unitary state, the Polish government is decentralized, the Polish local governments are the constitutional administrative units and lastly public administration in Poland is organized pursuant to subsidiarity principle. Nonetheless it should not be forgotten that Poland has a monistic state structure and it does intend that Poland has a homogeneity organization in terms of ethnic and religious issues. The countries which have federal system, accepted it due to either ethnical diversity or external pressures. Likewise Germany did after the Second World War. Secondly the acceptance of decentralization by Poland indicates that Poland gives importance to local governments. Thirdly the local governments are the constitutional units (Kutlu, 2006).

The Council of Minister decided to establish 7 new powiats in 2001. But they realized it by dividing some powiats. Here it should be emphasized that there is no hierarchical relation between the central and local governments. It is because of that the local governments are not dependent on the decision of the central government. Instead of that their statuses are guaranteed in the Polish Constitution. Hence it can be said that the relationship between them is based on negotiation and joint agreement about issues.

With the process of accession to the union, European Union pressured for the decentralization in Poland. Likewise other candidate countries Poland had to have appropriate territorial organizations in order to obtain European funds on the local administration. Hence Poland pursued a way which is coordinated with the European Union in its reforms regarding the local government.

CONCLUSION

In 1989 Poland inherited a centralized system which was convenient for the totalitarian states. In order to reach the standards of a democratic state, it was necessary to make crucial changes and these changes mainly reduced the power of the central government.

Local administrations of Poland are understood as separate and autonomous entities from the Polish central government. In comparison to other Central and Eastern European countries, Polish local governments, especially municipalities, have larger responsibilities. Municipalities in Poland collect their own taxes and because of that reason, they are financially autonomous. Property taxes should be mentioned here as well. Cause property taxes provide more than the half of the internal incomes of the local municipality. Other considerable fiscal resources can be counted as forest taxes, farmland taxes and taxes on vehicles.

Currently Polish citizens can take part in the processes of decision making at the municipal level via utilizing various tools based on representative democracy, direct democracy, participatory democracy and deliberative democracy. Main source of the representative democracy in Poland is the local elections. In that regards, the citizens do not only elect the councilor and the mayor, they also may vote for the representative to district councils that is constituting auxiliary units of cities and towns. On this context, it should be emphasized that tasks and competences of district are quite limited. Somewhat apart the citizens can participate to the daily works of other councils. Local referenda can be given as a

good example to direct democracy in Polish local governmental system. Two kinds of referenda, such as mandatory one and optional one, can be regulated according to the Polish law. Mandatory referenda can happen in a case when municipal authorities such as council or mayor are to be recalled before their term of office expires. Mandatory referenda can be demanded by the residents of the council. Optional referenda can be realized on the basis of every issue about the municipality. Participatory democracy is being implemented on the basis of the consultation with local inhabitants. The citizens may be consulted in different manners such as by surveys, during meetings or online forums. Lastly deliberative democracy intends more interaction along with the inhabitants.

Now, Poland is one of the most decentralized countries in Europe. It should be known that Poland introduced the reforms regarding the local government very fast when it is compared along with the other Central and Eastern European countries. That is why Poland is called as the champion of the decentralization in the Central and Eastern Europe. Now Poland is the stronger than ever through the protection of the Constitution. In that regard, other laws and regulations have the secondary importance.

The transformation of the Polish local government is not yet complete despite it has advanced considerably. The Polish experience may still be useful for the other post-communist countries where the process is less advanced. And they can take Poland as a successful example for themselves. Sharing the experiences of other countries should be everyone's priority in order to prevent other countries doing the same mistakes.

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