

TRANSITION FROM AUTHORITARIAN REGIME TO DEMOCRACY: THE ROLE OF LOCAL SELF-GOVERNMENT. THE CASE OF POLAND

Dr Jowanka Jakubek-Lalik¹

Abstract

This article analyses the concept of decentralisation and provides a description of the legislative framework and practical features of Polish local self-government in the context of the transition from authoritarian to a democratic regime. It argues that local self-government proved to be one of the main important factors in establishing a functioning democracy and radically changing the system of the state. Furthermore, it remains a strong democratising factor, despite growing recentralisation tendencies. By restoring local self-government in Poland, it was possible to build and strengthen a democratic regime on all levels – local, regional and national. The idea and practice of its functioning during the 30 years since its reestablishment provided it with strong rooting in the foundations of civil society in Poland. The changes made by substantial decentralisation modernised and improved the effectiveness of the state, as well as proved helpful on the way to membership in the EU. Poland was able to conduct a series of significant reforms, which equipped the local communities with an independent legal position and substantial amount of control over their authorities. For most of the time, local governments have served as safeguards from far reaching interference of the central government in local matters. It is important, however, that with constant pressure from the centre, the position and competences of local government units need to be protected and reinforced in order to serve the idea of genuine local democracy.

Keywords: *Democracy, transition, democratisation, local government, local self-government, Polish local government, Central and Eastern Europe*

Introduction

When investigating the transition from authoritarianism to democracy, especially in the post-Soviet states or those countries that were in the Soviet sphere of influence, it is important to look at different factors. Local self-government is one such important factor, as the extent to which democracy functions at the local level will impact the whole system of government in the country.

The restoration of local self-government in 1990 – and the deepening of decentralisation in 1998 - radically changed the system of the state, focusing on building a framework in accordance with the principle of subsidiarity. Between the assumptions of the functioning of local authorities in the Polish People's Republic (PRL) and the Third Republic of Poland (after 1989) there was an evident dichotomy, which concerned not only the issue of organisation and functioning of the state, but above all the distribution of public authority at the national and local level.

The socialist system was characterised by overcomplexity and strongly centralised administration. The state administration structures were purely hierarchical and leaving very limited scope for any independent decision-making. This model was based on the principle of "democratic centralism" with no decentralised power at the local level – on the contrary, all local authorities were strictly subordinate to the central administration. Instead of horizontal attribution of competences at different levels, it was based on sectoral (vertical) connections, both in the decision-making process and in financial aspects. Therefore, the system of state

¹ Faculty of Law and Administration, University of Warsaw, Poland. Email: jjakubek@uw.edu.pl

administration was overburdened at the central level with different decisions and not functioning effectively.

Also, at the local level, the intersection of various divisions of special administrations made it hard to allocate responsibility for performing the relevant administrative tasks. After political changes and the termination of the communist party's leading role, the premise of centralism in government has been eliminated, thus no longer being an obstacle in reforming the administration towards a well-functioning, democratic state.

The immediate reform impetus came from the necessity of filling the institutional gaps after the collapse of the communist regime and its discredited institutions. The reform programmes were nevertheless more ambitious than just copying or transferring institutional systems from abroad; they were much more creative processes of adaptation (Baldersheim, 2014: 19; 22-23). The restitution of local self-government was one of the necessary conditions for restoring the democratic system in Poland, as well as building a civil society. Without independent local government - that is, with real competence of public authority at the level of local communities - and without social involvement, it would be impossible to develop the country as a result of citizens' action. In the PRL, cutting off local communities from decision-making blocked the initiatives and activities of people. Only the creation of appropriate conditions for free action of residents of municipalities (*gmina*) and counties (*powiat*) gave the opportunity to local authorities for playing a significant role in economic development.

Poland's path to democratisation has been acknowledged to be one of the biggest successes of political transformation in Central and Eastern Europe. Without strong and independent local self-government, it would have been much more difficult, if not impossible, to establish a functioning democracy. Nevertheless, it was convenient for the state to decentralise problems and challenges, while keeping control over finance and other resources. Polish local self-government needs to safeguard its competences, as its independence is one of the fundamental features of democracy.

The structure of the article is as follows. In the first part, the concept of decentralisation is presented, with special focus on its meaning as the right of local communities to govern themselves (bottom-up approach). In the second, the history of local government restoration and reform in Poland is examined, as well as the legal framework and most importantly the legal principles (the 1997 Constitution and acts of parliament) to present the degree of local autonomy for the territorial units. Subsequently, the practical aspects of local government's functioning are analysed, given the context of constant tensions between recentralisation and local autonomy.

Decentralisation

The concepts of decentralisation and local self-governance are inextricably linked. A non-transferable feature of local self-government is that it can only exist in a decentralised state in which citizens are granted the right to make their own decisions, in congruence with their interests. Local government is an emanation of the interests of these citizens - a public law corporation, that is, a public administration entity equipped with administrative authority. Its indispensable element is obligatory membership "by virtue of the law itself", clear rules of belonging (residence within the boundaries of the local government unit) and existence regardless of the number or change of members. This is the most comprehensive "micro-democracy", where the state transfers part of its administrative functions and equips them with legal personality.

In this model, the competences of public administration are performed by the citizens or their groups, equipped with specific responsibilities and administrative powers. Also, giving local communities these powers is connected with the obligation to perform the delegated functions and the responsibility for the exclusive fulfilment of this obligation. The legal provisions of the Constitution and laws relating to local self-government are established in order to provide additional guarantees that, apart from the designated scope of supervision, the state cannot interfere with local government activities. Therefore, the principles of subsidiarity and decentralisation are most fully implemented by independently functioning local self-governments.

As it was explained before, local self-government has a significant and non-transferable characteristic - the right to settle local communities' affairs in accordance with their own interests and the way these interests are identified by the members of the community. This right includes the assumption that a given community may act differently in some matters than others. Decentralisation also ensures that minorities' rights are recognised in their own decisions and choices, even if they might not always be accurate. Activities carried by the local community as their own tasks should not (and, under applicable law, cannot) be assessed in terms of purpose or reliability, as this would lead to interference with local government autonomy and would mean the application of criteria assessed for self-employed activities. Legality therefore remains the only criterion for supervision over the activities of local government as part of its own tasks.²

The modern understanding of decentralisation should not only rely on independence in the "imperious" sphere - where the local government acts as a public authority, based on the law and within the limits of the law - but it is also solely responsible for independent management of local public affairs in economic terms. This part of local governments' activities is exercised in a network system, not a hierarchical one, and its main objective is to achieve social and economic benefits on a local or regional scale. Self-governance is implemented by acting for the development of a given local government unit, organising the delivery of public services, as well as through cooperation and competition with other local governments and participation in supra-local and supra-regional markets. It also needs a broader legal mandate in order to be able to perform these functions effectively, but with respect to the civil rights of the citizens (Kulesza, 2009).

Restoration and reform of Polish local government

The restoration of Polish local self-government in 1990 (and the deepening of decentralisation in 1998) radically changed the system of the state, focusing on building a framework in accordance with the principle of subsidiarity. It is also a unique example of incremental, carefully designed institutional reform, where the final outcomes largely reflected the vision established at the starting point of the process (Sześciło, 2018). In effect, Poland could be categorised among the "champions of decentralisation" in Central and Eastern Europe. It developed a system that demonstrated several similarities to the model of extensive decentralisation in Northern European countries (Swianiewicz, 2013).

The year 1990 had undoubtedly the most important, even revolutionary, significance for the Polish administration, in which the local self-government was restored after 40 years of non-

² However, the decision-making autonomy of the local government is not always unconditional or uncontroversial. Problems may arise, for example, in standardised public services, such as education or health care. The decentralisation of public authority cannot be in contradiction with the constitutionally guaranteed equality in access of public services by citizens.

existence. The overriding objective of this reform was to hand over tasks to local government and cut off the management of local affairs from the national level. The principle of uniform state authority and ownership was broken, and much better conditions for the development of local communities were created, which facilitated the processes of their empowerment. Regional competition has been strengthened, while providing better instruments for management of public services. However, the introduction of new institutional models was accompanied by a certain degree of a cultural shock and disorientation among actors at the local level. Therefore, the next stages of reform processes – interpretation, naturalisation, and normalisation - had to take place (Baldersheim, 2014: 24).

After restoring local self-government, a significant strengthening of the state's capacity for efficient functioning was expected. It was a necessary systemic change, as without it, there was a threat of maintaining a system programmed for state centralism and a lack of democratic control over the decision-making processes in the administration. In 1998, another stage of the decentralisation reform was undertaken, transferring to the Polish local government yet another large degree of shared responsibility for governing the state competences previously reserved for central government administration.³

This reform, establishing two additional tiers of self-government and equipping them with substantial responsibilities, was based on the important assumption that there will be no hierarchical subordination between individual local and regional government units. That was supposed to safeguard their decision-making autonomy not only from possible intervention by the central government, but also to provide clear lines of accountability to the citizens instead of hierarchical supervision by the state administration.

Another important underlying condition of the reform addressed the notion that citizens should have equal access to local administration bodies and be provided with influence on the institutions that represent them. These changes were also intended to enforce public finance reform, with far-reaching decentralisation of planning and utilisation of public expenditure, although the outcomes in this respect might be disputable (Kieżun, 2004: 8-9; Chojna-Duch, 2003: 144-145).

Further democratisation of the system consisted of the introduction, to the newly added levels of self-government, of universal and direct elections for local government representative bodies. The county council (*rada powiatu*) has acquired specific competences, including enacting local laws, choose and dismiss the members of the management board, determine the direction of the executive's activity, approve the local budget and adopt resolutions on county property matters. The regional assembly (*sejmik województwa*) was granted the power to adopt regional development strategies, to devise spatial development plans, determine regional budgets, as well as responsible for the appointment and dismissal of the management board (executive) and adoption of resolutions on property matters of the region (voivodship).

In the adopted model, the council had much more than an acceptance role. First of all, it was empowered to elect the collective management board (executive) and through the majority of votes it was to provide it with a "political umbrella". Having a mandate coming from general and direct elections, the council was in a position to authenticate and account for the activities of the executive. The executive was competent mainly to fulfil the councils' resolutions,

³ In surveys of support for the reform of state administration, only 21% of respondents rated it as unfavorable, cf. for example up to 55% of opponents of health care reform. (*Cztery reformy...* 2000). In another study, the reform of administration was considered necessary by 50% of respondents, with 37% opposing it (Gadomska, 2003: 573).

prepare draft resolutions, manage property and implement the budget. However, its members being elected by the council meant that it was susceptible to political pressure.

The next reform from 2002 mainly strengthened the municipality executive. By the introduction of direct elections and replacing the collective management board with one-person executive, the new head of municipality (mayor/city president) had also a stronger mandate as it is directly representing the voters. The position has also been given more significant competences and possibilities of action, as its political standing has become much more independent, and thus, it does not necessarily need to share the council's majority political will.

The continuation of local government reforms was also closely aligned with Poland's efforts to join the European Union, preparing for new challenges in the field of multi-level public management, absorption of European funds, participation in European programmes, and even decision-making on European matters, putting a strict division between tasks of the national and local government. Another source of institutional models that impacted the design of local government were the Council of Europe through its Charter of Local Government and the bodies of foreign assistance (Baldersheim, 2014: 23).

The main intention of the reform was undoubtedly the decentralisation of state power, as well as the continuation of changes initiated in 1989 and 1990. To achieve this, the competence between the central and local government had to be re-established, and local responsibilities had to be defined; and at the same time equipping these local government entities with legal and financial means to address them. Another goal was to organise the territorial structure of the state in the form of a more transparent and understandable division and rationalisation of administrative structures. An important consequence of introducing two successive levels of local government, was that it created another level for establishing local elites to lead further democratisation of the country and the combat against the legacy of the PRL. The mechanisms of local democracy gained a strong legal instrument in the form of civic control of local government authorities. Another significant outcome of the reform was the assumed reconstruction of the public finance system and an effort for more effective financial management at all levels of the administration.

The foundations of the new administrative system proved to be permanent and were strengthened over the years, despite the inevitable corrections in the administrative divisions. The reform was intended to reconstruct civic awareness and establish a new division of competences between the national and local government. These changes have undoubtedly modernised and improved the state structure, allowing for more effective governance and addressing new challenges. At the same time, they strengthened the processes of democratic control over the authorities and brought them closer to citizens. By empowering citizens, the responsibility for public policy decisions is shared, as well as a stronger sense of participation in public affairs is developed. Thanks to the reforms, the Polish local government can be considered one of the modern, especially in this part of Europe.

In a comparative perspective, it is even clearer that local government reforms were necessary. In that period, there were no alternative ways of modernisation in Central and Eastern Europe. The other post-communist countries did not implement such in-depth reforms, the most far-reaching changes took place in Poland. In most of other countries in the region, only "nomenclature" changes were introduced, e.g. by renaming the soviets to city councils, and free elections were added to the old system, however, they were carried out under the conditions of a single, centralised state machine.

Therefore, in most Central and Eastern European countries the local government reform consisted of only two modifications: carrying out free municipal elections and changing the name of local authorities, with no specific powers delegated to local governments. There was a substantial difference between the level of reform, which can be assessed by looking at the effects of the changes. The introduction of democratic elections should be accompanied by guaranteeing the substantial amount of independence for local government units; otherwise the changes will be superficial. However, the mindset of centralisation took much longer than expected to be changed. The question, however, remains, whether if it actually did, judging from the on-going debate on the degree of local government autonomy and central government supervision over local government activities, in Poland.

Constitutional framework of Polish local government

The Polish Constitution of 1997 has taken into account the fundamental importance of the principle of subsidiarity, and of decentralisation and independence of local government. The so-called "Little Constitution" (Constitutional Act on mutual relations between the legislative and executive power of the Republic of Poland and on local self-government) of 1992 defined local government as "the basic form of organisation of local public life" (Article 70, par. 1)⁴ and granted territorial units a legal identity and competences in public matters (Izdebski, 2009: 80 et seq.). The Constitution of 2 April 1997 devotes the whole Chapter VII (Articles 163-172) to local government.⁵ Furthermore, fundamental to the legal basis of the functioning of the local government, Articles 15 and 16, declare the principle of decentralisation of public authority, taking into account social, economic or cultural ties in territorial division, creating *ex lege* of the local government community by the population of the territorial units.

Another important provision is that local government participates in the exercise of public authority and performs public tasks on its own behalf and on its own responsibility. The Constitution also includes, first of all, the foundations of the political system on which the system was based after 1989:

- the principle of the rule of law;
- the principle of political pluralism;
- the principle of decentralisation;
- the principle of subsidiarity;
- the principle of autonomy of the municipality (*gmina*);
- the presumption of competence for the municipality (*gmina*); and
- the principle of legalism.

The municipality, constitutionally recognised as the basic unit of the territorial division of the country, had in the new administration structure a constitutionally legitimate leading position in relation to other units of territorial division - it served the presumption of competences not

⁴ Earlier, the title of Chapter 6 was changed in the Constitution of 22 July 1952 from "Regional authorities and state administration" to "Local government", with the first provision of this chapter situating local government as the basic form of public life.

⁵ Chapter VII of the Constitution clarifies the basic character of the municipality (Article 164, par. 1) and the presumption of competence (Article 164, par. 3), at least the two-tier structure of local government (Article 164, par. 2). It accepts the existence of regional self-government as well as direct elections to all bodies constituting the local government. Article 163 contains an important presumption of competence in the performance of public tasks for the benefit of local government. Article 165 protects the property rights and legal personality of local government units, while Article 166 emphasises the role of local government in satisfying the needs of the local community. An additional guarantee of the subjectivity of the community of inhabitants is granting them, in Article 170, the rights to decide by way of a referendum, while in Article 171, the limits of supervision over the local government were limited and clarified.

reserved for other local government units. The county and the self-governmental voivodship were to exercise competences reserved for them in statutes.

The sum of the provisions of the Constitution (and the earlier Law on Local Government) meant a radical break with the tradition of the PRL's "national councils" and opened the door for further decentralisation. Emphasising the separate legal identity, performing public tasks "on own behalf and on its own responsibility" (Article 16, par. 2) and limiting the administrative duality to the regional (voivodship - *województwo*) level emphasises the role of self-governance in the exercise of public authority. An additional significant feature is also the lack of hierarchical subordination of local government units, each of which is a fully independent local community, with a democratic structure of internal organisation, is separated from other institutions in order to decentralise the implementation of a substantial part of local public administration tasks, and with the right to use the legal forms of public administration authority.

Such a broad field for the functioning of local government, however, does not remain without interpretation problems. Nowadays, the greatest controversy arises from Article 7 - the principle of legalism, providing for the operation of public authority on the basis of, and within the limits of the law, i.e. the possibility of making only such decisions and acts of authority, which are expressly permitted or ordered by law.

However, the narrow interpretation in judicial decisions of administrative courts and the Constitutional Tribunal causes that this clause extends to "non-imperious" activities of local government (e.g. social activities). Meanwhile, as repeatedly pointed out by M. Kulesza, the contemporary activity of local government goes far beyond the classical sphere of order and regulation (*imperium*), concentrating broadly on satisfying collective social needs and managing development.⁶ These spheres rely mainly on the use of non-commanding activities and the use of public property (*dominium*). In these situations, the legal basis of the administration's operation is much more relaxed than the classically applied principle to act only "on the basis of and within the limits of the law".

Meanwhile, the entire judicial line of administrative courts assumes that the public task is only what has been positively and specifically defined in specific provisions, and the activities of a municipality without such a provision are deprived of a legal basis - somehow in isolation from the provisions of Article 163 in conjunction with Article 164, par. 3 and Article 165, par. 2 of the Constitution of the Republic of Poland (Kulesza, 2009: 7-10). It turns out, therefore, that the liberation of municipalities from the mechanisms of top-down decisions and the adoption of narrow supervision based on the criterion of legality quickly began to move towards purposefulness, which makes the independence of municipalities *de facto* fictional (Kulesza, 2009: 15).

What needs to be underlined, is the normative foundation of local government reform, that includes the values of local autonomy (freedom from state interference), democracy (scope for citizen participation and influence) and efficiency (Sharpe, 1970; Baldersheim, 2014). In the case of Poland, it was the democratisation factor, that was pursued more vigorously than the

⁶ Professor Michał Kulesza was appointed in November 1997, as a government plenipotentiary for systemic reforms of the state with the rank of Secretary of State in the Chancellery under the Prime Minister. His tasks included among other: preparation of a schedule of work on the reforms, carrying out work related to the preparation of legal acts, translation of the sense of administrative changes to the public. As one of the main creators (including the communal reform of 1990), he remains the "face" of this reform.

others – the considerations regarding local democracy as the means of departing from authoritarian regime took precedence.

The practice of Polish local government functioning

One of the basic problems in the functioning of local government was from the beginning an incorrect understanding of its essence, which in Poland often focused on determining this as local authorities – the head of the municipality (*wójt*) / mayor (*burmistrz*) / city president (*prezydent miasta*) or the council. The essence of self-government is, however, rather different: it is the right and the ability to manage your affairs in and by the local community. Local authorities are institutions that - as history shows - do not have to be self-governmental.

The definition of territorial self-government in the European Local Government Charter indicates that it is "*the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population*" (Article 3, par. 1). This definition of the essence of local self-government emphasises the subjective aspect - its axis is not the local government unit, but the local community, and the basis of local governance is recognised as the subjective right of local communities to exercise public authority. It is only later that the Charter states that "*this right shall be exercised by councils or assemblies composed of members freely elected by secret ballot, on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute*".

Real local government can develop only in a decentralised state with civil society; although, different views exist. See, for example, Levitas, (2017: 25), where he argues that Poland's success is the product of a remarkably self-conscious strategy of institution building by a group of policy makers, who shared a specific vision of what the local government reform was about, instead of direct civic participation, with the absence of civil society. This is an indispensable element of the democratic system - where the actual and continuous participation of citizens in public life and exercise of their power, and not just participation in elections, is at the heart of political life (Regulski, 2010: 4). The system must, therefore, enable citizens to participate in the management of the state, and not only participate in the electoral process.

However, Polish local government is not free from problems, as it is displaying specific "diseases of local government authority". The most important of them include the apparent character of representative democracy (weakness of councils, especially in relation to the executive of the municipality), lack of transparency and openness of local government bodies, as well as quite an archaic formula of civic participation and resistance of local elites against wider admission of residents to decide on local matters. These problems should be discussed, and solutions should be sought. Nevertheless, *toutes proportions gardées*, it must be remembered first of all that the restoration of the local government has modernised and improved the Polish state, allowing for more efficient governance to meet the new challenges ahead, as well as strengthening democratic control over authorities, and a joint responsibility for state affairs that has triggered a stronger sense of participation in public affairs by citizens.

The decentralisation of public authority primarily allowed the state to give up the responsibility for the management of local public affairs, transferring these competences to

local governments.⁷ Only then it was possible to complete the reconstruction of the state's political and administrative centre, with its role focusing on handling strategic matters. As a result, a clearer division of public authority functions was introduced between the three main segments of the state system: local government (municipalities and counties) - responsible for meeting the collective needs of local communities; regional self-government (in voivodships) - responsible for regional development policy; and state government and their administration (central and local) - responsible for matters of a national character, and supervision of local government for complying with laws (province governors – voivods, *wojewodowie*). The reform did not only change the administrative division of the country, but also led to the reconstruction of the administration and a more effective division of competences and responsibilities.

The functioning of local government can be considered one of the greatest successes of the Polish transformation. However, the practice of government administration indicates an instrumental approach to local governments, while decentralisation often means transferring tasks and problems without accompanying them with appropriate and adequate financial resources.⁸ As a result of decentralisation reforms, the central administration has lost a large part of its competences and consequently its impact on public affairs.

Thus, new tensions between the national and local governments have appeared, which in the long-term perspective, they reinforce growing recentralisation tendencies at the national level. Initially, the problem appeared with respect to the issue of management and distribution of EU funds allocated for regional development (regional funds) (Kulesza, 2000: 230), in which the central authority from the beginning played a major role. To this end, new structures appeared, with specific names and tasks, resulting from the implementation of EU laws, standards and documents. The head of the national system - the Managing Authority - was the minister responsible for regional development and the coordination of the use of funds from foreign sources, including from the European Union budget, designated for co-financing operational programmes. The next level consisted of Intermediate Bodies, i.e. public administration bodies or other units of the public finance sector, which were entrusted by agreement with the Managing Authority with part of the tasks related to the implementation of the operational programme. Below this level of administration, there were Implementing Institutions - public or private entities entrusted with the implementation of tasks relating directly to the beneficiaries of European funds.

The recentralisation tendencies that have been visible for a long time have been intensifying by gradually depriving local governments of control over successive areas of tasks and by tightening supervision over local government. Further actions that limit the ability of local governments to act effectively – or may even bring it down to assuming the role of the contractor of the centre's commands, and deprived of political independence and its own competences. After 1999, many changes were introduced that were unfavourable for local governments, including issues related to their share of income taxes (PIT and CIT), tightening central control over resources in the health care system, disregarding the subjectivity of local governments when changing communal boundaries, attempting to over-extend the

⁷ Local governments control over a third of all public expenditures and a remarkable 70% share of public investment, delivering the goods, transforming environmental infrastructure, developing transport systems and urban spaces, and public schools (Levitas, 2017: 24).

⁸ This is evident, for example, in education, where funds transferred to the local government in the form of educational subsidies are not sufficient and most municipalities must pay extra to maintain schools drawing on their own resources, at the expense of other tasks: <http://www.wspolnota.org.pl/rankingi/ranking-oswiatowy/subwencja-oswiatowa/>

competences of supervisory authorities over the local government, or failed approaches to the introduction of metropolitan governance.

In recent years, there has been a centralist acceleration, visible both in the form of educational reform, centralisation of environmental protection funds and environmental protection administration, planned centralisation of employment agencies, attempts to radically expand supervisory competences of the Regional Audit Chambers (RIO), as well as the central form of the housing programme "Mieszkanie +", entering the field performed so far by local governments within the framework of municipal construction. The most important problem, however, is the slow but steady deprivation of local government of the large part of its financial income. For example, lowering income taxes - although gladly accepted by the public - leads to a reduction of revenue for local government units and it presents difficult choices for the local councils to make, i.e. which part of the budget to cut.

That may lead to poorer quality of public services and growing dissatisfaction with the local government's performance, as it is responsible for the vast majority of public services. Should the direction of change be maintained, in a short period of time local government could become a structure devoid of real independence and own competences, with limited financial means, preventing its independent functioning. Without the formal winding-up of local government, it may turn out that the locus of public authority is inevitably heading towards the centre, taking up, in a bit, the competences previously arranged in a logical manner among particular levels of local government units.

The antidote for centralising tendencies, however, cannot only be the defence of the *status quo*, especially because many accusations are formulated against the actions of local government bodies. The one-man leadership of municipality heads, mayors and city presidents is often based on an idealised concept of a strong leader, who understands and satisfies the needs of the inhabitants best - while such an authoritative approach seems to be less and less valid. Considering the ideas of wider participation in governance, co-management of local affairs, participatory budget formulation, urban movements and various forms of social consultations, alternative leadership models are being sought, based on open communication, co-decision and community ship (Mintzberg, 2015).

The relationship between the size and effectiveness of local government units has been explored for a long time, but there is no consensus on the outcomes, and various studies lead to different conclusions (Swianiewicz et al., 2016). Three aspects are the most important when discussing the effectiveness of local autonomy. Firstly, the ability of local government units to provide services – there are opinions that smaller units cannot cope with the performance of certain tasks (Swianiewicz, 2014). The second aspect concerns the costs – the “economy of scale”, whether a larger self-government unit performs better and less costly than a smaller one. The third problem to be addressed is the functioning of local democracy. Here the views are also divided, with some opinions suggesting that small self-government units mean more trust and closer contact between the citizens and local authorities.

Others argue that smaller size could affect democracy, as the competition between candidates is limited, and it is counterproductive to networking of civic organisations, leading to tendencies to form closed elite groups with no alternatives to them (Swianiewicz et al., 2016). What is also lacking in Polish local government in this respect, is the effective sub-regional

level, being capable of solving the problems of bigger metropolitan communities, in many cases exceeding the scope of municipalities and counties powers and capabilities.⁹

Conclusions

The restitution of self-governing local government was one of the necessary conditions for restoring the democratic system in Poland and building a civil society. Without independent local government - that is, transferring the real competences of public authority to the level of local communities - and without social involvement, it would be impossible to develop the country as a result of citizens' work. In the PRL, cutting off local communities from the decision-making domain blocked the initiatives and activities of people. Only the creation of appropriate conditions for free action of residents of municipalities (*gmina*) and counties (*powiat*) gave the opportunity for local authorities to play a significant role in economic development (Regulski, 2010: 2).

Currently, Polish local government is the main functional component of a broad system of public administration, responsible for the vast majority of the day-to-day delivery of public services. Decentralisation served both as a tool for dismantling the communist state and as the foundation for a broader state-building strategy, with purposeful division of powers between the central and local government levels. Poland avoided the fragmentation and apparent character of reforms conducted in most other Central European countries, providing local authorities with a democratic mandate derived from popular vote, legal identities, independent budgets, property rights, and control over their personnel and substantive competences in the field of public services. Independence of local government should be considered as an important component of public administration reform, as well as the democratic empowerment in order to build a stronger state. On the other hand, Poland's success in restoring local government seems to have been diminished by creeping recentralisation and continuous efforts from the central government to control local authorities.

There are no strong arguments in favour of the position that taking over the competences of the local self-governments by the centre will yield better results in performing public tasks. Experience indicates – thus far - that central government is not more effective than local government in providing public services, e.g. decentralised communal services or education in contrast to centralised health protection. An alternative to limiting the growing control of central government over local government may be a stronger empowerment of local communities, which will not only observe and oversee the actions of local authorities but have real instruments of co-deciding and holding accountable local government bodies for all shortcomings or failures. This most important evaluation role of the actions of local authorities should be vested to the inhabitants of local government units.

For this reason, the debate on the future of local government should focus on strengthening local government vis-à-vis the centre and introduce a qualitative change within local governments, placing particular emphasis on the sub-regional level, with local communities as co-decision-makers and public management actors. It should even be considered to increase the autonomy of local government, and above all, to simplify the division of tasks, competences and resources between the national and local government, providing the space for effective metropolitan management.

⁹ The only functioning metropolitan association is based in the Silesia Region (*Górnośląsko-Załębiowska Metropolia*).

Even though the foundations of Polish local government seem to be solid, the sub-regional level needs to be strengthened, as the tasks assigned to municipalities and city-counties require wider cooperation. Additionally, by providing greater support to sub-regional cooperation, it is expected that a greater local autonomy and resilience will be achieved.

If one wants to truly counterbalance the recentralisation attempts, one needs to find ways to foster the cooperation on the local and regional level, as well as engage citizens in the decision-making process. The only way to build a genuine local community, as opposed to top-down/enforced local cooperation, is making this idea attractive to the people. Recentralisation is not a solution to the current problems of the local government, but rather a recipe for deepening the existing problems and creating new ones, related to the deficiencies in effectiveness of the central government.

References

- Ahrend R., Lembcke A., Schumann A. (2016), Why metropolitan governance matters a lot more than you think , CEPR Policy Portal, 19 January 2016, <https://voxeu.org/article/why-metropolitan-governance-matters>
- Baldersheim H. (2014), Reflections on 25 Years of Local Government Reforms in Europe, Valg, velferd og lokaldemokrati: Festskrift til Per Arnt Pettersen. 2014, 17-34 Akademika forlag, 2014
- Bardhan P, Mookerjee D, (2006) eds. Decentralisation and Local Governance in Developing Countries. Cambridge: MIT; 2006.
- Bernhard M. (1996) Civil society after the first transition: dilemmas of post-communist democratization in Poland and beyond. *Communist Post-Communist Stud.* 1996;29(3):309–21.
- Borodo A. (2013) Z problematyki prawnej środków nadzorczych stosowanych przez regionalne izby obrachunkowe. In: Krawczyk R, Stec M, editors. *Samorząd–Finanse–Nadzór i Kontrola, XX-lecie Regionalnych Izb Obrachunkowych*. Warsaw: LEX Volters; 2013. p. 233–46.
- Buczkowski P. (1996) Rola władz lokalnych, struktur regionalnych i krajowych w warunkach transformacji ustrojowej. *Samorząd Terytorialny.* 1996;1–2:5–11.
- Campbell A, Coulson A. (2006) Into the mainstream: local democracy in central and eastern Europe. *Local Gov Stud.* 2006; 32(5):543–61.
- Cheema S, Rondinelli D, (2007) editors. *Decentralizing Governance, Emerging Concepts and Practices*. Washington: Brookings; 2007.
- Chojna-Duch E. (2003) Cele i skuteczność reformy administracji publicznej w latach 1999/2001. *Aspekty finansowo-prawne oraz funkcjonowanie*, in: A. Piekara (red.), *Cele i skuteczność reformy administracji publicznej w RP w latach 1999-2001*, Warszawa 2003.
- Connerly E. (2009) *Democratic Decentralisation Handbook*. Washington DC: USAID; 2009.
- Constitution of the Republic of Poland of 2 April 1997, published in *Dziennik Ustaw* No. 78, Item 483
- Constitutional Act on mutual relations between the legislative and executive power of the Republic of Poland and on local self-government of 17 October 1992, *Dz.U.* 1992 No. 84 item 426.
- Cztery reformy w opinii społecznej: poinformowanie i ocena. Komunikat z badań Centrum Badań Opinii Społecznej, Warszawa 2000.

- Dębowska-Romanowska (2013) T. Na dwudziestolecie powstania regionalnych izb obrachunkowych. In: Krawczyk R, Stec M, eds. Samorząd–Finanse–Nadzór i Kontrola, XX-Lecie Regionalnych Izb Obrachunkowych. Warsaw: Lex Volters; 2013. p. 13–20.
- Ekiert G, Kubik J. (1993) *Rebellious Civil Society: Popular Protest and Democratic Consolidation in Poland 1989-1993*. Michigan: Michigan University; 2001.
- European Charter of Local Self-Government, Strasbourg, 15.X.1985
- FRDL (2009) Dwadzieścia lat Fundacji Rozwoju Demokracji Lokalnej <http://www.frdl.org.pl/index.php/badania-analizy-publikacje.html>
- Gadomska B. (2003) Opinia publiczna wobec reform decentralizacyjnych, in: A. Piekara (ed.), *Cele i skuteczność reformy administracji publicznej w RP w latach 1999-2001*, Warszawa 2003.
- Herbst M, Levitas A. (2012) Decentralizacja oświaty w Polsce 2000–2010: Czas stabilizacji i nowe wyzwania. In: Mikołaj H, editor. *Decentralizacja oświaty*. Warsaw: ICM; 2012.
- Herbst M, Herczyński J, Levitas A. (2009) *Finansowanie oświaty w Polsce - diagnoza, dylematy*. Warsaw: EUROREG; 2009.
- Howard M. (2003) *The Weakness of Civil Society in Post-Communist Europe*. Cambridge: Cambridge University; 2003
- Izdebski H. (2009) *Samorząd terytorialny. Podstawy ustroju i działalności*, LexisNexis Warszawa 2009, p. 80 et seq.
- Jakubek J., (2010) *Reforma administracji publicznej 1998 r. : z perspektywy minionej dekady*, *Społeczeństwo i Polityka*, nr 1/2010, nr 1, s. 95-113.
- Jankowska M. (2018) *Związek powiatowo-gminny – analiza nowej formy współdziałania jednostek samorządu terytorialnego*, 2018.
- Kieżun W. (2004) *Struktury i kierunki zarządzania państwem*, in: Kieżun W. i Kubin J. (ed.), *Dobre państwo*, Wydawnictwo WSPiZ, Warszawa 2004.
- Komninios N. (2008) *Intelligent Cities and Globalisation of Innovation Networks*, London and New York, Routledge 2008.
- Kramer M. (2002) *Collective protests and democratization in Poland, 1989–1993: was civil society really ‘rebellious’*. *J Communist Post-Communist Stud.* 2002; 35:213–21.
- Kulesza M. (2009) *Ile decentralizacji w centralizacji, czyli o nawykach uczonych administratywistów*, „*Samorząd Terytorialny*” nr 12/2009.
- Kulesza M. (2000) *Słowo końcowe, Pełnomocnik i polityka*, in: J. Milewicz, A. Wołek, *Reformatorzy i politycy. Gra o reformę ustrojową 1998 roku widziana oczami jej aktorów*, wyd.1 Warszawa 2000, p. 230.
- Kulesza M. (2008) *Budowanie Samorządu: Wybór tekstów ze Wspólnoty 1990–2007*, Municipium: Warsaw; 2008.
- Law on Local Government from 8th March 1990
- Lisowski P. (2017) *Nowe typy związków samorządowych w Polsce na przykładzie związków powiatowo-gminnych*, w: Dolnicki B. (red.), *Sposoby realizacji zadań publicznych*, Warszawa 2017
- Ladner, A., Keuffer, N. and Baldersheim, H. (2015). *Local Autonomy Index for European countries (1990-2014)*. Release 1.0. Brussels: European Commission.
- Levitas A. (2017) *Local Government Reform as State Building: What the Polish Case Says About „Decentralisation”*, *St Comp Int Dev* (2017) 52:23-44
- Levitas A, Herczyński J. (2002) *Decentralisation, local governments and education reform and finance in Poland:1990–1999*. In: Davey K, editor. *Balancing National and Local*

- Responsibilities: Education Management and Finance in Four Central European Countries. Budapest: LGI; 2002. p. 113–91.
- Mintzberg H. (2015) *Rebalancing Society: Radical Renewal Beyond Left, Right, and Center*; Berrett-Koehler Publishers. 2015.
- Miszczyński P. (2013) Measuring the Efficiency Of Local Government Units Management In The Central Region Of Poland In A Dynamic Perspective, *Quantitative Methods in Economics*, Vol. XIV, No. 2, 2013, pp. 108-117
- Pełnomocnik Rządu do Spraw Reform Administracji Publicznej. Założenia i kierunki reformy administracji publicznej. *Samorząd Terytorialny*. 1993;1–2:107–50.
- Prud'homme R. (1995) The dangers of decentralisation. *World Bank Res Obs*. 1995;10(2):201–20.
- Regulski J. (2010) *Samorząd a model państwa*, Infos, Biuro Analiz Sejmowych, 20 maja 2010.
- Regulski J. (2003) *Local Government Reform in Poland: an Insider's Story*, Local Government and Public Service Reform Initiative, Open Society Institute–Budapest 2003.
- Regulski J. (1992) *Samorząd terytorialny: Skąd i dokąd*. *Samorząd Terytorialny*. 1992;1:104.
- Regulski J. (2000) *Samorząd III Rzeczypospolitej: Koncepcje i realizacja*. Warsaw: PWN; 2000.
- RIO. *The Regional Chambers of Audit in Poland*. Wrocław: National Council of Regional Audit Chambers; 2006.
- Roiseland A. (2010), *Local Self-Government or Local Co-Governance?* *Lex Localis – Journal of Local Self-Government*, Vol. 8, No. 2, pp.133-145, April 2010
- Sauer A. (2013) *The System of the Local Self-Governments in Poland*, The Research Paper prepared in the framework of the project *Public Administration Reform in Visegrad Countries: Lessons Learned for Belarus and Ukraine*. Association for International Affairs, 2013
- Sharpe L.J. (1970) *Theories and Values of Local Government*, *Political Studies* XVIII, 153-174.
- Smętkowski M., Jałowiecki B., Gorzelak G., (2009) *Obszary metropolitalne w Polsce – diagnoza i rekomendacje*, *Studia Regionalne i Lokalne*, nr 1(35)/2009.
- Selznick P. (1957) *Leadership in Administration*. Berkeley: University of California; 1957.
- Stec M. (2009) *Współdziałanie administracji rządowej z administracją samorządową*. Warsaw: KSAP; 2009.
- Stępień J. (1991) *Samorząd a państwo*. *Samorząd Terytorialny*. 1991;1–2:91–6.
- Swianiewicz P, (2002) ed. *Consolidation or Fragmentation? The Size of Local Governments in Central and Eastern Europe*. Budapest: LGI; 2002.
- Swianiewicz P. (2011) *Poland: Europeanization of Subnational Governments*. In: Hendriks F, Lidström A, Loughlin J, editors. *The Oxford Handbook of Local and Regional Democracy in Europe*. Oxford: Oxford University; 2011.
- Swianiewicz, P. (2013). *An empirical typology of local government systems in Eastern Europe*. *Local Government Studies*, 40(2), 292-311
- Swianiewicz P., (2014) *Ocena podziału terytorialnego państwa z uwzględnieniem efektywności funkcjonowania urzędów organów jednostek samorządu terytorialnego – wnioski i rekomendacje*, Raport przygotowany na zlecenie Ministerstwa Administracji i Cyfryzacji, 2014.
- Swianiewicz P., Gendźwił A., Łukomska J., Kurniewicz A., (2016) *Wielkość gmin i powiatów a sprawność ich funkcjonowania: hipotezy wielkoludów i liliputów*, 2016.
- Sześciło D. (2016) *Ustawa metropolitalna – jeszcze mniej demokracji w samorządzie? Prawo Europejskie w praktyce*, nr 1(139)/2016

- Sześciło D. (2018) Is there a room for local and regional self-government in the illiberal democracy? Struggle over recentralization attempts in Poland; Paper presented at EGPA Conference, Lausanne 5-7 September 2018
- Sześciło D. (ed.) (2019). Polska samorządów. Silna demokracja, skuteczne państwo, Fundacja Batorego, Warszawa 2019.
- Ustawa z dnia 8 marca 1990 r. o samorządzie terytorialnym (Dz.U. 1990 nr 16, poz.95).
- Ustawa z dnia 5 czerwca 1998 r. o samorządzie powiatowym (Dz.U. 1998 nr 91 poz. 578).
- Ustawa z dnia 9 października 2015 r. o związkach metropolitalnych (Dz.U. z 2015 r. poz. 1890, z 2016 r. poz. 2260)
- Ustawa z dnia 9 marca 2017 r. o związku metropolitalnym w województwie śląskim (Dz.U. z 2017 r. poz. 730).
- Treisman D. (2017) The Architecture of Government: Rethinking Political Decentralisation. New York: Cambridge University; 2007. St Comp Int Dev (2017)
- Tworecki H. (2008) A disaffected new democracy: identities, institutions and civic engagement in Poland. J Communist Post-Communist Stud. 2008
- Walczak P. (2013) Funkcja kontrolna regionalnych izb obrachunkowych–stan obecny i perspektywy przekształceń. In: Krawczyk R, Stec M, eds. Samorząd–Finanse–Nadzór i Kontrola XX-Lecie Regionalnych Izb Obrachunkowych. Warsaw: Lex Wolters; 2013.