

Methods and Techniques of Managing Decentralization Reforms in CEE Countries. The Polish Experience¹

Prof. Michał Kulesza²
Head, Public Administration Department
Faculty of Law and Administration
Warsaw University
Poland

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1. Transformation in Poland after 1989:

- **Democracy (political liberties);**
- **Free market (economic liberties);**
- **Decentralisation (civic state) – *raison d'être* of the Polish state or just an invention by intellectuals and the political elite?**

Since 1989 reforms in Poland have moved in three main directions. First of all, they included political changes to create the foundations of a democratic system, such as individual rights, civil liberties and political liberties. Secondly, they included reforms of the economic system aimed at restoring a market economy based on private ownership. Thirdly, they included reforms of the system of government, especially decentralisation.

Since 1989 a group of individuals in Poland has been in favour of decentralisation (this group began working on a new system of government in 1980). They understand very well the interplay of complex factors and relations between the administrative system and the general rules of functioning of economic and political systems. If economic and political systems change, the administrative system should also follow these changes.

The communist system in Poland was modelled on the Soviet system. As such it was coherent, but it was based on assumptions that were strange, not only in terms of Polish traditions and mentality but also with

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² Michał Kulesza is a university professor and author of some 150 scientific publications in the area of public administration and administrative law. Took part in the 1989 Round Table debates as member of the local government working group (on behalf of "Solidarity"). One of the main authors of the 1990 Polish *gmina* (municipal) reform and legislation. In 1992-1993, as the Government Plenipotentiary for Public Administration Reform and Undersecretary of State in the Hanna Suchocka government, prepared the *powiat* (county) reform, not introduced at that time for political reasons. From November 1997 to March 1999 was Secretary of State in the Jerzy Buzek government, and as the Government Plenipotentiary for Systemic Reform of the State was in charge of preparing the 1998 administrative reform (*Powiat & Województwo*), in particular its legislative groundwork. Since 2004 in Baker&McKenzie Warsaw, Of Counsel, responsible for Public Law and Competition practice.

regard to the basic rules of a democratic state. The preamble of Poland's Constitution of 1952 r. (amended in 1976) contained a statement to the effect that the main role of the state was the implementation of "the great socialist ideas". What was also decreed in the Constitution was Poland's friendship with the Soviet Union. Formally, the supreme power in Poland was in the hands of "the working people of towns and villages" through parliament and people's councils (*rada narodowa*). The leading force, which would set directions, was to be the working class and its political party. But in reality the country was governed from outside by the state authorities, by communist party committees and party leaders. The slogan: "the Party leads, the Government governs" reflected very precisely the existing relations at the time. The real government was the Political Bureau of the Central Committee of the Polish United Workers' Party (the communist party), whereas the Council of Ministers was an executive body, acting in fact as an "administrative board" of the country. Thus the communist party made decisions whereas the state apparatus was an executive body. Society was to head in the direction set by the official ideology. The will of the people was not important, as those who ruled Poland unofficially assumed (and they were right) that the nation was and would remain against the existing political system. What resulted from the official ideology were the rules, which defined the scope of the activity of the state, its institutional structure and the way it functioned. This resulted in the need to create a centralised state that controlled completely the social and economic life of the country, even interfering in the private lives of its citizens. Of great importance was the adoption of the rule of "democratic centralism" and of the rule of unitary state power as foundations of the political system (Regulski 2000, p.19).

According to the rule of democratic centralism, all governing bodies, both political (the party) and the state were elective (whatever it meant at the time), but at the same time those bodies that were lower in the hierarchy were answerable to those higher in the hierarchy. This meant in practice that the central bodies decided everything, and any form of civil control over their activities was only formal. Under such circumstances, any election was a farce. At the same time, the authorities rejected the rule of separation of powers proposed by Montesquieu and replaced it with the rule of the unitary character of state power. Any form of decentralisation, which provided for the expression of independent views, not to mention their implementation, was seen as a threat to the state authority. That is why the whole state apparatus focused on giving orders and checking to see if they were carried out.

The main idea of the system was to make people dependent, particularly on their place of work, in order to make them rely fully on the system and eliminate the possibility of any independent behaviour. That is why – paradoxically – the "workers' councils" played an important role in state-owned enterprises and became the forerunners of democratisation in management as early as the 1970s. On the other hand, there were no real ways in which people could be organised in the areas where they lived. The ruling party was afraid of spontaneous and uncontrolled local initiatives. The management of public issues was based on centralist rules, whereas the organisational structure of the existing administration was based on the domination of ministerial and departmental (vertical) structures over territorial (horizontal) structures.

Both forms for the organisation of society, i.e. according to the place of work or according to the place of residence, are antagonistic (competitive) to a large extent. If one form is strengthened, the other is weakened. Totalitarian systems prefer the former, whereas democracies the latter (Regulski 2000, p.20). The transformation, which has been going on in Poland for the last 11 years, involved first of all a change in the rules according to which social life was organised. However, these changes have encountered many difficulties and require the necessary time to raise social awareness. It was also necessary to overcome the forces that would lose as a result of the changes, and these forces included the central administration. "Territorialisation of power" is a condition for creating the civil state by strengthening territorial systems (at various levels) and by weakening the role of central administration – and its structures and ministerial bodies – in directly managing public issues.

The public administration has always been an important force for development, and it has influenced the direction and pace of change. However, it can be either a creative and constructive force or a destructive one, hampering development and obstructing any transformation. This is not only a theoretical thesis. Its practical side can be observed in Poland, where the development of civil society and democratic behaviour, and the increase in the economic activity of individuals would have been impossible without the far-reaching administrative reform. Without that reform it also would have been impossible to improve public safety and introduce changes in the systems of education and public health care, etc. The effect of

the shape of public administration on the effectiveness of all units and sections of public services is obvious.

That is why the issue of restructuring the system of government, including the reform of public administration encompassing far-reaching decentralisation, constituted one of the most important challenges for Poland's political elite after 1989.

2. Decentralisation and public administration reform as a reinventing factor for the political system in Poland

As I have already indicated, the main structure and rules of functioning of the public administration in Poland were formed between 1944 and 1989, under totally different political principles and circumstances. The public administration then served a different political system, a different philosophy of law, a different ownership structure, a different system of managing the economy, and different goals of internal and foreign policy.

The administrative system in People's Poland, as in other countries of the Eastern Bloc, was centralised and based on the domination of ministerial and departmental structures. This system made it impossible to pursue a rational social and economic policy at national, regional and local levels. It also made it impossible to prioritise, choose and achieve public goals.

What the new system also inherited from the old one was a very damaging mixture of politics with purely administrative functions, which blurred the division between political responsibility and administrative competencies. As mentioned above, the country was governed by the Political Bureau of the Central Committee of the communist party, together with the whole party apparatus, whereas the Council of Ministers was the highest segment of state administration and served as a purely executive body. Also, the government and the administration were not separated institutionally from the management of state property. As a result, pathological phenomena occurred wherever the two areas met but also because of the lack of managerial skills, as well as bureaucratic and ineffective forms of managing public property and the economy. In 1975 *poviats* and *voivodships* (medium and higher tiers of administrative division of the country) were abolished and replaced by new, small *voivodships*, which led to the strengthening of the centralist management of the party, the administration and the economy. The old vision of the state was difficult to eradicate, as it was deeply rooted in the thinking of many politicians, and this vision was not limited to former communists. As a result, even today the government and its ministers are ready to "fix things" rather than prepare a national strategy and policy and make sure that it is implemented in a coherent manner at both national and international levels.

It must be said here that the first timid attempts to increase the independence of people's councils in Poland were made in the 1980s. However, this brought more anarchy into the existing system, which was still centralised and managed by ministries or departments. To sum up this short diagnosis, it must be said that the Polish administration of the late 1980s was largely ineffective and was only one step from being uncontrollable as a whole, facing chaos and inertia. This situation constituted a serious and real threat to Poland, and for that reason administrative reforms became a necessity immediately after Poland achieved independence in 1989.

In order to restore local identity after 1989 (*gmina* and *poviat*) and to create mechanisms for regional development (*voivodship*), it was necessary to reverse the old system, which meant that the new system had to be based on the rule of subsidiarity, decentralisation and a democratic mandate for any authority. The first rift in the system of ministerial (sectoral) management became the *gmina* in 1990, but the *gminas* had only 15 per cent of the public budget at their disposal. Another step was made in 1998 when the mechanism of local self-government was supplemented by the restitution of the *poviat*, and foundations were created to manage regional development on the newly created *voivodship* level. As local self-governments (*gmina* and *poviat*) as well as regional self-governments (*voivodship*) have based their activities on democratic elections, they constitute a counterweight to state centralisation. They have become a school and practise for the new political elite, which – less than ten years later – is present in all political parties, parliament and the central government.

Territorial reform and decentralisation of public management were also important from the point of view of how central government works. Decentralisation (the transfer of responsibility and of much entitlement

to local and regional self-governments) has freed the centre of executive power from responsibilities and from the management of many issues. It has also made it possible to remodel the mechanisms according to which the central government and its administration (central and field) work.

I think that I am entitled to say that in 1989 Polish experts were well prepared for any work on the reform of the government in Poland. We chose a route that was different from that of other post-communist countries. We decided that, apart from the necessary reform of the central government, the key to a far-reaching reform of the political system was the decentralisation of public issues. This meant that decentralisation started at the lowest level of public administration and that the position and role of *gmina* were radically strengthened.

We did not consider as correct the proposals put forward to Poland by many western experts (including, *inter alia*, those from OECD) that the transformation should begin with the reform of the central government and its administration. It was obvious that, due to the collapse of the single-party system, the restructuring of the centre of government was necessary. But under such conditions this restructuring could not be radical and would only mean superficial adaptation to new conditions.

The main problem Poland faced (as indeed all post-communist countries faced) was first of all the hyper-centralisation of the government and not only the inertia of the central administration. Any reform of the centre in a highly centralised system would not bring about any qualitative change but would only strengthen centralisation, making it more efficient but with all its consequences. In such a centralised system of managing public affairs, every single wrong decision has repercussions throughout the country. A decentralised system defends itself from such dangers, serves democracy and proper management, and is safer.

That was why we had to “discover” our own way of changing the system through decentralisation. This methodology of change proved to be right. Paradoxically, it turned out that after the decentralisation of public management, the reform of the centre was not of such great importance and urgency as it had seemed, as the scope of responsibility of the central government had been reasonably diminished. At present the central government governs but does not administer. Even though the proper functioning of the central government and its administration still constitutes a great challenge (especially when it comes to efficient governing on the macro scale), it is no longer a matter which directly influences public life in Poland and everyday activities of public services and institutions. Now most public services and administrations are linked to local and regional governments.

3. Course of the reforms

Before 1989

The state's work on decentralisation has been going on since 1989 with varying intensity. The subsequent governments have pursued a policy that has not always been characterised by continuity in all areas. The willingness to restructure the state, making it rational, orderly and civil, and to make its administration effective could be seen between 1989 and 1993. However, the final decisions, taken only in 1998, constituted a breakthrough in the system of government.

Experts began their work on the restructuring of the administrative system in Poland in the late 1970s, and political debates on the subject were organised. These debates were held as part of a seminar entitled *Experience and Future* (Prof. Jerzy Regulski and Prof. Andrzej Piekara), which was attended by researchers contesting the existing political situation. The work carried out since 1980 by research teams led by Jerzy Regulski and Michał Kulesza (Warsaw University) resulted in the creation in 1989 of a lengthy list of points, with which both sides of the Round Table³ talks disagreed. The so-called Party-and-

³ Round Table (*Okrągły Stół*) – talks held by representatives of the opposition, most of whom were linked to the “Solidarity” trade union, outlawed after the introduction of martial law in Poland, and by representatives of the state and party authorities (the Polish United Workers’ Party). The talks were held in Warsaw from 6 February until 5 April 1989. The negotiators were to work out rules for the democratisation of the social system in Poland and for introducing economic reforms that would be acceptable to both sides. According to the Round Table agreements, it was decided that the reform of political and economic systems would be carried out in steps and would be based, among other principles, on political pluralism, freedom of speech, independence of the judiciary, strong territorial

Government side did not agree to any changes in the way territorial authorities would be organised, as proposed by the Opposition-“Solidarity” side. These proposals included consent being given to local communities to set up local self-governments and a guarantee in the constitution of the right of local communities to set up such self-governments. To enable local communities to do this, they would have to be empowered with the competence to govern as a public government and be allowed to enter into civil law transactions on their own behalf.

The basic postulate was the creation of independent units of territorial self-government. The units would have their own tasks and their own bodies. They would also have the right to hold property, they would enjoy financial independence, and their legislature would be elected in a democratic process. State supervision would be limited only to the question of the legality of their actions, which would guarantee their independence.

At the Round Table, no decisions were made, but it was at that moment that expert knowledge was turned into a political postulate.

The restoration of territorial self-government at gmina⁴ (municipal) level – 1990

After the elections of June 1989, at the initiative of the Senate of the Republic of Poland undertaken in July 1989, only several months into the Tadeusz Mazowiecki government, territorial self-government was restored at *gmina* level.

Jerzy Regulski became a member of the Senate and chairman of the State Administration and Territorial Self-Government Commission in the Senate. It was Regulski who initiated the above-mentioned resolution of the Senate to restore self-government. He became the Undersecretary of State and Plenipotentiary for Territorial Self-Government Reform in the Tadeusz Mazowiecki government. In this position he managed the preparation of the reform and then supervised its implementation. After Regulski had become a government member, the Commission, under the special auspices of Senate speaker Andrzej Stelmachowski, was chaired by Jerzy Stępień, who is now a judge of the Constitutional Tribunal. The Sejm (first chamber of parliament) commission was chaired by Prof. Walerian Pańko, who later became the President of the Supreme Chamber of Control. I had the honour of working on the territorial self-government draft bill. The draft was prepared in the autumn of 1989 under the auspices of the Honorary Legislative Council of the Solidarity Trade Union. It was then prepared by the Commission and on 19 January 1990 became the first bill submitted by the Senate of the Republic of Poland to the Sejm.

self-government, democratic elections to all elective bodies of state, freedom of ownership, and development of a market economy and competition. The agreements provided for the pluralism of trade unions, i.e. freedom to establish and be a member of a trade union, and it was also decided to legalise the “Solidarity” trade union.

As far as the supreme state authority was concerned, it was decided to set up the Senate as a second chamber of parliament and the office of the President of Poland. It was also decided that the Senate election would be free whereas the *Sejm* (first chamber of parliament) election would be based on a political contract among parties, i.e. the Party-and-Government side would be given 65 per cent of the seats whereas the Opposition-“Solidarity” side would obtain 35 per cent of the seats. The Round Table agreements formed a foundation for implementing significant political changes in Poland.

The first election held according to the above agreement took place on 4 June 1989. As a result of the vote, the Solidarity side won all 35 per cent of seats in the Sejm and 99 out of 100 seats in the Senate. This made it possible to create a strong Opposition group in the Sejm, known as the Citizens’ Parliamentary Club, and then, after forming an unexpected coalition with two parties (former political supporters of communists – SD and ZSL), to create Eastern Europe’s first non-communist government, led by Tadeusz Mazowiecki.

A number of important decisions were subsequently taken regarding Poland’s economy, including freedom of ownership, introduction of a free market economy and competition, liquidation of central planning, and implementation of a unified fiscal policy regarding companies.

⁴ *Gmina* – the basic level of public administration introduced in 1990. The most important collective needs of a local community are met here. There are ca 2500 *gminas* in Poland, amongst them rural and urban (towns) of various size. Rural *gminas* are headed by *voits* (wójt), urban *gminas* and *gminas* with townships – by mayors (*burmistrz*), and larger towns – by presidents (*prezydent*). The average rural *gmina* has ca 7000 inhabitants (there are only 28 *gminas* with a population lower than 2500).

Within a few months the necessary drafts had been prepared and were voted into law: first was the amendment of the Constitution, followed by the law of 8 March 1990 – the Territorial Self-Government Act, the Election Law, and finally all other laws (at that time more than 100 laws relating to different areas were amended). On 27 May 1990 the first free municipal elections in Central and Eastern Europe were held. This represented a reform of fundamental importance and became the first successful step towards creating civil society.

The main political dilemma at the time was as follows: whether to hold free elections to the former people's councils, which could not be easily adapted to the new needs, and then work out new solutions, or to first carry out a far-reaching reform of local self-governments and then hold elections to new institutions. It should be noted here that the mechanism of taking political decisions was very simple during the first few months. It was the political leadership of the Citizens' Parliamentary Club who chose the latter variant, with the reservation that the election must be held as soon as possible, and settled the dilemma. The pace of work, both in the government and in the *Sejm*, was so lively that opponents of the reform (and there were many of them, both among politicians and members of the state administration) did not have enough time to co-ordinate their efforts to effectively oppose it.

Another problem referred to the scope of the reform: how many levels of territorial government should become self-government. At the Round Table debate, the communists had proposed that the people's councils at both levels should simply be "renamed" as self-government and the problem would be solved. Not only was such a superficial reform rejected, for the reasons described above, but also the reform was limited to the *gmina* level and other levels of self-government were left to be dealt with at a later date.

The reform was limited at this stage to the *gmina* level for several reasons. Firstly, the administrative division of Poland at the *gmina* level had and still has a proper size: an average village *gmina* in Poland has around 7000 inhabitants, which is very beneficial if the *gmina* is to perform a wide variety of important public tasks. It was therefore not necessary to introduce territorial changes at this level. Secondly, after the reforms of the mid-1970s, the administrative division of Poland had adapted to the needs of a centralised state (49 small *voivodships*), and for that reason a far-reaching territorial and organisational reform was required; in 1990 there was no time for such a reform. Thirdly, as it was assumed that the *gmina* was to become the basic territorial unit for public management in Poland, it was unwise to introduce higher levels of self-government as they might dominate the whole system. The main aim of the reform was to strengthen the *gminas*, letting them become accustomed to independence and the burden of responsibility, and to stimulate and integrate local communities.

The key role in implementing the *gmina* reform was played by the field delegates of the Government Plenipotentiary, who were appointed in all 49 *voivodships*, as it was impossible to contact 2500 *gminas*, give them advice, information or consultation from Warsaw. It was therefore necessary to create new channels for managing the *gmina* reform, which would be separate from the existing territorial administration that had remained since 1990 in the hands of the old apparatus. The offices of the delegates became the first element of non-communist territorial administration in Poland. These representatives were chosen from among candidates presented by local citizens' committees. The selection criteria were clear and simple. The reform needed people with some knowledge of administrative matters who were involved in the reform process but not involved in local interest groups, which could limit the freedom of their actions. The individuals who were chosen for these positions were independent, responsible, had negotiation skills and were able to convince others. Some officials from the old administration also became delegates, but they were in a minority. Most of those chosen were members of the former opposition (Regulski 2000, p. 96).

The main task of the delegates was to prepare the *gmina* to set up self-government and choose its authorities, take over state property, etc. They were also to instruct the new *gmina* during the first phase of its independent operation and to stimulate the self-government movement. The small team performed a huge task. At that time there were neither *gmina* statutes nor any regulations for the conduct of proceedings. The former were to be discarded and the new had to be written from scratch. The scale of these challenges was enormous. It was necessary to carry out a stocktaking of public property taken over by the *gmina*, reorganise *gmina* offices as well as public services and administrative institutions, sort out financial matters, and create new institutions. At the same time, *gminas* on their own initiative began the process of freeing the economy by privatising many enterprises, which they owned at this point, as well as selling, transferring or leasing land, buildings and office space. In this way the self-government reform

began important changes in the economy and became one of the main driving forces of economic transformation in Poland.

As can be seen above, the Office of the Government Plenipotentiary for Territorial Self-Government Reform played a key role in the preparation and introduction of the *gmina* reform. The same system was later used many times in Poland, and it was not limited to administrative reform issues. It seems to be the best solution for the management of deep systemic changes. On the one hand, the actors involved enjoy strong political support (they are directly subordinate to the Prime Minister) and on the other, they focus their efforts on one particular task. Only two dozen staff worked in the Office, but it co-operated on a long-term or short-term basis with numerous teams and individual experts.

When *gminas* became operational, the disagreement between the supporters of the reform and those against it (especially the government administration) began to grow. The core of the conflict was first and foremost the implementation of the Act defining new competencies and tasks of the *gmina*. Many competencies that had previously been in the hands of *gminas* as part of the state administration were put in the hands of the state administration (*voivods* and their district administration) after the reform. It was possible, however, to hand over these competencies to *gmina* self-governments, but the administrative lobby wanted to limit or even stall the whole process.

As a direct result of this conflict, self-government activists made efforts to strengthen the position of the *gmina* in the conflict with the administrative lobby, to effectively protect the interests of self-governments, and to provide mutual help to those who had to cope with similar difficulties. In July 1990 the chairmen of *voivodship* assemblies⁵ held a national convention and set up the National Assembly of Territorial Self-Government to represent self-governments at the national level. In January 1991 the Association of Polish Cities was set up, modelled on a pre-war organisation that had been the basic self-government organisation. Smaller towns subsequently set up in April 1991 the Union of Polish Townships. In March 1992 the Union of Polish Metropolitan Towns was founded, which became the club of Poland's largest cities, and in May 1993 the Association of Village *Gmina* of the Republic of Poland was set up. The above organisations began close co-operation and quickly became an important force on the side of self-governments for influencing decisions taken by the central government and by the parliament. In 1993 the Joint Commission of the Government and Territorial Self-Government was set up; it will be mentioned later in this paper.

It is worth stressing that the Polish self-government reform elicited great interest abroad. Many governments and non-governmental organisations were ready to help. It would be difficult to mention here all parties involved in helping the reformers, but some institutions and organisations must be mentioned. They included USAID, USIA and US non-governmental organisations; the British Know-How Fund; the French foundation *France-Pologne*; and the German Adenauer Foundation. Worth mentioning is the action Polish Wings (*Polskie Skrzydła*), which made it possible for 500 local activists to visit the French equivalent of *gminas* before the municipal elections held in 1990. Without these initiatives, the development of local democracy in Poland would have been much slower.

The Polish self-government reform of 1990, together with the economic reforms of that period, was much more appreciated in the democratic countries of Western Europe than in Poland. This is not surprising, as the importance of self-government was appreciated by those countries where local self-governments have become a stable element of public life and where the tradition of self-government is centuries old.

The first attempt at the poviats (county) second local self-government level – 1993

The output of the subsequent government of the Republic of Poland, led by Jan Krzysztof Bielecki (1991), includes numerous studies, expert opinions and projects prepared, among others, by two teams of experts. The first team worked on the concept of changes in the territorial structure of the state (led by J. Sulimierski). At that stage of the political debate in Poland, one of the main issues put forward was political regionalisation, supported by Prime Minister Bielecki. The other team for the reform of state administration, led by Senator Jerzy Stępień, worked out the preliminary premises for the

⁵ The *voivodship* assemblies (1990-1998) were made up of all *gminas* located within one *voivodship* and represented the interests of *gminas* in relation to the state administration.

restructuring of central government and for introducing changes within territorial administration. It also prepared a civil service project and a project regarding the representation of the State Treasury.

Under Prime Minister Jan Olszewski (1992), the work was continued by the Team for the Reorganisation of Public Administration, also led by J. Stępień. The report prepared by the team, entitled “The preliminary premises for the restructuring of public administration” [“*Wstępne założenia przebudowy administracji publicznej*”], was approved by the government in May 1992. It was the first government that referred to administrative reform as a single entity. The report stressed that in order to restructure the state administration in a thorough and detailed way, a special government agency (body) must be set up to co-ordinate the work undertaken by various state organs.

The subsequent government, led by Hanna Suchocka (1992-93), declared from the very start its political will to carry out reforms in the following areas:

- 1) The functioning of the central government, central administration and local government administration;
- 2) The territorial system — which was related to the expected new territorial division of Poland (*gmina, powiat, large voivodship*) as well as to the continuation of the process of administrative and financial decentralisation through the creation of *powiat* self-governments;
- 3) The state civil service;
- 4) Streamlining of the flow of information and the process of decision-making; and
- 5) Effective use of public resources.

Hanna Suchocka’s government nominated a Plenipotentiary for Public Administration Reform, and I had the privilege of holding that position. The Office of the Plenipotentiary employed around 20 staff.

The main tasks of the Plenipotentiary were first of all to build a team, prepare a budget for the office, create a strategy for the reform and draw up action plans. The main document prepared at the time was entitled “The premises and directions of the reform of public administration of the Republic of Poland” [“*Założenia i kierunki reformy administracji publicznej RP*”]. The document became the basis for all work in that area carried out by the state in subsequent periods.

All the work of designing and drafting specific legislative solutions was carried out by experts from outside the office, self-government workers and others. There were, among others, the following working groups preparing the reform: two teams designing the new administrative division of Poland (upper tiers – *powiat* and *voivodship*); the team for organisational changes; the team which analysed the cost of the reform; and 14 teams drafting the legislative proposals in the various areas of public management. As a result of the work performed by the teams of experts, all of the territorial reform projects were created, including bills (amendments of 150 Acts) as well as organisational projects, and a map of the new administrative division of Poland was agreed by the majority of *gminas*.

With reference to the last issue, I asked all (2500) *gminas* to declare which *powiat* they wanted to belong to. The conditions were as follows: each *powiat* would comprise at least five *gminas*; the seat of *powiat* authorities would be in a city of at least 10,000 inhabitants; and each *powiat* would have at least 50,000 inhabitants. Such conditions matched social expectations, as Poland had around 300 local centres that aspired to become a *powiat*. The *powiat* reform was to restore local ties as a basis of self-government at this level. The preparation and consultations regarding the map of *powiats* stimulated interest in the reform of all *gmina* authorities and of the local political elite.

A very important element of the work on the *powiat* reform was the preparation and implementation of the Municipal Pilot Programme of Public Administration Reform (PAR). The programme was prepared for Poland’s 44 largest cities (excluding Warsaw), which were to become independent cities excluded from *powiats* as a result of the future *powiat* reform. On the basis of an agreement with the government, these cities were presented with a proposal to take over the majority of tasks that were to be carried out by the *powiat*. Such decentralisation, implemented according to agreed rules, contributed to the identification of many aspects of the functioning of local authorities. As a result, a special team was set up for monitoring the preparation and implementation of the Pilot Programme (S. Najniger). In addition, on a political level, the Convent of Presidents of Large Cities was founded, with the participation of those taking part in the Pilot Programme.

The Plenipotentiary began his co-operation with many government bodies and government administrations, self-government organisations, universities and the press, which provided extensive coverage of the work and of the bills being prepared with the help of international organisations and others.

In the Office of the Plenipotentiary, a separate unit was responsible for managing resources coming from the European Union (Phare). Also numerous other organisations supported our work, amongst which USAID, the Association of German Counties, and the Know-How Fund have to be especially mentioned. All of these supporting organisations and initiatives were very effective for medium-term and long-term projects. A majority of them were carried out with state administrations, a variety of local governments and their organisations, delivering know-how, expertise, technical support, and exchange of views and experts. However, their practical influence on the preparation of the reform was rather small, as they were unable to respond to our questions immediately, within the time required, perhaps with the grateful exclusion of the OECD and the Royal Institute of Public Administration (RIPA). In particular, the solid financial support of the European Union (Phare) was always delivered too late for public administration reform needs, as their planning procedures require months of preparation, acceptance and implementation. The financial means agreed upon and urgently needed in 1993 arrived in 1994-95, when another coalition was in power. Exactly the same situation occurred in 1998, when the support arrived two years later and was also misused. I do not have enough knowledge to find out where the fault lay – in Brussels or perhaps in Warsaw.

Apart from the territorial reform managed by the Plenipotentiary, we prepared other bills regarding the centre of government, under the leadership of Jan Maria Rokita, Head of the Office of the Council of Ministers. Numerous other administrative reform drafts were also prepared, including the law on public procurement (M. Lemke).

The person responsible for approving work on the reform at the political level (i.e. in government and parliament) was Minister J.M. Rokita, who was the Head of the Office of the Council of Ministers. This was not an easy task, as a part of the coalition government (and some parties forming the coalition) was not in favour of the reform.

Suchocka's government stepped down in the autumn of 1993, leaving behind many documents and drafts, which became the basis for further reforms. What remained was the Municipal Pilot Programme, which in 1995 became the Large Cities Act.

One of the permanent results was the setting up of the Joint Commission of the Government and Territorial Self-Government in 1993. The members of the Commission on the self-government side were the representatives of five national self-government organisations. From the very beginning it was intended that the Commission would become a body that not only issued opinions on government's decisions, but also made statements about the direction of the self-government policy pursued by the state. The setting-up of the Commission by the Prime Minister and the supervision of its work guaranteed that any arrangements made by the Commission would be binding.

However, the most important achievement of that period was the strengthening of public support for the reforms within political parties, but first of all within the organisations of territorial self-government. At that time, in co-operation with the organisations of territorial government, a very strong movement was created to support the implementation of the *poviat* and *voivodship* reform.

After the parliamentary victory of the leftist Alliance of the Democratic Left [*Sojusz Lewicy Demokratycznej*]⁶ and the Polish Peasant Party [*Polskie Stronnictwo Ludowe*] in September 1993, the leader of the Polish Peasant Party, Waldemar Pawlak, was to form a new government. This party opposed radical reforms and aimed to defend the status quo, especially the interests of peasants and farmers. The party apparatus wanted to maintain

⁶ **The Alliance of the Democratic Left (SLD)** – a leftist political coalition and election committee created in 1991. Since 1999 it has been recreated as a political party. SLD has its roots in the former communist system. It is made up of dozens of political parties, trade unions and social organisations, including first of all the Social Democrats of the Republic of Poland (SdRP), the successor of the communist Polish United Worker's Party. In the 1993 parliamentary elections, SLD won 20 per cent of the seats. Between 1993 and 1997 SLD formed a government coalition with the Polish Peasant Party (PSL). Also since the autumn of 2001, with 40 per cent of the seats in parliament, SLD has been a member of the ruling coalition with PSL.

the influence of the party without introducing any structural, democratic changes to the state. The strong leadership of the party denied the need to create *poviats*.

It was obvious that this approach was on a collision course with the programme of decentralisation initiated by the previous government. As a result, Pawlak's government refused to introduce any reforms and even made an unsuccessful attempt to block the Municipal Pilot Programme. At that moment, the media stepped in and expressed their support for the reform. The reformers managed to pass the Public Procurement Law prepared in 1993. They also attempted to reform the system of city government in Warsaw, but this attempt was unfortunately deformed during discussions in the Sejm.

The anti-reform stance of the government became clear during the election campaign preceding the second self-government election of 1994. The climax of the period of reforms was my resignation in May 1994 from the position of Government Plenipotentiary for Public Administration Reform, which echoed throughout political circles.

Under Prime Minister Józef Oleksy (1995), the above-mentioned Large Cities Act was passed. The bill also included the future *poviat* pilot programme in the framework of the project referred to as the Public Services City Zone, which particularly enjoyed the support of members of parliament and self-government activists from the Ślącczyzna region. The bill was prepared outside parliament; it was, however, passed during the presidential campaign, which was underway at the time, as the leftist Alliance of the Democratic Left wanted to prove that they supported the idea of self-government. In the course of Polish self-government reforms, the Large Cities Act was of great importance, as it transferred to the authorities of large cities the powers to perform numerous public tasks of a local nature (among many others, running hospitals, secondary schools, cultural institutions, public roads in cities). It referred to only 40 cities, but they were home to 25 per cent of the total population of Poland and to more than 30 per cent of public service institutions. In this way, some important public services and institutions were at the disposal of both the self-governments and central government administrations. However, in the long run such dualism in management would not last. The pilot scheme became an important step towards continuing the reform in unfavourable circumstances. It made it possible to survive adverse times and gather experience on how these institutions functioned under the rule of self-governments. The tactics used by the reformers proved to be successful, as in 1998 all of these and other responsibilities, including responsibility for public institutions, were handed over to *poviats* all over Poland.

In 1996 work began on the reform of the "Economic Centre of the Government". The Government Plenipotentiary, Secretary of State Marek Pol, managed the reform. As a result of work carried out under Włodzimierz Cimoszewicz's government (1996-97), the Civil Service Act was passed, but in a much shorter version in comparison to the bills prepared in 1992 and 1993. In addition, a package of laws reforming the government was also approved. This package included the law on the organisation and functioning of the Council of Ministers and the scope of activity of ministers and amendments to the law on field organs of the general government administration (1996). Both laws were based on bills prepared in 1993. Moreover, in 1997 a law was approved on the sectors of central government administration. Even though the law was of great importance, it did not become effective until 1999.

As far as reform of the territorial system was concerned, the only result of the four years of work of the leftist government (apart from maintaining the Pilot Programme) was the publication in 1996 of a report by the Office of the Council of Ministers entitled "The Effective, Friendly and Safe State".

It should be mentioned here that self-government reform enjoyed the strong support of the new Constitution of the Republic of Poland, adopted in 1997. The supporters of self-government were well prepared and professionally represented during the work of the National Assembly on the Constitution. The following basic rules set out in the Constitution are important for the general organisation of the state: the Principle of Subsidiarity, creating one of the main philosophical foundations of the Third Republic of Poland (Preamble); the Rule of Decentralisation, as the foundation of the system of government of Poland (article 15); and the Public Corporations Clause (article 16), as the form in which public life is organised within society at every territorial level. The chapter of the Constitution on self-government is detailed and quite precise, and it fully meets the requirements of the European Charter of Local Government. The Constitution clearly indicates that the basic unit of territorial self-government is the *gmina* and that in Poland besides local self-governments there are also regional self-governments (*voivodships*). The Polish Peasant Party (PSL) did not agree to mention *poviat* in the Constitution, as members of that party wanted

to retain the small *voivodship*, where the party apparatus and activists were strong and played a vital role. Thus lawmakers were left with the dilemma of the number of levels of local self-government in Poland, as this was not decided in the Constitution. Such a compromise was needed for the Constitution to be adopted by the National Assembly with a majority of votes.

The above dilemma was soon settled, with the laws of 1998 adopted by a new coalition formed after the autumn elections of 1997 by the Solidarity Election Action (AWS⁷) and the Freedom Union (UW).

Prior to the adoption of the 1998 laws, the fight for administrative reform and its shape had been going on for four years in the media, in the circles of opinion-makers, and during the election campaign of 1997. What the circle of reformers (made up of experts, self-government activists, and members of centrist and rightist parties) managed to achieve was that decentralisation reform became one of the main issues of the election campaign of 1997. As a result, each sizeable political party had to take a stand regarding decentralisation and declare if they were for or against it (Sochacka Kraśko).

The poviats⁸ (county) and voivodship⁹ (region) reform; Poland's new territorial structure and decentralisation – 1998

In the period between 1989 and 1997, many laws were passed relating to the administrative system, public tasks and mechanisms of operation of the administration. However, despite breakthrough changes in the political system as well as in the economy, the public administration and the way in which it functioned did not undergo major changes during that period, with the exception of the *gmina* reform of 1990. As the Polish administrative system was still dominated by centralism (although in its bureaucratic form, not in its political form), the 1990 achievements of self-government reform were thwarted. As a result, the stalling of the reform process between 1994 and 1997 brought about the re-emergence of centralist factors in bureaucratic and anarchistic form. Once again, officials began to put into practice the local variant of the “share the loot” approach, understood as the right to take over positions, which became deeply rooted in the government administration. This approach also legitimised profits from political contacts, which led to the re-emergence of close relations between self-governments and government bureaucrats.

The main rules of the new administrative system of Poland, which were provided for in the Constitution of the Republic of Poland of 1997 and finally became law in 1998, had been negotiated by experts, politicians and self-governments since 1989. It is impossible to mention here all of the people involved and the work carried out so far. That is why it is important to stress that the circle of individuals who are keen to permanently restructure the administrative system of Poland has been widening since 1989 and benefits from an ever-growing understanding on the part of various political groups.

When, in the autumn of 1997, the coalition of post-Solidarity parties took over power in Poland under Prime Minister Jerzy Buzek, it embarked on a mission to “improve the state” and to complete the process of transformation of the system of government.

⁷ **The Solidarity Election Action (AWS)** – a centre-right political alliance formed in 1996. It was composed of the Solidarity trade union and more than 40 political parties and organisations. It represented three ideological options: liberals, Christian-democrats and nationalists. During the elections in 1997, AWS won 33.8 per cent of the seats and with UW (13.4 per cent) formed a centre-right government, whose Prime Minister was Jerzy Buzek (AWS) and Deputy Prime Minister was L. Balcerowicz (UW).

⁸ **Poviat (powiat)** – the county level of public administration (upper local self-government unit) designed to maintain efficiently many of the everyday local services and institutions of public life. Unlike the *gmina* (basic local-self-government unit), which is responsible for local tasks defined by law but also for all matters that have not been explicitly assigned to other levels of government (General Clause), the *poviat* is to implement only those tasks that have been clearly defined by law as within its competence. There are 315 *poviats* headed by self-government officials (*starosta*), who are appointed by democratically elected *poviat* councils. An average *poviat* (statistically) comprises eight *gminas* and has approximately 85,000 inhabitants. In addition, 65 of the largest urban *gminas* (towns) have been granted *poviat* status.

⁹ **Voivodship (Województwo)** – the largest administrative unit in the sub-national organisation of the state. There are 16 *voivodships* (regions) in Poland. The term *voivodship* can also be understood as the regional self-government (where *Sejmik* is the governing body and Marshal /*Marszałek*/ is the chief executive) and simultaneously as the area of activity of the central government appointee – *Voivod* /*Wojewoda*/.

The preparation and implementation of the reform was co-ordinated by three government centres. The work on the main concepts and the preparation of basic legislative measures were co-ordinated by Prof. Michał Kulesza who, in December 1997, became the Plenipotentiary of the Government for Reform of the State System. Prof. Kulesza, who had held the same position in 1993, was Secretary of State in the Chancellery of the Prime Minister. The work on financial issues was co-ordinated by Jerzy Miller, the Plenipotentiary of the Government for Decentralisation of Public Finances. Initially Mr. Miller had been the Undersecretary of State, but in May 1998 he became the Secretary of State in the Ministry of Finance. The work on the administrative division of the country was carried out by Jerzy Stepień, the Undersecretary of State in the Ministry of Internal Affairs and Administration. In addition, the work to prepare the implementation of the reform was co-ordinated by the Ministry of Internal Affairs and Administration, initially under the direction of the Undersecretary of State Jerzy Stepień and subsequently by the Undersecretary of State Dr. Józef Płoskonka. In May 1998 Dr. Płoskonka was appointed as Secretary of the Inter-Ministerial Team for the Implementation of the Reform of Public Administration.

The organisational work aimed at preparing the practical introduction of new institutions was deconcentrated and carried out at *voivodship* level. A total of 16 *voivodship*-level teams for the Reform of the *Voivodship* System of Government were set up. The work was personally co-ordinated at the national level by Minister Płoskonka and in the course of two-day meetings of the secretaries of *voivodship* teams, under the direction of Minister Płoskonka. This work was supported and organised by the Department of Implementation and Monitoring of the Reform of Public Administration in the Ministry of Internal Affairs and Administration.

Work on the reform continued later on, after the new system had become operational, as it was necessary to introduce new mechanisms. Of special importance were the government instruments of supporting regional development (G. Gęsicka, later Wł. Tomaszewski). The *Sejm* passed a law regarding this issue in May 2000.

It is worth mentioning that the Prime Minister set up the Advisory Council for the Reform of the System of Government (with Jerzy Regulski as its president). The Council was to issue opinions on the administrative reform and other social reforms that were being introduced by Jerzy Buzek's government. The pace of work on the administrative reform was so rapid that the Council was not able to issue its opinions on time, which caused some problems. Members of the council also voiced their opinions and reservations regarding some aspects of the social reforms (especially the reform of the health care system).

The implementation of decentralisation reform in 1998 took place according to the political will of the ruling coalition of AWS and UW, who wanted to restructure the administrative system of Poland. This reform was not a goal in itself but a prerequisite for increasing the effectiveness of public management and for constructing democratic mechanisms. It was also a step on the road to improving the conditions of various sectors of public life, including the health care system and the education system, as well as to rationalising some areas that were partly or totally controlled by self-governments (e.g. managing public roads, ensuring public order or safety).

This complicated process of transforming the system of government in Poland has been a great challenge. The transformation had begun, as putting off until later the implementation of changes would bring about concrete social, economic and financial losses. As a result, instead of implementing the reform in reasonable stages (and the reform had not been implemented between 1993 and 1997 by the previous government coalition), the whole reform as one package had to be introduced all at once in 1998. In one move the reformers had to change the administrative division of the country, introduce self-government in *poviats* and *voivodships*, restructure and consolidate central government administration, and modify rules of responsibility, while at the same time implementing major social reforms.

Given the scale of changes, problems and tensions were inevitable, both on the political level and in terms of public communication. This situation might have halted the reform and brought about the fall of the government and earlier parliamentary elections. Considerable tension was caused by the conflict regarding the number of *voivodships*, which ended in the defeat of the government side. The government carefully considered the issue before making public its version of the administrative division of Poland, which provided for the creation of 12 *voivodships*. If a government accepts a particular version of an issue and the next day the leader of the main party of the coalition undermines that version, it is a disaster, from the point of view of both public relations and political marketing. This is what happened. It was therefore not

surprising that the opposition and the President of the Republic (also leftist) took advantage of the situation, and as a result the number of *voivodships* was increased to 16 (Emilewicz and Wołek, pp. 108-109). The ruling coalition still considered this outcome a success, as the number might as well have risen to 25.

Any work on reform of the system of government should focus on three areas, which are not always taken into consideration, namely: the subject matter level, the political level and the executive level (Emilewicz and Wołek, p. 76). The same division applied to the *voivodship* issue. As far as the subject matter was concerned, it was clear from the very start that the best solution would be 12 *voivodships*. My office was on the executive side and I was to implement the change. However, at the same time I was not a leader of AWS and so I could not summon the political leadership of the party to take final decisions. My duty was to produce proper legislative instruments of the policy of the ruling AWS-UW coalition, and not the other way around. However, it turned out that the weakest link of our work was the political decision-making process. It affected the administrative reform but also other areas of activity of the government and the coalition. From December 1997 until June 1998 I took part in many meetings of the leadership of the coalition. Such meetings should be preceded by work carried out by cabinet staff and political advisors within the government and by parties to prepare the leadership to take political decisions. That was not the case. The work on the subject matter was smooth and so was the executive side, but the political level was often a compromise between different interests and “fixing small things” rather than an area in which concrete decisions based on political choices were made.

The biggest political controversy regarding the reform was the final number of *voivodships*, but the greatest battle was fought over the competencies (responsibilities) of new self-government units. The battle was decisive as far as the degree of decentralisation of public power in Poland was concerned and also in terms of how much power would be given to the *poviat* and to the *voivodship*. The battle consisted of many skirmishes fought within the teams, ministries, in the government and in parliament.

The initial stage of the work on the Law Defining New Competencies consisted of the preparation of a list of necessary changes within particular sections of substantive law, with the help of experts, self-government officials and representatives of particular ministries (Emilewicz and Wołek, pp.162-164). I set up 14 teams of experts – similarly to what had been done in 1993. It should be stressed here that the participation of the self-government side in the work was particularly important. The self-government side did not have any inhibitions and took into consideration postulates of all kinds, whereas the representatives of the government administration were not as willing to consider all options. On the contrary, they attempted to defend their interests (i.e. scope of activity, competencies, personal responsibilities and institutions).

After the above list had been drawn up, the bills were drafted to amend the existing laws as an indispensable part of the reform of the state system. In all, nearly 200 laws were to be amended. As the Legislative Department of the Prime Minister’s Chancellery had too much work to take over the task, all of the bills were drafted by the above-mentioned teams of experts. Their work was co-ordinated by the Office of the Plenipotentiary (Włodzimierz Tomaszewski). The Legislative Department subsequently issued opinions on our work before it was discussed by members of the cabinet.

Each amendment of an existing law was submitted for consultation several times to lawyers and experts on the subject matter in ministries and self-governments. Once the amendment was ready, an attachment was prepared, including a description of what was to be achieved, the justification for the amendment, and a diagram indicating the shift in competencies. All of these documents were placed in a red folder, including materials from a particular field referring to each change. Such red folders – and there were 200 of them – were subsequently sent to ministries for consultation.

The timing of inter-ministerial consultations was also tight, as ministries were given from 7 to 10 days to give their opinion. Once the ministries issued their opinions, a new version was prepared. Then the drafts were put together as one legislative entity, which included changes in many laws. In this way, subsequent parts of the Law Defining New Competencies were created. They could have been treated as separate legislative products. In all, five such separate parts were prepared, which were subsequently approved by the Council of Ministers and sent to parliament. In parliament they were combined to become a law.

However, before the bill was finally discussed in the Council of Ministers meeting, it was once again sent to ministries, and it was at this point that the whole process became very dramatic, as the final remarks

were sent back at the last moment. They often arrived so late that it was difficult to analyse them. It often happened that our opinions on the proposals put forward by ministries were written down in the dead of night, just before the meeting of the Council of Ministers.

As time was running out, preventive, blocking proposals put forward by ministries were often accepted by the Council of Ministers, and therefore many of the approved measures did not go far enough. A good example is the issue of job centres, which were to be taken over by the self-government administration. However, the Ministry of Labour and Social Issues and the trade unions lobbying against the reform did not want to agree to that proposed measure. Their resistance was difficult to understand. I think it was generated by the Ministry of Labour, as on the one hand it claimed that it was in favour of the reform but on the other it was used to operating within the existing system, where huge sums of money remained in their hands and beyond citizens' control. On the level of government the battle was lost, as what remained was the old model. However, a favourable change was achieved in the *Sejm*, where members of parliament from the Special Commission, who were in favour of self-government reform, immediately identified the problem, and the draft was changed. The self-government authorities took over job centres with a one-year delay, and that law came into force in January 2000.

All drafts were also sent to self-government organisations, which supported the work. They were to express their opinion on the documents. The self-government representatives also lobbied members of parliament and senators to choose particular solutions, which became a counterbalance to the bureaucratic and trade union lobby.

The above-mentioned examples show clearly that the final measures were a compromise and often a damaging one. As a matter of fact, the ministries viewed the reform through their own eyes. The fight was bitter and was led on many fronts at once.

In particular, a bitter cake was a financial aspect of the reform. A big problem from the very beginning was the lack of reliable statistics concerning new territorial entities. As a result, the transfer of financial means from the state administration to the new units (*poviats* and *voivodships*) was based – in general – on real expenditure reports (of 1997 and 1998) of every administration, institution, service, etc. that was subject to decentralisation. Such a proceeding was very troublesome, but it was the only way to elicit a new financial scheme from every *poviat* and *voivodship* – and to be sure that each unit would receive enough funds to continue the activities of all administrations, institutions and services transferred to local (regional) responsibility. Of course a new, temporary law on self-government financial resources (in force during the years 1999 and 2000) related and reversed the dispersed financial data to the constitutional sources of self-government income: taxes, block grants (general subventions) and special transfers. However, from the beginning of our work it was obvious that the decentralisation reform should bring savings to the Ministry of Finance rather than any surplus to the newly created units. As a matter of fact, the financial resources of *poviats* and *voivodships* are very weak and limited in comparison to their decentralised legal and political status and the broad scope of responsibilities transferred to them. Many commentators, describing the reform, refer to it as the “decentralisation of troubles”.

It is obvious that such a restricted financial position of newly created local and regional authorities also has a very positive impact on the general budgetary situation, as fully expected by the reformers. Exactly the same situation was witnessed in 1990, when the new *gmina* was created. The centralised state did not have any measures to rationalise effectively the organisation, personnel and management forms and quality of services offered to the public. Decentralisation reforms transferred all of those institutions and services to local (regional) political and quality control, which made it possible to prove their effectiveness and usefulness. These reforms created the conditions for evaluating their necessity and the real role played, the level of public acceptance, and the cost-effectiveness relation, etc. with regard to local (or regional) needs. The expectation that decentralisation reform would bring the rationalisation of expenditures in many areas of public services as well as improved quality has been fully justified, both after 1990 and after 1998.

In Poland there was no serious discussion in 1998 about the forthcoming recession and public finance crisis. However, the Polish Ministry of Finance is one of the most conservative institutions I have ever seen, in respect to both civil servants and politicians serving in the positions of Minister of Finance and his/her deputies. From the very beginning (i.e. from 1990), all of the decentralisation reforms were carried out in Poland despite the opposition of leading circles in the ministry. They also contested the 1998

reforms. The new Public Finance Act (1998), drafted in the Ministry of Finance, provides only the minimal, indispensable steps toward decentralisation.

It was obvious that decentralisation would not be effected without the relevant transfer of funds. Financial means transferred to the *poviats* and *voivodships* are (almost) enough to cover their current expenditures. On the other hand, there was a broad expectation that a “relevant” transfer of funds would mean a strong financial position, especially for *voivodship* authorities responsible for regional development and policy. This has not happened yet. As a matter of fact, the financial reserves of local and regional authorities and their possible capital expenditures are in practice very limited; in that respect, *poviats* and *voivodships* are still very dependent upon central government.

Thus a real decentralisation reform of public finance in Poland has not yet been made. This has resulted in the main discrepancy in the system: the management of the public finance system is still strongly centralised, which is contrary to the decentralised organisation of local and regional authorities, the constitutional and statutory position of respective entities, and the broad scope of their responsibilities. As a current consequence, Polish decentralisation has pushed fiscal stress to a lower level of government. It is much more visible nowadays (at the end of 2001) – when economic recession and fiscal crisis are present in Poland – than three years ago, when we hoped, and were supposed, to implement the next steps of financial decentralisation soon.

The above issues and critical observations cannot conceal the conclusion that the administrative reform implemented in 1998-1999 has become a legal, political and social fact in Poland. It was a large and successful political project, prepared and completed by the post-Solidarity milieu and parliamentary coalition. The second stage of decentralisation revitalised many local communities and activated a new energy among numerous circles of citizens. Apart from approving many new laws, nearly 200 existing laws were amended – some of them to a large extent. They referred to various areas of public administration. All of this was possible thanks to many people strongly engaged in the issue – experts, politicians, civil servants, self-government elite and others. It was also thanks to the expertise and materials gathered previously (among others, the draft of the *poviat* and *voivodship* map of 1993). The work on territorial reform took place under the watchful (and unfriendly) eye of public TV cameras and in the face of strong political opposition in the *Sejm*. However, all efforts were successful, both in preparing the legislation itself and dealing with organisational aspects. In October 1998, elections were held at all levels of self-government. New local and regional elite of various political options had the incredible and unique chance to take over government and to influence local and regional developments. On 1 January 1999 a new administrative division of Poland came into force, the territorial administration was consolidated, and the self-government authorities at all levels and the reformed central government administration began their work.

4. Implementation issues (1998-2000)

The creation of a new system of government required radical changes within the structure of Poland’s central and local administrations. The preparation of these changes required legislative, human resources and organisational work, and also included ownership issues. All preparations had to be terminated by the end of 1998 so as to enable the existing administrations and services to continue work as normal on 31 December 1998, while at the same time allowing new administrations and services to become operational on 1 January 1999. While new units of territorial self-government were being created, the state administration was in charge of the implementation of reform. As the organs of the *poviat* and *voivodship* self-governments came into being after the election of September 1998, they could co-operate with the state administration only to a limited extent.

First, it was necessary to create new institutions, including new offices of (consolidated) general administration belonging both to self-government [*poviat* office and the marshal’s (regional) office] as well as to the field offices of central government (new *voivod* offices).

Second, the new institutions were to be given the existing resources, both material and human, of the former field administration. What made the whole process complicated was the fact that new institutions were created in different territorial and administrative units and sometimes in different cities. This often required dividing or merging existing units or resources. This also applied to special administrations on

the *poviat* or *voivodship* level, whose old structures did not match the new *poviat* and *voivodship* divisions.

Third, it was necessary to prepare a list of institutions in the state sector (education, health care, social welfare, culture, roads, police, fire administration, etc.) that should be handed over to territorial self-governments to allow them to perform their statutory tasks. It was also necessary to work out a special rule as to how these institutions would be taken over. A special database featuring all institutions to be handed over was created (Płoskonka, pp. 14-15).

Another issue was the preparation of draft budgets for new units according to a timetable prepared by the government administration.

The implementation of the reform of public administration included:

- Legislative work – preparation of bills regulating the rules and procedures of implementing the reform, i.e. transition from the old to the new system and issuing of secondary legislation; regulation of the issues relating to the liquidation of some institutions and to the continuation of pending cases;
- Operational work – setting up structures responsible for implementing the reform, stocktaking, and re-designation of the resources of the territorial administration; distribution of information about the new structure of the administration (training courses, etc.);
- Monitoring of preparations and the implementation process as well as undertaking actions where necessary;
- Evaluating the effects of the reform and making corrections of a legislative nature; and
- Informing the public about the reform.

The legislation also dealt with the functioning of the territorial administration during the period of transition. In May 1998 the Prime Minister set up the Inter-Ministerial Team for Implementing the Public Administration Reform. The main task of the team was to co-ordinate all activities aimed at implementing the reforms to be carried out by the government administration. These activities were of both a legislative nature (draft of the Introductory Regulations Act and executive acts for laws reforming the public administration) and an operational nature (co-ordinating activities within the central government and on the *voivodship* level).

The team was made up of representatives of specific ministries holding the position of secretary or undersecretary of state. Janusz Tomaszewski, the Deputy Prime Minister and Minister of Internal Affairs and Administration, headed the team. The Undersecretary of State in the Ministry of Internal Affairs and Administration, Józef Płoskonka, became the team's secretary and was in charge of implementing the reform. To support the activities of the team, a special Department for Implementing and Monitoring the Public Administration Reform was set up in the ministry on 15 July 1998.

In view of the scope of organisational changes, they had to be managed in a deconcentrated way at the *voivodship* level. In August 1998, *Voivodship* Teams for Implementing the Public Administration Reform were formed in 16 future *voivodship* seats. At the beginning of November 1998, the President of the Council of Ministers appointed 16 Government Delegates for the State System Reform in *Voivodships*. These delegates were each given the position of Undersecretary of State in the Ministry of Internal Affairs and Administration, with the power of authority to implement the reform in a particular *voivodship* (Płoskonka, p.17).

The delegates acted in this capacity until the new state *voivodship* governors (*voivods*) were appointed. The *voivods* appointed after 1 January 1999 performed the function of delegates until 31 December 2000.

5. Factors of the success:

- **Political will**
- **Expertise (knowledge)**
- **Support of elite and media**

In order to implement a sizeable reform in a democratic country, at least three basic elements are required, namely: political will, knowledge (expertise), and support of the elite and the media. Then qualified staff is needed in order to make use of the new conditions. Apart from that, any reformer needs some luck.

In the case of the reforms of 1990 and 1998, this recipe for success proved to be right. For both reforms there was political will, but the basic role was played by the expertise and knowledge of experts as well as their involvement in the reforms, which went beyond the role of advisors. It can be said that in both reforms the political will was a direct result of the active involvement of experts.

The studies that made it possible to prepare the first reform (1990) were begun in 1981, during the period of the Solidarity trade union. The work was continued during the period of martial law (Regulski, Kulesza). It constituted a basis for the participation of the Solidarity side in the talks of the Round Table and then as a foundation for subsequent state work carried out in 1989 and 1990. In 1998 the reformers made use of the expertise provided in the framework of *gmina* reform (1990) and of the work on *poviats* (which began in 1991 under the auspices of self-government organisations and was continued in 1992-1993 – under Prime Minister Hanna Suchocka – when bills and other drafts were drawn up). Work on the concept of the self-governing *voivodship* began in 1991 and was continued by the government in 1993 (three options) and later in the Institute of Public Affairs, a non-governmental organisation.

It is perhaps only the Polish experience, but I am sure that in general official structures of government are never sufficiently prepared, keen and ready to elaborate the massive and comprehensive materials that are needed for public administration reform. What is more, in my opinion such a reform can be introduced successfully only at the beginning of the term of office of the government. Therefore all of the concepts and materials have to be prepared and broadly discussed earlier, as a political and/or substantive project, before any such reformatory political grouping takes over power as the result of an election. After an election, even a successful one, there is never enough time to prepare all of the concepts, discuss them, accept or rebuild, and then draft all needed bills, elaborate organisational projects, etc.

The question of time is crucial. If the reformers are not ready to present their concept and its particulars exactly when it is needed and possible (from the viewpoint of the political situation), then the proper time has probably already passed. In my opinion, young democracies do not like extensive structural reforms, which affect the economic and political interests of many parties and groupings, destroying their positions and the mechanisms that have been set up for the functioning of the state, the economy and politics. For that reason, all of the public debates have to be scheduled during the electoral campaign and earlier. After the campaign comes the time for decisions and implementation only.

In Poland as the reformers gathered more and more knowledge, the circle of those in favour of the reform grew bigger and bigger. That was why, when political will appeared, the reformers knew exactly what to do.

Such a sizeable venture as the reform of the system of government required decisive actions in the “emperor style” and not endless democratic debates. In 1998 the reformers had only six months (180 days) to implement the reform. The AWS, the main coalition partner, did not have enough political will and determination to continue the game longer than a few months after taking over the power. It was clear from the very start that either the reformers would manage to prepare and pass all bills by the summer of 1998 or the reform would fail, as tensions and a media war were too much of a problem. The main factor for guaranteeing success was maintaining a high pace of work.

As Poland did not have an emperor, the radical changes had to be implemented in a democratic way, and an emperor’s power had to be replaced by a high pace of work, as only speed could save us. For that reason, my aim was to implement the reform, even though quality would suffer. Thus all criticisms and remarks as to what was not done in the right way or what could have been done better are justified, but it was impossible to oversee every aspect of the reform as we had limited time on our hands (only six months to implement the reform). The whole team in my Office of the Government Plenipotentiary for Systemic Reform of the State was made up of between 14 and 20 officials, including two directors and three secretaries, which constituted all of the human resources I had received from the Office of the Prime Minister in November 1997. But it would have been impossible to effectively manage a bigger team. One must consider that we were also surrounded by numerous members of the government and the administration, several involved parliamentarians of the coalition, and hundreds of experts, politicians, civil servants, etc., all of whom co-operated with the team in various ways. I think that when we take into

consideration what was needed and what was feasible within the time available, the result of our work was quite satisfactory. In my opinion we managed to achieve even 80 per cent of the target, which is considerable. As for the rest, it must be done by self-governments in the course of their constant struggle with state centralism, still very much alive in Poland.

Despite many flaws, for which Jerzy Buzek's government was responsible and which adversely influenced the reform, it must be said that the coalition government of AWS and UW was the first political leadership of the country since 1989-1990 to take a conscious political decision and to implement a wide-ranging reform of the structures of the state and the public sector. Until that moment no government had attempted to do this.

The reform was implemented not because of a miracle but because an opportunity to do it arose, and politicians and reformers seized that opportunity.

Indeed, the reformers were lucky. For a brief moment the curtain went up and the reformers found themselves in the right place at the right moment to play the reform on stage. Shortly afterwards the political curtain went down and today no reform of the system of government on such a scale would be possible.

It is also unlikely that conditions for carrying out such reform will exist in the future. This is because the period when state structures are relatively flexible to accept changes is short. In my opinion, the best moment for implementing radical changes of this kind lasts from two to three years after a political breakthrough. The second phase – when radical changes are still possible but their cost from a political point of view is high – is within the next few years. This period would have ended in Poland well before 1998 if it had not been for the work of many individuals and groups after 1993, which rendered centralised state structures prone to change. Without such actions, the reform would not have been feasible, as new party and state bureaucracy would have gathered strength, with the support of the old structures.

If the reform had been a military operation and not a political reform, it would have been planned in one of the rooms of the military headquarters. Every detail would have been marked on the map and the whole military game would have been practised long before sending real soldiers to war. To some extent it was possible to simulate the reform of 1998 as well, but no one did it. My mission and my position in the government were related to the subject matter and not to politics. Someone “higher” should have taken care of the political aspect of the reform, but in fact there was no one to assume this role. As a result, everything that we attempted to do (and had to do) was done on the higher level of national politics, which somewhat resembled a cottage industry.

It must be stressed, however, that the credit for convincing decision-makers to implement a radical administrative reform should not be given only to the experts. In both AWS and UW there were strong and deeply involved groups of politicians who thought that the reform was of fundamental importance for Poland. That was why the reform became an element of the manifestos of both parties. I have already mentioned the fact that we enjoyed the support of large self-government circles. It must be said here that the local elite of different political shades, although rather inactive, looked forward to the reform, which was seen as an opportunity to act on a larger scale than just at the *gmina* level.

The position of Government Plenipotentiary – which I held at that time – is a proper one, from an operational and subject matter point of view, for carrying out operations on such a scale, but it is weak from the political (structural) point of view. A great deal depends on the involvement of the state leadership. Such a reform process cannot be managed halfway, i.e. the person in charge must be a minister with all ministerial powers (or a plenipotentiary of the government), and everyone involved must be aware that the designated person enjoys the full backing of the Prime Minister. The post cannot be a weak administrative position, which would send signals that it enjoys little support of the leadership. If the position is weak, all of the activities related to the reform become chaotic – this is what happened in November and December 1998. My real political role ended approximately six months after my nomination as the Plenipotentiary – in summer 1998. This gave me enough time to prepare bills, but the practical implementation of the reform had to take place through different channels (see section 4 above). In the course of time, the forces opposing decentralisation became stronger and stronger, especially the circles of civil servants in ministries and central administrations, but this opposition arrived a bit late. It seems that at present the whole system is in a state of equilibrium, as there are no longer any forces in

Poland that would question the new territorial system and in view of the existing possibilities for playing politics that had been created by the reform in *poviats* and *voivodships*.

All reforms implemented in a democratic state must win the hearts of the society at large. That is why reforms must be accompanied by educational and promotional activities, which will make it possible to win the trust of society and adapt the reform to the needs of the citizens. In the case of the reform of the system of government, public support for decentralisation seems to be a natural phenomenon, as it responds to the needs of the Poles and their country. For that reason, the reform did not require any particular lobbying on the intellectual level. Moreover, the product we showed to the public in 1997-1998 did not have any competition in terms of the subject matter, as there was no other similar programme and there was no criticism accompanied by sensible arguments. However, there were numerous political vetoes, as public administration reform is always a political issue.

This does not mean that the reform did not require political lobbying and the support of various other groups. At the same time, the reform also required a public relations campaign and educational campaigns aimed at broad public circles.

However, in 1998 the task of broad education proved to be unfeasible due to a media war, which broke out when the reform was being implemented. Public television in Poland is in the hands of the leftist circles (SLD-PSL). Public television, which is the main medium for social education, became involved in the war with the centre-right coalition government. This media war is a key to understanding the area of public relations and communication during the crucial period of the reform, which lasted from January until March 1998. Obviously the reformers carried out educational and promotional programmes, which were quite effective (e.g. more than one million leaflets as well as programmes broadcast on cable and private TV stations), but the proper social climate for any event in Poland is created by public television. As the public television refused to take part in the educational campaign and was involved in criticising the reform (and the central government), any further questions regarding the choice of tools to promote the reform were pointless. Apart from TV commercials – which the government could not afford – the government and the reformers did not have any comparable means for presenting the reform to the general public.

6. Final remarks

This text was not intended to describe all aspects of the Polish reform in detail. Its main aim was to show various aspects of the process of implementing important and far-reaching reforms, as in the case of decentralisation in Poland.

Reform of that scale leads to transformation of the general system of the state. That was the case with Polish reforms after communism. Apart from such large transformation reforms, governments often implement other reforms and changes. In particular, there are reforms of a managerial character, which deal with the implementation of new and more effective methods of public management, and not with the transformation of the general system of the state. Moreover, the organisational side and the functioning of public administration are constantly modernised. Such a constant modernisation of the administration is the everyday duty and business of any government. Each type of reform needs relevant means of operation.

Sometimes the above three levels of public administration reforms are confused, which leads to many misunderstandings and to the possible failure of great state reforms or to the reforms being implemented only superficially.

Decentralisation in Poland is an example of a successful effort of the state. It was a common effort made by the political elite and experts. In my opinion, the reform will facilitate the functioning of Polish democracy and of the Polish economy, and will support European integration processes. The effect of the reform would be a civil state that acts at various levels of public management and is open to change, co-operation and competition.

Appendix

Resolution No. 101/97 of the Council of Ministers concerning the Principles for the preparation and implementation of the Public Administration Reform [Preamble]:

"In order to efficiently implement systemic reforms of the State,

Considering that this task, of major significance for a propitious future of Poland and common good, should become a field of concerted co-operation of all political forces that cherish those values,

Basing, in accordance with the Constitution, the draft of the new organisation of authorities of the Republic of Poland on the principle of subsidiarity, according to which Gmina and Poviatic communities, that is local self-governments should be directly responsible for matters of local interest and common needs of inhabitants,

Whereas the strong Government and its representatives in Voivodships - voivods should be responsible for matters of national interest, which include primarily sovereignty and integrity of the State, collective security - internal and external, concern for the observance of the law, as well as ensuring conditions for civilisation and economic development,

Recognising, that Voivodship self-governments should be involved in State work concerning favourable economic development,

And the number of Voivodships, as well as their individual economic, intellectual, cultural and organisational potential should make them capable of undertaking public tasks on the regional scale,

Also recognising that the optimum time for carrying out elections to the decision-making bodies of Poviatic and Voivodship self-government is the year 1998

The Council of Ministers resolves as follows:

[...]

SUBSTANTIATION of the Resolution No. 101/97 of the Council of Ministers concerning the Principles for the preparation and implementation of the Public Administration Reform:

The action programme of the Government, defined in Prime Minister's expose, provides for an expeditious implementation of systemic reforms. It is a broad notion, involving - most generally - the need to build new foundations of public life, in a large scope. It should take into account not only reorganisation of the administrative system of the state, but also reconstruction of the value of state work in civil service, as well as simple consolidation and rationality in managing public funds. The latter requires a transparent system of responsibility for public affairs, with amendments of the regulations relating to public procurement. Transparency of public affairs embraces not only the issue of the distribution of competencies and reorganisation of administration, but also matters of putting public property in order, as well as an appropriate new arrangement of the system of public finance.

Those are necessary pre-conditions without the meeting of which it will not be possible to speed up economic development or carry out major social reforms. Amongst them there are the health insurance reform, the social security reform, the educational system reform, the reconstruction of the sense of collective and individual security of citizens, etc.

The administrative-territorial reform has two major objectives of a direct nature.

First, it is aimed at strengthening the government, by implementing the principle of separation of the political functions (governing) from the executive functions in the field of public administration. Thanks to administrative de-concentration and decentralisation of public tasks the government will become an authority adopting principal decisions relating to the strategy of the development of the state, its security and public order instead of managing singular affairs.

The above function of the government will be realised not only at the central level, but also at the regional level, through the institution of the strong, government-appointed Voivod. As an administrative authority

of general responsibility Voivod will have at his disposal instruments for securing the interest of state and observance of law in Voivodships in the form of consolidated government administration. Consolidation of government administration at the Voivodship level will bring about tangible financial economies. In turn, decentralisation of the government function with respect to social and economic policies will provide conditions for better planning the strategy of the economic development of the regions.

Another direct objective of the reform is to reinforce social integration through reconstruction of local communities and giving them competencies within the area of satisfying community needs at the local level. Therefore, one of the priorities of the Poviats reform is to strengthen identification with the local community, and through this also with the national community, as well as to intensify citizens' participation in public life at the local level ("feel at home"). Implementation of public tasks of a local character (so far performed by government administration at the Voivodship and district level) by self-governing Poviats and organisational consolidation of administration also on that territorial scale will also contribute to better management of public funds under direct control of representatives of local communities.

Such a sequence of implementing the reforms is also prompted by the following factors:

- the need to eliminate the competence and organisational disorder in the State by clear distribution of responsibilities between local, regional and central segments of public authorities. This end will also be served by a radical reduction of the number of special administrations (their organisational consolidation, though with necessary competence autonomy);*
- the need to make a distinct separation between politics and administration, and both areas from the economy;*
- making the system of public finance efficient and transparent by subjecting it to civil control in all segments of public authority within the framework of decentralised functions of the State;*
- creating organisational premises for reducing corruption and nepotism in the administration and for reconstructing the ethics of the civil service, improving operating efficiency of the administration and turning it into an institution serving the citizens;*
- creating professional and politically neutral staff ensuring efficient performance of public tasks by the administration. In this respect it is necessary to build up new legal grounds for the civil service;*
- ensuring collective and individual security for the citizens, and creating appropriate conditions for crisis management.*

The reforms have to be carried out in such a way so as to avoid disorder caused by reorganisation and destabilisation of public functions.

Therefore, it is assumed that the reforms have to be carried out all at once and as soon as possible so that the state system in the new form starts functions as of the beginning of 1999. The combined implementation of the Poviats and Voivodship reforms (and in consequence also holding Voivodship elections in 1998) is justified by the fact that about 100 proposed Poviats infract upon the borders of present Voivodships. The earlier (in 1998) implementation of the Poviats reform while postponing the Voivodship reform to a later date would anyway force out some in 1999 corrections of boundaries of all 49 present Voivodships. Whereas the disorder relating to reorganisation and the competence confusion would last adequately longer since the setting up of large Voivodships at a different date and the separate introduction of Voivodship self-governments would require - every time anew - extensive amendments of about 100 organisational and competence statutes.

This resolution, defining the scope of tasks that need to be executed in the forthcoming future by the members of the government and the administrative offices they are in charge of, at the same time sets the deadlines for their execution.

In order to keep those deadlines it is also necessary to resolve that the first Poviats budgets will be set by Regional ClearingHouses and then if necessary corrected by Poviats councils following their constitution.

It is also necessary to accelerate work within the government, which is to ensure simplification of the procedure of considering proposals by the Council of Ministers - after they are properly prepared by the Government Plenipotentiary for the Systemic Reform of the State and upon Prime Minister's approval.

In the period of preparing and implementing the reform it is necessary to stabilise the existing administrative divisions: both at the basic Gmina level, as well as special divisions.

The reforms of administration (and also that of courts system) are also necessary within a broader context of Poland's accession to the European Union. Administrative reform is one of the principal roads to ensuring for Poland a partner's share in the operation of European structures and in relations with other member countries.

The proposed resolution provides for the preparation of the implementation of the reforms as soon as possible, which meets halfway the expectations of the citizens and political elite, including the parties that form the government, without destabilising the performance of public functions by the self-government and government bodies. It is to be hoped that the political forces that are now in the opposition also share the same expectations.

The reforms in the proposed form do not require any amendments to be made in the Constitution."

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