

COUNTRY STUDIES

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Methods and Techniques of
Managing Decentralization Reforms
in the CEE Countries:
The Polish Experience

MASTERING DECENTRALIZATION
AND PUBLIC ADMINISTRATION REFORMS
IN CENTRAL AND EASTERN EUROPE

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TRANSFORMATION IN POLAND AFTER 1989

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 including individual rights, civil liberties and political liberties. Secondly, they included reforms of the economic system aimed at restoring market economy based on private ownership. Thirdly, they included reforms of the system of government, especially decentralization.

Since 1989 Poland has had a circle of people who were for decentralization (they 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 the economic and political systems. If the economic and political systems change, also the administrative system should follow the changes.

The communist system in Poland was modeled on the Soviet system. As such it was coherent, but it was based on assumptions, which were strange not only to Polish tradition and mentality but also to the basic rules of a democratic state. The preamble of Poland's Constitution of 1952 r. (amended in 1976) contained a statement that the main role of the state was the implementation of 'the great socialist ideas.' What was also decreed in the Constitution was the 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 Communist party committees and party leaders governed outside the country from the state authorities. 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, which was in fact 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 centralized state, which controlled all the social and economic life of the country, and interfered with private life of its citizens. Of great importance were the adoption of the rule of 'democratic centralism' and the rule of the unitary state power as the foundations of the political system [Regulski p. 19].

According to the rule of democratic centralism all governing bodies, both political (the party) and the state were elective (whatever it meant that time), but at the same time those lower in the hierarchy were answerable to those higher in the hierarchy. It meant in practice that the central bodies decided about everything and any form of civic 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 the separation of powers proposed by Montesquieu and replaced it with the rule of the unitary character of state power. Any form of decentralization, which provided for expressing independent views, not to mention their implementation, was seen as a threat to the state authority. That is why the whole state apparatus focussed on passing orders and checking 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 fully depend on the system and eliminate the possibility

of any independent behavior. That is why—paradoxically—the ‘workers’ councils’ played an important role in state owned enterprises and became the forerunners of democratization in management as early as in the 1970s. On the other hand, there were no real forms in which people would be organized in the areas where they lived. The ruling party was afraid of spontaneous and uncontrolled local initiatives. The managing of public issues was based on centralist rules whereas the organizational structure of the existing administration was based on the domination of ministerial and departmental structures (vertical) over the territorial ones.

Both forms according to which society was organized i.e. according to place of work or the place of living are antagonistic (competitive) to a big extent. If one of them is strengthened the other is weakened. Totalitarian systems prefer the former whereas democracies the latter [Regulski p. 20]. The transformation, which has been going on in Poland for the last 11 years, involved first of all a change of the rules according to which social life was organized. However, the changes encounter many difficulties and require time necessary to raise social awareness. It was also necessary to overcome the forces, which would lose as a result of the change, and they include the central administration. ‘Territorialisation of power’ is a condition for creating the civic state through strengthening the territorial systems (on various levels) and through weakening the direct role of central administration with its structures and ministerial bodies in direct managing public issues.

The public administration has always been an important force of development and it influenced the direction and the pace of change. But 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 were the development of civic society and democratic behavior, and the increase in the economic activity of individuals would have been impossible without the far-reaching administrative reform. Without the reform it also would have been impossible to improve public safety, introduce changes in the system of education and in public health care etc. The dependence between the shape of public administration and 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 decentralization constituted one of the most important challenges for Poland’s political elite after 1989.

DECENTRALIZATION AND PUBLIC ADMINISTRATION REFORM AS A REINVENTING FACTOR FOR THE POLITICAL SYSTEM IN POLAND

As I have said before, the main structure and rules of functioning of public administration in Poland were formed between 1944 and 1989 when it existed under totally different political principles and circumstances. It served then a different political system, a different philosophy of law, a different ownership structure, and 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 Block, was centralized and based on the domination of ministerial and departmental structures. This made it impossible to pursue a rational social and economic policy on national, regional and local levels. It also made it impossible to prioritize, 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 it was mentioned before, 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 became a purely executive body as the highest segment of state administration. Also, the government and administration were not separated institutionally from the management of state property. As a result, pathological phenomena appeared where the two areas met but also because of the lack of managerial skills, and 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 liquidated, replaced by new, small Voivodships, which led to the strengthening of centralist management of the party, administration and the economy. The old vision of the state is difficult to eradicate as it is deeply rooted in many politicians but it is not limited only to the 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 both on the national and international levels.

It must be said here that the first timid attempts to increase independence of people’s councils in Poland were made

in the 1980s. However, it brought more anarchy into the existing system, which was still centralized and managed by ministries or departments. To sum up this short diagnosis it must be said that 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 brought about serious and real threats to Poland and that was why administrative reforms became a necessity immediately after Poland got its independence in 1989.

In order to restore local identity after 1989 (Gmina and Powiat) 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 subsidiary, decentralization and a democratic mandate of any authority. The first rift in the system of ministerial (sector) management became the Gmina in 1990 but the Gminas had only 15 percent of the public budget at its disposal. Another step was made in 1998 when the mechanism of local self-government was supplemented with the restitution of the Powiat and foundations were created to manage regional development on the newly created Voivodship level. Local self-governments (Gmina and Powiat) as well as regional self-governments (Voivodship) based their activities on democratic elections and that is why they constitute a counterweight to state centralization. They have become a school and practice for new political elite, who after ten years is present in all political parties, parliament and the central government.

The territorial reform and decentralization of public management were also important from the point of view of how central government works. The decentralization (the transfer of responsibility and of much entitlement to local and regional self-governments) has freed the center of executive power from responsibilities and managing many other issues. It 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, which 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 decentralization of public issues. It meant the decentralization started at the lowest segment of public administration and the radical strengthening of the position and role of Gmina.

We did not consider as correct the proposals put forward to Poland by many western experts (including i.a. 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 center of government was necessary. But under such conditions the 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 did) was first of all hyper-centralization of the government and not only the inertia of the central administration. Any reform of the center in a highly centralized system would not bring any qualitative change; it could only... strengthen centralization making it more efficient with all its consequences. In such a centralized system of managing public affairs every single wrong decision is being carried out all over the country. A decentralized system defends itself from such dangers, serves democracy and proper management, and it is safer.

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

COURSE OF THE REFORMS

[*Before 1989*] The state works on decentralization have been going on since 1989 with different intensity. The subsequent governments have pursued a policy, which was not always characterized by continuity in all fields. The willingness to restructure the state and to make it rational, orderly and civic, and to make its administration effective could be seen between 1989 and 1993. However, the final decisions were taken only in 1998, which became a breakthrough in the system of government.

Experts began their work on the restructuring of the administrative system of Poland and so did political debates on the subject in the late 1970s. The debates were held as part of a seminar entitled *Experience and Future* (Prof. Jerzy Regulski and Prof. Andrzej Piekara), that was attended by researchers contesting the existing political situation. The work carried out since 1980 by research teams led by Jerzy Regulski and Michal Kulesza (Warsaw University) resulted in the creation in 1989 of a lengthy list of points that both sides of the talks of the Round Table² disagreed with. The so-called Party-and-Government side did not agree to any changes in the way territorial authorities would be organized as proposed by the Opposition—'Solidarity' side. That proposals included consent to set up local self-governments and to guarantee in the constitution that local communities have the right to set up local self-governments. In order to be able to do it, local communities must become empowered with 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, 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 nothing was decided but it was at that moment that the expert knowledge was turned into a political postulate.

[*The restoration of territorial self-government at the Gmina³ (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's government, the territorial self-government was restored at the 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 Under-secretary of State and a Plenipotentiary of Tadeusz Mazowiecki's government for territorial self-government reform. In this position he managed the preparation of the reform and then supervised the implementation of the reform. After Regulski had become a government member, the Com-

mission, under the special auspices of the Senate speaker Andrzej Stelmachowski, was chaired by Jerzy Stepień who is now a judge of the Constitutional Tribunal. The Sejm commission was chaired by Prof. Walerian Pańko, who later became the President of the Supreme Chamber of Control. I had the honor to work 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. Then the Commission prepared it and on January 19th, 1990 became the first bill submitted by the Senate of the Republic of Poland to the Sejm.

Within a few months the necessary drafts were prepared and voted into laws: first was the amendment of the Constitution, followed by the law of March 8th, 1990—the Territorial Self-government Act, the Election Law, and finally all other laws (at that time more than one hundred laws relating to different fields were amended). On May 27th, 1990 the first free municipal elections in Central and Eastern Europe were held. It was a reform of a fundamental importance and became the first successful step towards creating civic society.

The main political dilemma at the time was as follows: to hold free elections to the former people's councils, which could be little adapted to the new needs and then work out new solutions; or to 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. That was the political leadership of the Citizens' Parliamentary Club who chose the latter variant with a reservation that the election must be held as soon as possible settled the dilemma. The pace of work both in the government and in the Sejm was so high that the opponents of the reform (and there were many of them both among politicians and members of 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 proposed that the people's councils of both levels should simply be 're-named' 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 for later to be dealt with.

Firstly, because the administrative division of Poland on the Gmina level had and still has proper size: an average village Gmina in Poland has around seven thousand inhabitants which is very beneficial if the Gmina is to perform a big variety of important public tasks. Therefore, it was not necessary to introduce territorial changes at this level.

Secondly, after the reforms of the mid-1970s the administrative division of Poland became adapted to the needs of a centralized state (49 small Voivodships) and that was why a far-reaching territorial and organizational reform was required and in 1990 there was no time for that.

Thirdly, as it was assumed that 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 have dominated the whole system. The main aim of the reform was to strengthen the Gmina, let it be accustomed with 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 for all 49 Voivodships as it was impossible to contact 2.5 thousand Gminas, give them advice, information or consultation from Warsaw. That was why it was necessary to create new channels for managing the Gmina reform, which would be separate from the existing territorial administration, which since 1990 remained in the hands of the old apparatus. Offices of Delegates became the first element of non-communist territorial administration in Poland. The representatives were chosen from among candidates presented by the 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 who were not involved in local groups of interests, which might be dangerous and limit the freedom of their actions. The people who were chosen for the positions were independent, responsible, had negotiation skills and were able to convince others. Also people from the old administration became Delegates but they were in minority. Most of those chosen were members of the former opposition [Regulski p. 96].

The main task of the Delegates was to prepare the Gmina to set up self-government, and to 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 ones were to be discarded and the new had to be written from scratch. The scale of the challenges was enormous. It was necessary to carry out stocktaking of public property taken over by the Gmina, re-organize Gmina offices as well as public services and administrative institutions, sort out financial matters, and create new institutions. At the same time, Gminas at their own initiative began the process of freeing the economy by privatizing 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 it can be seen above, the Office of the Government Plenipotentiary for the Territorial Self-government Reform played the key role in the preparation and introduction of the Gmina reform. The same system was used later on many times in Poland and it was not limited only to the administrative reform issues. It seems to be the best solution to manage deep systemic changes. On one hand those who act enjoy strong political support (they are subordinate directly to the Prime Minister) and on the other they focus their efforts on one particular task. Only two dozen people worked in the office but it co-operated on a long- or short time basis with a 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, which earlier were in the hands of Gminas as part of the state administration, were kept in the hands of the state administration (Voivods and their district administration) after the reform. It was possible, however, to hand over those 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 provide mutual help to those who had to cope with similar difficulties. In July 1990 the chairmen of Voivodship Assemblies⁴ held a national convention and set up the National Assembly of the Territorial self-government as a representation of self-governments on the national level. In January 1991

the Association of Polish Cities was set up and it was modeled on a pre-war organization, which was the basic self-government organization. Following the move, smaller towns 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 biggest cities and in May 1993 the Association of Village Gmina of the Republic of Poland was set up. The above organizations began close co-operation and quickly became an important force on the side of self-governments to influence decisions taken by the central government and parliament. In 1993 the Joint Commission of the Government and Territorial self-government was set up and it will be mentioned later on.

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

The Polish self-government reform of 1990 as well as the economic reforms of that period was much more appreciated in the democratic countries of Western Europe than in Poland. And it is not surprising as the countries appreciated the importance of self-government 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 to 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 Stepień, worked out the preliminary premises for the 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 Reorganization of Public Administration, also led by J. Stepień. The report prepared by the team entitled *the preliminary premises for the restructuring of public administration* [Wstępne założenia przebudowy administracji publicznej] that was approved by the government in May 1992. It was the first government, which referred to the 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 work undertaken by different 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, big Voivodship) as well as to the continuation of the process of administrative and financial decentralization through the creation of Powiat self-governments;
- 3) The state civil service;
- 4) Streamlining the flow of information and the process of decision-making,
- 5) Effective use of public resources.

Hanna Suchocka's government nominated a Plenipotentiary for the Public Administration Reform and I had the privilege to hold the position. The Office of the Plenipotentiary employed around 20 people.

The main tasks of the Plenipotentiary were first of all to build a team, to prepare a budget for the office, to create a strategy of the reform and to draw 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 a foundation for all works in that area carried out by the state in the subsequent periods.

Experts from outside the office, self-government workers and others carried out all work to design and draft particular legislative solutions. There were among others following work groups preparing the reform: two teams designing the new administrative division of Poland (upper tiers—

Powiat and Voivodship); the team for organizational changes; the team which analyzed the cost of the reform; fourteen teams which drafted the legislative projects from various fields of public management, and others. As a result of the work performed by the teams of experts, all projects of the territorial reform were created including bills (amendments of 150 Acts) as well as organizational projects, and a map of the new administrative division of Poland agreed with the majority of Gminas.

With the reference to the last issue, I asked all Gminas (2500) to declare what Powiat they wanted to belong to. The conditions were as follows: at least five Gminas in one Powiat; at least ten thousand inhabitants of a city that was the seat of Powiat authorities; and at least 50 thousand inhabitants of the Powiat. Such conditions matched social expectations as Poland had around three hundred local centers, which aspired to become a Powiat. The Powiat reform was to restore local ties as a basis of self-government on this level. The preparation and consultations regarding the map of Powiats aroused interest in the reform of all Gmina authorities and local political elite.

A very important element of work on the Powiat reform was the preparation and implementation of the Municipal Pilot Program of the Public Administration Reform (PAR). The program was prepared for Poland's forty-four biggest cities (excluding Warsaw), that 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, the cities were given a proposal to take over the majority of tasks, which were to be carried out by the Powiat. Such decentralization implemented according to agreed rules contributed to the identification of many aspects of functioning of local authorities. As a result, a special team was set up for monitoring the preparation and implementation of the Pilot Program [S. Najniger]. Apart from that, on a political level, the Convent of Presidents of Big Cities was founded from among those taking parts in the Program.

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

In the Office of the Plenipotentiary there was a separate unit, which was responsible for managing resources coming from European Union (PHARE). Also another numerous organizations supported our works, amongst

which USAID, Association of German Counties and Know How Fund have to be especially mentioned. All these supporting organizations and initiatives were very effective for medium and long-term projects. Majority of them was concluded with state administrations, variety of local governments and their organizations, delivering know-how, experts, technical support and exchange of views and people. However their practical influence on preparation of the reform was rather small, as they were unable to react on our questions immediately, within the time given, perhaps with grateful exclusion of OECD and Royal Institute of Public Administration (RIPA). Especially a solid financial support of European Union (PHARE) was delivered always too late for a public administration reform needs, as their planning procedures require months of preparation, acceptance and implementation. The means concluded and urgently needed in 1993 came 1994-95 when another coalition was in power. Exactly the same situation occurred in 1998 when the aid came two years later and also was misused. I do not have enough knowledge to find out, where was the fault: in Brussels or perhaps in Warsaw.

Apart from the territorial reform managed by the Plenipotentiary, we prepared other bills regarding the center of government, under the leadership of Jan Maria Rokita, the Head of the Office of the Council of Ministers. Also numerous other drafts of the administrative reform were prepared, among others the law on public procurement [M. Lemke].

The person responsible for approving work on the reform on 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. It was not an easy task as a part of the coalition government (and some parties, which formed the coalition) was not in favor of the reform.

Suchocka's government stepped down in the autumn of 1993 leaving behind many documents and drafts, which became a foundation of further reforms. What remained was the Municipal Pilot Program, which in 1995 was turned into a 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 organizations. From the very beginning it was intended that the Commission would become a body, which not only issued opinions on govern-

ment'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 commission would be binding. However, the most important achievement of that period was the strengthening of public support for the reforms within the political parties, but first of all within the organizations of territorial self-government. At that time, in co-operation with the organizations of territorial government, a very strong movement was created to support the implementation of the Poviats and Voivodship reform.

After the parliamentary victory of the leftist Alliance of the Democratic Left [Sojusz Lewicy Demokratycznej⁵] 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. It was a party opposing radical reforms and it aimed at defending the existing status quo, especially the interests of peasants and farmers. The party apparatus wanted to maintain the influence of the party without introducing any structural, democratic changes in the state. The strong leadership of the party negated the need to create Poviats.

It was obvious that this approach was on a collision course with the program of decentralization 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 Program. At that moment the media offered great consideration and expressed their support for the reform. The reformers managed to pass the Public Procurement Law prepared in 1993. Also they undertook attempts to reform the system of City government of Warsaw, which unfortunately was 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 from the position of the Government Plenipotentiary for the Public Administration Reform in May 1994, which echoed throughout political circles.

Under Prime Minister Józef Oleksy (1995) the above Large Cities Act was passed. The bill included also future Poviats pilot program in the framework of the so-called Public Services City Zone, which particularly enjoyed the support of members of parliament and self-government activists from the Sadeczczyzna region. The bill was prepared outside

parliament; it was however passed as during the presidential campaign, which was under way at the time, 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 big cities powers to perform numerous public tasks of local character (among others running hospitals, secondary schools, cultural institutions, public roads in cities and many others). It referred only to 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 services institutions. In this way some important public services and institutions were at the disposal both of the self-governments and central government administrations. However, in the long run the situation of such dualism in management would not last. The pilot scheme became an important step to continue the reform in unfavorable circumstances. It made it possible to survive unfavorable times and gather experience on how those institutions functioned under the rule of self-governments. The tactics the reformers embarked on proved to be successful as in 1998 all those and other responsibilities as well as public institutions were handed over to Poviats all over Poland.

In 1996 work began on the reform of co-called 'Economic center of the Government'. The Government Plenipotentiary, Secretary of State Marek Pol, managed it. As a result of the work, under Włodzimierz Cimoszewicz's government (1996–97) the Civil Service Act was passed but it was in a much shorter version in comparison to the bills prepared between 1992 and 1993. Apart from that a package of laws reforming the government was also approved. They included the law on the organization 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 the 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 the territorial system and reform was concerned, the only result of the four years of work of the leftist government (apart from maintaining the Pilot Program) 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 the self-government reform enjoyed strong support of the new Constitution of the Republic of Poland adopted in 1997. The supporters of self-government were well prepared and profes-

nally represented during the work of the National Assembly. There are following basic rules in Constitution, important for the general organization of the state: the Principle of Subsidiary creating one of main philosophical foundations of the 3rd Republic of Poland (Preamble); the Rule of Decentralization as the foundation of the system of government of Poland (Art. 15); and the Public Corporations Clause (Art. 16) as the form in which public life on every territorial level within society is organized. The chapter of the Constitution on self-government is detailed and quite precise, and fully meets the requirements of the European Charter of Local Government. The Constitution clearly indicates that the basic unit of the territorial self-government is Gmina and that in Poland apart from local self-governments there are also regional self-governments (Voivodship). The PSL did not agree to mention Poviats 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 the dilemma the lawmakers were left with, was the number of levels of local self-government in Poland, as this has not been decided in the Constitution. Such compromise was needed for the Constitution to be adopted by the National Assembly with a majority of votes.

The above dilemma was settled soon, with the laws of 1998 adopted by a new coalition formed after the autumn elections of 1997 by the Solidarity Election Action (AWS⁶) and the Freedom Union (UW).

Before it happened the fight for the administrative reform and its shape had been going on for four years in the media, in the circles of opinion formers, and during the election campaign of 1997. What the circle of reformers (made up from experts, self-government activists, and members of centrist and rightist parties) managed to achieve was that decentralization 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 decentralization and declare if they were for or against it [Sochacka Krasko].

[The Poviats⁷ and Voivodships⁸ (region) reform; Poland's new territorial structure and decentralization—1998]

In the period between 1989 and 1997 many laws relating to the administrative system, public tasks and mechanisms of operation of the administration were passed. However, despite breakthrough changes in the political system as well as in the economy, the public administration and the way 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 (thought in its bureaucratic not political form) the achievements of the self-government reform of 1990 were thwarted. As a result, the stalling of the reform process between 1994 and 1997 brought about the re-emergence of centralist factors in the bureaucratic and anarchistic form. 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 also legitimized 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, provided for in the Constitution of the Republic of Poland of 1997 and which finally became laws in 1998, had been negotiated by experts, politicians and self-government since 1989. It is impossible to mention here all people involved and the work carried out so far. That is why it is important to stress that the circle of people keen to restructure the administrative system of Poland for good has been widening since 1989 and enjoyed ever-growing understanding from different political groups.

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

The preparation and implementation of the reform was co-ordinated by three government centers. 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 the Reform of the State System. Prof. Kulesza who held the same position in 1993 was the 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 the Decentralization of Public Finances. Initially Mr. Miller was the Under-secretary of State but in May 1998 he became the Secretary of State at the Ministry of Finance. The work on the administrative division of the country was carried out by Jerzy Stepień the Under-secretary of State at the Ministry of Internal Affairs and Administration. Also the work to prepare the implementation of the reform was co-ordinated at the Ministry of Internal Affairs and Administration, initially by Under-secretary Jerzy Stepień and later on by the Under-secretary of State Dr Józef Płos-

konka. In May 1998 Dr Ploskonka was nominated secretary of the Inter-Ministerial Team for the Implementation of the Reform of Public Administration.

The organizational work aimed at preparing the practical introduction of new institutions was de-concentrated and was carried out on the Voivodship level. Sixteen Voivodship level teams for the Reform of the Voivodship System of Government were set up. The work was co-ordinated on the national level personally by Minister Ploskonka and through two-day meetings of the secretaries of Voivodship teams in which Minister Ploskonka took part and controlled. His work was supported and organized by the Department of Implementation and Monitoring of the Reform of Public Administration at the Ministry of Internal Affairs and Administration.

The work on the reform was continued later on after the new system had become operational. It was necessary to introduce new mechanisms. Of special importance were the government instruments of supporting regional development [G. Gesicka, later Wł. Tomaszewski]. The Sejm passed a law regarding the 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, which were being introduced by Jerzy Buzek's government. The pace of work on the administrative reform was so fast that the Council was not able to issue their opinions on time, which caused some problems. Members of the council also voiced their opinions and reservations regarding some aspects of social reforms (especially the reform of the health care system).

The implementation of decentralization 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. It 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 improve the condition of various sections of public life including the health care system and the system of education, but also to rationalize some areas which were partly or totally controlled by self-governments (e.g. managing public roads, order or safety). This complicated process of transforming the system of government in Poland has been a big challenge. The transformation was begun, as putting off the implementation of changes for later would bring about concrete

civilization, economic and financial losses. As a result, instead of implementing the reform in reasonable stages (and the reform was not implemented between 1993 and 1997 by the previous government coalition), the whole reform as one packet had to be introduced at a time in 1998. With one move the reformers had to change the administrative division of the country, introduce self-government in Poviats and Voivodships, restructure central government administration, consolidate it and modify rules of responsibility as well as implement major social reforms.

With such a scale of change, problems and tensions were inevitable both on the political level and with public communication. This might have halted the reform, bring about the fall of the government and earlier parliamentary elections. A lot of tension was caused by the conflict regarding the number of Voivodships, which ended in the defeat of the government side. After a lot of consideration the government made public its version of the administrative division of Poland, which provided for the creation of 12 Voivodships. If a government accepts a certain version of something and on the next day the leader of the main party of the coalition undermines that version, it is a disaster both from the point of view of public relations and political marketing. And this is what happened. Therefore, it is 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 sixteen [Emilewicz, Wolek pp. 108–109]. It is still considered a success on the part of the ruling coalition as the number might as well have risen to twenty-five.

Any work on reforms 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, Wolek 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. But at the same time I was not any of the leaders of AWS 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 round. 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 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 biggest battle was fought over the competencies (responsibilities) of new self-government units. The battle was decisive as far as the degree of decentralization of public power in Poland was concerned and also decided how much power would be given to the Poviats and Voivodships. 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 in preparing 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, Wolek pp. 162–164]. I set up 14 teams of experts similarly to what was done in 1993. It should be stressed here that the participation of the self-government side in the work was exceptionally 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, almost two hundred 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 the bills were drafted by the above-mentioned teams of experts. Their work was co-ordinated by the Office of the Plenipotentiary (Włodzimierz Tomaszewski). Afterwards the Legislative Department issued opinions on our work before it was to be discussed by members of the cabinet.

Each amendment of the existing law was consulted many times with lawyers and experts on the subject matter in the ministries and in the self-government. When the amendment was ready a description of what was to be achieved was added to it as well as the justification and a

figure to visualize the shift in competencies. All the documents were placed in a red folder, including materials from a particular field referring to each change. Such red folders, and there were two hundred of them, were sent subsequently to ministries for consultation.

The timing of inter-ministerial consultations was also tight as the 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 together to become a law.

However, before the bill was finally discussed at the Council of Ministers meeting, it was once again sent over to ministries and it was here that the whole process became very dramatic as the final remarks were sent back in the last moment. It was often so late that it was difficult to analyze 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 were not going far enough. A good example is the issue of job centers, which were to be taken over by the self-government administration. However, the Ministry of Labor and Social Issues and the trades unions lobbying against the reform did not want to agree to that. The resistance was difficult to understand. I think it was generated by the Ministry of Labor as on one hand it claimed it was in favor 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 favorable change was achieved in the Sejm where members of parliament from the Special Commission, who were in favor of self-government reform, immediately identified the problem and the draft was changed. The self-government authorities took over job centers with a one-year delay and that law came into force in January 2000.

All drafts were also sent to self-government organizations, 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 chose particular solutions. It became a counterbalance to the bureaucratic and trades 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 a time.

In particular a bitter cake was a financial aspect of the reform. Big problem from the very beginning was a lack of reliable statistics concerning new territorial entities. Because of that, 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. which were the subject of decentralization. Such a proceeding was very troublesome but it was only way to draw out new financial scheme form every Poviats and Voivodship—and to be sure that each unit will get enough money to continue activity of all administrations, institutions and services taken over to local (regional) responsibility. Of course new, temporary Law on self-government financial resources (for years 1999–2000) related and reversed those dispersed financial data to constitutional sources of self-government incomes: taxes, block grants (general subventions) and special transfers. However from the beginning of our work it was sure that decentralization reform ought to bring savings to the Ministry of Finance rather than any surplus to the newly created units. As a matter of fact, financial resources of Poviats and Voivodships are very weak and limited, in contradiction to their decentralized legal and political status and broad scope of responsibilities transferred to them. Many commentators' say, describing the reform: Decentralization of troubles.

Also, one must notice that such a restricted financial position of newly created local and regional authorities has also very positive impact upon general budgetary situation, fully expected by the reformers. Exactly the same situation had place in 1990, when new Gmina was created. The centralized state had not got any measures to rationalize effectively organization, personnel, management forms and quality of services offered to the public. Decentralization reforms transferred all those institutions and services to the local (regional) political and quality control, allowing to prove effectiveness and usefulness of them. It

created conditions to evaluate their necessity and real role played, level of public acceptance, cost-effectiveness relation etc. in regard to local (or regional) needs. The expectation, that decentralization reform would bring rationalization of expenditures in many areas of public services and improvement of their quality have been fully justified, both after 1990 and after 1998.

In Poland there was no serious discussion in 1998 about forthcoming recession and crisis of public finance. However, Polish Ministry of Finance is one of the most conservative apparatus, I have ever seen. It regards both civil servants and politicians serving at the position of a Minister of Finance and his deputies. From the very beginning (i.e. from 1990) all the decentralization reforms were made in Poland despite of opposition of leading circles of the Ministry and against them. They contested also 1998 reforms. The new Public Finance Act (1998) drafted in the Ministry of Finance brings only minimal, indispensable steps toward decentralization.

It was obvious that decentralization would not be done without relevant money transfer. Financial means transferred to the Poviats and Voivodships are (almost) enough for their current expenditures. But on the other hand there was a broad expectation that 'relevant' would mean a strong financial position, especially for Voivodship authorities responsible for regional development and policy. It did not happened yet. It is a matter of fact that financial reserves of local and regional authorities and their possible capital expenditures are practically very limited, in that respect Poviats and Voivodships are still very dependent upon central government.

Thus, a real decentralization reform of public finance in Poland has not been made yet. As a result it has created the main discrepancy of the system: management of the public finance system is still strongly centralized, au contrary to the decentralized organization of local and regional authorities, constitutional and statutory position of respective entities and broad scope of their responsibilities. As a current consequence, the Polish decentralization pushes fiscal stress to lower level of government. It is much more visible nowadays (at the end of 2001) when the economic recession and fiscal crisis are present in Poland, than three years ago when we hoped and supposed to implement next steps of financial decentralization 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 large and successful political project prepared and completed by post-Solidarity milieu and parliamentary coalition. Second stage of decentralization revitalized many local communities and activated new energy of numerous circles of citizens. Apart from approving many new laws almost two hundred existing laws were amended—some of them to a big extent. They referred to different areas of public administration. It was possible thanks to many people strongly engaged in the issue—experts, politicians, civil servants, self-government elite and others. Also—thanks to the expertise and materials gathered before (among others the draft of the Poviats and Voivodship map from 1993). The work on the territorial reform was taking place under the watchful (and unfriendly) eye of public TV cameras and the strong political opposition in the Sejm. However, all efforts both with preparing the legislation itself and the organizational ones were successful. In October 1998 elections were held to all levels of self-governments. New local and regional elite of various political options got their incredible and unique chance to take over government and to influence local and regional developments. On January 1st, 1999 a new administrative division of Poland came into force, the territorial administration was consolidated, and the self-government authorities of all levels and the reformed central government administration began their work.

IMPLEMENTATION ISSUES (1998–2000)

The creation of a new system of government required radical changes within the structure of Poland's central and local administration. The preparation of the changes required legislative, human, and organizational work, and also included ownership issues. All preparations must have been terminated by the end of 1998 in such a way to enable the existing administrations and services to continue work as normal on December 31st, 1998, but at the same time to allow new administrations and services become operational on January 1st, 1999. As new units of territorial self-government were created, in charge of the implementation of reform was the state administration. As the organs of the Poviats and Voivodship self-governments came into being after the election of September 1998, they could co-operate with only to a limited extent.

First, it was necessary to create new institutions including new offices of general administration (consolidated) belonging both to self-government (Poviat office and 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 the existing units or resources. This also applied to special administrations also on the Poviats or Voivodship level, whose old structures did not match the new Poviats and Voivodship divisions.

Third, it was necessary to prepare a list of institutions of the state sector (education, health care, social help, culture, roads, police, fire administration etc.) which should be handed over to the territorial self-governments to allow them to perform their statutory tasks. It was also necessary to work out a special rule how the institutions would be taken over. A special database featuring all institutions to be handed over was created [Ploskonka 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, which regulate the rules and procedures of implementing the reform, i.e. transition from the old to the new system and issuing 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, stock taking, and redesignating of the resources of the territorial administration and distributing information about the new structure of administration (training courses etc);
 - Monitoring of preparations and the implementation process as well as undertaking action when necessary;
 - Evaluating the effects of the reform and making corrections of a legislative nature;
- 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 reform performed by the government administration. The activities were both of a legislative nature (draft of the introductory regulations Act and executive acts for laws reforming the public

administration), as well as of an operational nature (coordinating activities within the central government and on the Voivodship level).

The Team was made up from representatives of particular ministries holding the positions of secretaries or under-secretaries of state. Janusz Tomaszewski the Deputy Prime Minister and Minister of Internal Affairs and Administration headed the team. Its secretary became the Under-secretary of State at the Ministry of Internal Affairs and Administration Józef Płoskonka, who was in charge of implementing the reform. To support the activities of the Team, the special Department for Implementing and Monitoring the Public Administration Reform was set up in the Ministry on July 15th, 1998.

The scope of organizational changes made it necessary to manage them in a deconcentrated way on the Voivodship level. In August 1998 in 16 future seats of Voivodships the Voivodship Teams for Implementing the Public Administration Reform were formed. In the beginning of November 1998 the President of the Council of Ministers nominated sixteen Government Delegates for the State System Reform in Voivodships. They were positioned as Under-secretaries of State at the Ministry of Internal Affairs and Administration and having power of authority they were in charge of implementing the reform in particular Voivodship [Płoskonka p. 17].

The Delegates acted until new State Voivodship governors (Voivods) were nominated. The Voivods nominated after January 1st, 1999 performed the function of Delegates until December 31st, 2000.

FACTORS OF THE SUCCESS

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 elite and media. Then qualified staff is needed, able to make use of new conditions. Apart from that any reformer needs some luck.

In case of the reforms of 1990 and of 1998 this recipe for success proved to be right. In both cases there was political will but the basic role was played by 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 cases the political will was a direct result of their active involvement.

The studies, which made it possible to prepare the first reform (1990), were begun in 1981 during the period of the Solidarity trades union. The work was continued during martial law [Regulski, Kulesza]. It constituted a basis for the participation of the Solidarity side in the talks of the Round Table and then a foundation of subsequent state works carried out in 1989 and 1990. In 1998 the reformers made use of the expertise from the operation of Gmina reform (1990) and from work on Poviats (which began in 1991 under the auspices of self-government organizations and was continued in 1992–1993 under Prime Minister Hanna Suchocka when bills and other drafts were drawn up). The work on the concept of the self-governing Voivodship began in 1991 and it was continued by the government in 1993 (three options) and later in the Institute of Public Affairs—non-governmental organization.

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

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 a proper time is probably over. In my opinion young democracies do not like big structural reforms, which hit economic and political interests of many parties and groupings by destroying their positions and mechanisms present in the functioning of the state, economy and politics. It is why all the public debates have to be done during electoral campaign and earlier. Afterwards comes the time for decisions and implementation, only. In Poland the reformers were gathering more and more knowledge and the circle of those in favor of the reform was growing 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 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 tension and media war were too much of a problem. The main factor to guarantee the success was to maintain the high pace of work.

As Poland did not have an emperor, the radical changes had to be implemented in a democratic way and that is why an emperor's power had to be replaced with high pace of work as only speed could save us. That was why, my aim was to implement the reform even when quality would suffer. Thus all critics and remarks to what was not done in the right way or what could be done better are justified but with limited time on our hands it was impossible to oversee every aspect of the reform as we had only the above six months to implement it. The whole team of my Office of the Government Plenipotentiary for the Systemic Reform of the State was made up from 14 (to 20) officials including two directors and three secretaries. This was all I received from the Office of the Prime Minister in November 1997. But it would be even impossible to manage effectively a bigger team. One must consider that around us there were also numerous members of government and administration, many involved parliamentarians of the coalition and next hundreds of experts, politicians, civil servants etc., co-operating with the team in various ways. I think that when we take into consideration what was needed and what was feasible at the time given, the result of our work is quite satisfactory. In my opinion we managed to achieve even 80 per cent of the target, which is a lot. As for the rest, it must be done by self-governments in their constant struggle with state centralism, still vivid in Poland.

Despite many flaws for which Jerzy Buzek's government is 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 it.

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

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. It is because the period when state structures are relatively flexible to accept changes is short. In my opinion, the best moment to implement radical changes of such type lasts from two to three years after a political breakthrough. The second phases when radical changes are still possible but their cost from the political point of view is high are the next few years. This period would have ended in Poland well before 1998 if it had not been for the work of many people and groups after 1993 due to which centralized state structures were prone to change. Without such actions the reform would not have been feasible, as new party and state bureaucracy would have gathered strength and as the old structures would have supported them.

If it 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 practiced well before sending real soldiers to war. To some extent it was possible to simulate the reform 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 do it. As a result everything that we attempted to do (and had to do) we did on the higher level of national politics and this resembled something of the cottage industry.

It must be stressed however, the credit for convincing decision-makers to implement a radical administrative reform should not go only to the experts. Both in AWS and UW there were strong and deeply involved groups of politicians who thought that the reform was of fundamental importance for Poland. And that was why the reform became an element of the manifestos of both parties. I also mentioned the fact that we enjoyed the support of large self-government circles. It must be said here that local elite of different political shades, though rather inactive, was looking forward to the reform which was seen as an opportunity to act on a bigger scale than just Gmina.

The position of the Government Plenipotentiary that I held at that time is a proper one from the operational and subject matter point of view to carry out operations on such a scale but it is weak from the political (structural) point of view. A lot depends on the involvement of the state leadership. Such a reform process cannot be managed half way i.e. the person in charge must be a minister with all ministerial powers (or a plenipotentiary of the government) and all people involved must know that the person enjoys full backing of the Prime Minister. It cannot be a weak administrative position. As such, it sends signals that it enjoys little support of the leadership. If the position is weak all the activities related to the reform are becoming chaotic and this is what happened in November and December of 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 Chapter 4 above). In the course of time, the forces opposing decentralization were becoming stronger and stronger, especially the circles of civil servants in ministries and central administrations, but they were a bit late. It seems that at present the whole system is in a state of equilibrium, as there are no forces in Poland now that would question the new territorial system and the existing possibilities to play politics newly created by the reform in Poviats and Voivodships.

All reforms implemented in a democratic state must win the hearts of 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 case of the reform of the system of government, public support for decentralization seems to be a natural phenomenon as it answers the needs of the Poles and their country. That is why, 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 from the subject matter sense as there was no other similar program and there was no criticism accompanied by sensible arguments. However there were numerous political vetoes, as the public administration reform is always a political issue.

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

However, in 1998 this task (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 coalition government of the center right. It is a key to understand the area of public relation and communication during the crucial period for the reform, which lasted from January until March 1998. Obviously the reformers carried out educational and promotional programs, which were quite effective (e.g. more than one million leaflets as well as programs in cable and private TV stations), but the proper social climate for any events in Poland is created by public television. As the public television refused to take part in the educational campaign and was involved in criticizing the reform (and the central government), any further questions regarding the choice of tools to promote the reform are pointless. Apart from TV commercials that the government could not afford, the government and reformers did not have any comparable means to present the reform to the general public.

FINAL REMARKS

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

Reform of that scale leads to transformation of 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 the 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 organizational side and functioning of public administration are constantly modernized. Such constant modernization of administration is every day duty and business of any government. Each of the types of reform needs relevant means of operation.

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

Decentralization 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 economy, and will support European integration processes. The effect of the reform would be a civic state, which acts on various levels of public management, which is open to change, to co-operation and competition.

ANNEX

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 organization of authorities of the Republic of Poland on the principle of subsidiary, according to which Gmina and Poviats 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 civilization and economic development,

Recognizing, that Voivodship self-governments should be involved in State work concerning favorable economic development,

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

Also recognizing that the optimum time for carrying out elections to the decision-making bodies of Poviats 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 program 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 reorganization 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 affair, with amendments of the regulations relating to public procurement. Transparency of public affairs embraces not only the issue of the distribution of competencies and reorganization 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 deconcentration and decentralization 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 realized 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, decentralization 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 organizational 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 organizational 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 organizational 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 decentralized functions of the State;
- Creating organizational 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 reorganization and destabilization 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 reorganization 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 organizational 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 stabilize 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 destabilizing 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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NOTES

- ¹ Michal Kulesza is a professor at Warsaw University, Faculty of Law and Administration—Head of the Public Administration Dpt. 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 workgroup (on behalf of ‘Solidarity’). One of the main authors of the 1990 Polish *Gmina* reform and legislation. In 1992–1993, as the Government Plenipotentiary for the Public Administration Reform and Under-secretary of State in the Hanna Suchocka government prepared the *powiat* (county) reform, that time not introduced because of political reasons. From November 1997 to March 1999 was Secretary of State in the Jerzy Buzek government and as the Government Plenipotentiary for the Systemic Reform of the State was in charge of preparing the 1998 administrative reform (*Powiat & Województwo*), in particular its legislative groundwork.
- ² Round Table (Okragły Stół)—talks held by the 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 the representatives of the State and Party authorities (the Polish United Workers’ Party). The talks were held in Warsaw from February 6th until April 5th, 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 for both sides. According to the Round Table agreements, it was decided that the reform of the political and economic systems would be carried out in steps and it would be based among others on political pluralism, freedom of speech, independence of judiciary, strong territorial self-government, democratic elections to all elective bodies of state, freedom of ownership and development of market economy and competition. The agreements provided for pluralism of trade unions i.e. freedom to establish and be a member of trade unions and it was also decided to allow 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 election would be based on a political contract among parties, i.e. Party-and-Government side would get 65 per cent of the seats whereas the Opposition-‘Solidarity’ side would get 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 June 4th, 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 grouping 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.
- Then a number of important decisions were taken regarding Poland’s economy, including freedom of ownership, introduction of a free market economy and competition, liquidation of central planning and a unified fiscal policy regarding companies.
- ³ *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 2,500 Gminas in Poland, amongst them rural and urban (towns) of various size. Voits (wójt), urban Gminas and Gminas head rural Gminas with townships—by mayors (*burmistrz*), and larger towns—by presidents (*prezydent*). The average rural Gmina is of ca 7 thousand inhabitants (there are only 28 Gminas with population lower than 2,500 each).
- ⁴ Voivodship Assemblies (1990–1998) were made up from all Gminas located within one Voivodship and represented the interests of Gminas toward state administration.
- ⁵ *The Alliance of the Democratic Left (SLD)*, a leftist political coalition and an election committee created in 1991. Since 1999 it has been recreated as a political party. SLD has their roots in the former communist system. It is made up from dozens of political parties, trades unions and social organisations including first of all the Social Democrats of the Republic of Poland (SdRP). SdRP is 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 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.

- ⁶ *The Solidarity Election Action (AWS)*, a centre-right political alliance formed in 1996. It was composed from the Solidarity trades 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) and formed a centrist right government whose Prime Minister was Jerzy Buzek (AWS) and Deputy Prime Minister was L. Balcerowicz (UW).
- ⁷ *Powiat* (Powiat)—the county level of public administration designed to maintain efficiently many of the everyday local services and institutions of public life. Unlike the Gmina, 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 powiat will implement only those tasks that have been clearly defined for it in the law. There are 315 poviats headed by self-government officials (*starosta*) appointed by democratically elected powiat councils. There are approximately 85 thousand inhabitants and 8 Gminas in average (statistical) Powiat. Also 65 largest urban Gminas (towns) have been endowed with powiat status.
- ⁸ *Voivodship* (Województwo)—the largest administrative unit in the sub-national organization of the state. There are sixteen Voivodships (regions) in Poland. Voivodship can be also understood as the regional self-government (where *Sejmik* is the governing body and Marshal [*Marszałek*] is the Chief executive) and as the area of activity of the central government appointee—Voivod [*Wójt*].