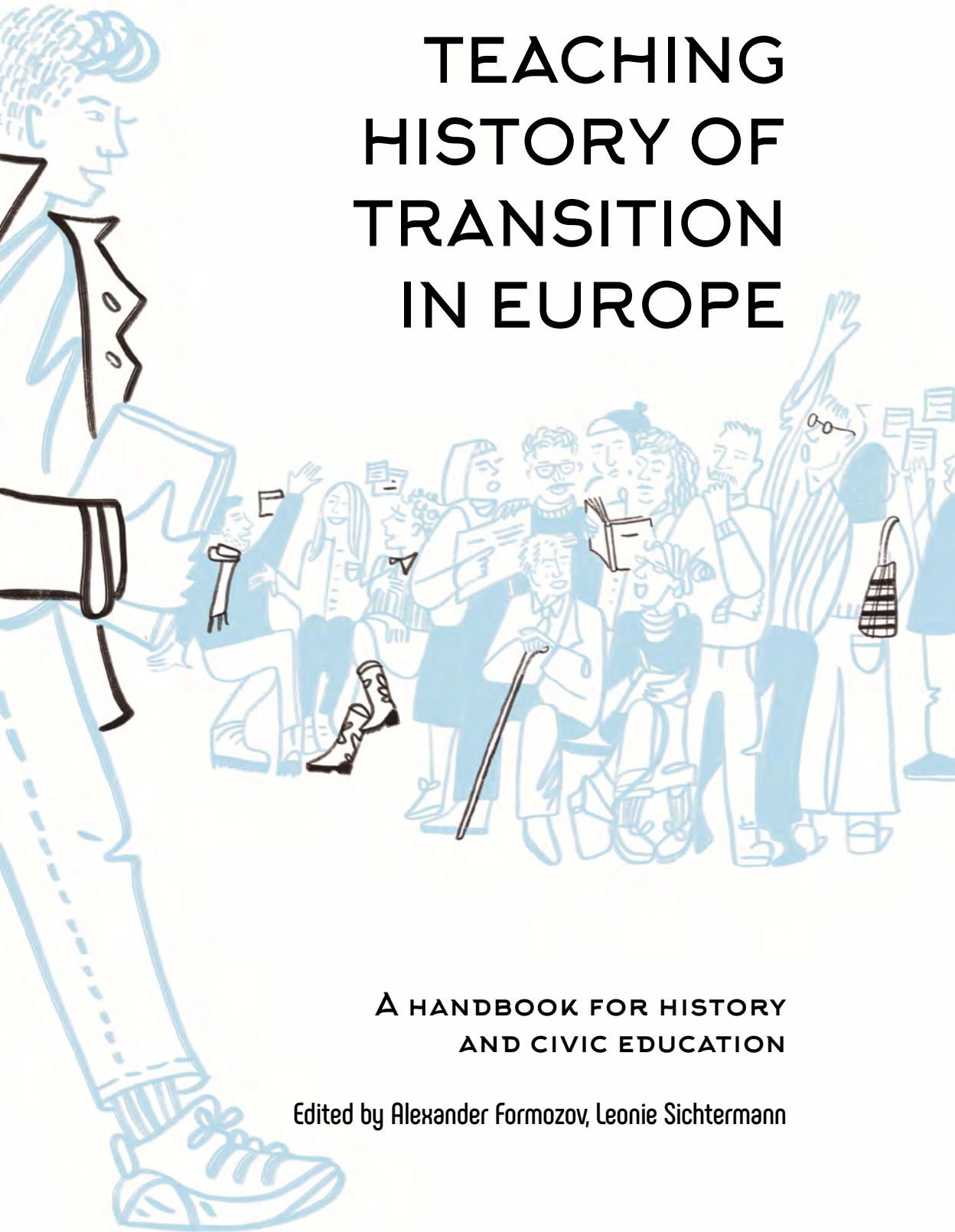


TEACHING HISTORY OF TRANSITION IN EUROPE



A HANDBOOK FOR HISTORY
AND CIVIC EDUCATION

Edited by Alexander Formozov, Leonie Sichtermann

POLAND: FROM CENTRAL TO LOCAL GOVERNANCE – THE GREATEST ACHIEVEMENT OF POLISH TRANSFORMATION?

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I. Overview

The lesson describes the significant changes in the management of public affairs which took place in Poland in 1989, because of the transition from democratic centralism, in which the administration was hierarchical and entirely under the control of the party, to a country built on the rule of local governance.

II. Students' age

8th – 12th grade

III. Objectives

- The student explains the specifics of human rights and freedoms and the basic mechanisms of their protection.
- The student uses their knowledge to interpret events in public life, including political events.
- The student gathers and evaluates information regarding public life, including politics.
- The student can define the regulations relating to the system of governance as stated in the Constitution of the Republic of Poland (decentralization, self-governance).
- The student identifies the legislative and executive authorities in local governments at the level of the commune (*gmina*) and of a city with county (*powiat*) rights, as well as at the level of the county (*powiat*) and voivodeship (*województwo*) in Poland; they can define the competences of these authorities and how they relate to each other.
- The student identifies the legislative and executive authorities of local governance.

IV. Key concepts

Democracy, self-governance, public management, centralization, decentralization.

V. Key question

How did the fall of communism and the transition to democracy impact the way Poland and my commune (*gmina*) are managed today?

VI. Prior knowledge

Basic knowledge pertaining to the systemic transition from democratic centralism to the rule of law; the creation of “Solidarity”, Martial Law, the 1980s, the Round Table Talks, the elections on June 4th, 1989.

VII. Step-by-step description of the lesson

INTRODUCTION – what do we mean when we say local governance? (All three activities should take around 30 minutes, if you do not have enough time, please skip the third one)

- Tell the students that the topic of the lesson is local governance. Ask them what they associate with the term “self-governance”? Do they know it from school practice? Can they name any specific actions taken by the local authorities in their commune (*gmina*) or town? Divide the students into groups and ask them to think about what qualities a self-governing body should possess? What issues should it deal with? Then ask the groups for short presentations referring to the results of their discussions. Optional: do this activity together, in the form of a class discussion.
- Watch the short film “Once upon a time. Local democracy.” (See APPENDIX – SOURCE A, p. 176) Think about the two models of solving shared problems depicted in the film. Which model is shown to be more effective? What were the shared problems the citizens solved together? What does local self-governance mean on a practical level? Think about how close the idea of local governance presented in the film is to the one you developed when working in groups.
- Read the definition of local government according to the European Charter of Local Self-Government (See APPENDIX – SOURCE B, p. 176). How is local government understood? Pay attention to the importance of “public affairs”, or “shared problems”, to local self-government. Local governance is meant to deal with those shared problems which are most important to the local community, such as utilities and services, i.e., sewage systems, and trash collection or providing public transport, but also education or health care. However, to ensure these services are provided we need to have the freedom to act and the technical and financial resources (the “ability”) to support them.
- Explain to the students that during the next part of the lesson you will talk about how local governance was established in Poland and what it has achieved in the first 30 years of its independence.

HISTORY 1 – WHY DID THE COMMUNISTS DISLIKE THE IDEA OF SELF-GOVERNANCE? [20 minutes]

- **Review the basic facts concerning the communist regime in Poland**- what were its ideological and geopolitical roots? How long did it last? What were the circumstances of its collapse? Think about whether the communist system could have supported local governance?
- **Why did the communists dislike the idea of self-governance? The vision of a centrally controlled state.** Ask students to read an excerpt from an interview with Judge Jerzy Stępień- think about the answers to the questions in class (See APPENDIX – SOURCE C, p. 178). In particular, consider the underground corridors in Sandomierz, and what it says about how the Polish People’s Republic (PPR) was managed.
- **OPTIONAL:** Ask students to read an excerpt from Professor Jerzy Reguśki’s book. Consider the answers to the questions in class (See APPENDIX – SOURCE D, p. 179). In particular, think about what “democratic centralism” means and if it can be reconciled with the idea of self-governance.
- Connect the conclusions drawn from reading these texts to the discussions you had in point no.1. Think about which model of local authority presented in the film “Once upon a Time...” was in force in the PPR.

HISTORY 2 – HOW DID WE REGAIN SELF-GOVERNANCE? [20 minutes]

- Review the basic information on the fall of communism in Poland: The events of 1980/1990, from the creation of “Solidarity” to the first partially free election.
- “Solidarity” as a self-governing movement. Ask students to read the text of the 21st thesis of the “Self-governing Republic” programme (See APPENDIX – SOURCE E, p. 180). Together, answer the questions below the text. Pay attention to the necessary features of local governance pointed out in the thesis. Consider whether the postulates included in the thesis were possible to fulfil in a communist system?
- Briefly describe to the students how, regardless of the introduction of Martial Law and the fall of the first “Solidarity” movement, activists such as Jerzy Stępień, Michał Kulesza or Jerzy Reguśki continued to work on the idea of local governance, despite the improbability of it ever being put in to practice.
- Watch a fragment of the film “It only happened in Poland” (See APPENDIX – SOURCE F, p. 181) in which Jerzy Stępień, Michał Kulesza and Jerzy Reguśki talk about the work of the “Local Self-governance Working Group” at the Round Table Talks. Answer questions pertaining to the source. Define

what the atmosphere of the talks was in regard to local governance? Did both sides agree on the issue? How did the talks conclude?

- Inform the students that the introduction of local governance became a priority for politicians with roots in the “Solidarity” movement, following the creation of Tadeusz Mazowiecki’s government as a result of the 4th of June 1989 election. Thanks to their efforts, the first free elections for city and commune (*gmina*) councils took place in May 1990. These elections began the process of transferring the management of local issues into the hands of local authorities elected by inhabitants.
- Point out that county (*powiat*) and voivodeship authorities were not established until 1998.

(For extracts from the current 1997 Constitution of the Republic of Poland pertaining to local governance see APPENDIX – SOURCE G, p. 182).

LOCAL GOVERNANCE IN PRACTICE (20 minutes)

- Ask students to look at the results of a report on the level of trust shown towards the parliament (Sejm), the courts and local authorities (See APPENDIX – SOURCE H, p. 184). Discuss the results of these polls and think about what they suggest about the Polish people’s attitudes to local governance. Then consider what you yourselves think about the work of your local authorities; where do they succeed or fail in providing local services?
- Discuss what your local government has achieved in 30 years of self-governance. What changes have taken place? Were any investments made? What social issues have become more prominent? Have they been solved? You can prepare information/data on this topic. You can find advice on finding such information in the educational packet “National Lesson on Local Governance”.⁹¹
- **GROUP HOMEWORK.** Try to find out how the authorities of your commune (*gmina*) or city fulfill their duties and what the inhabitants of your commune/city think about their activity. Split up into small groups (3-4 people each). Design questions regarding the following tasks (choose those issues which you yourselves find most interesting), then try to find information concerning the actions taken by your commune to fulfil its duties in those fields:

⁹¹ Available at: <http://roksamorzadnosci.pl/wp-content/uploads/2020/05/Narodowa-Lekcja-o-Samorz%C4%85dzie-Terytorialnym-FRDL-licencja.pdf> (in Polish).

- Local roads, streets, and bridges (think about whether new roads are being built? How are they maintained? Are the roads resurfaced when needed?).
- Water supply, sewage, and sewage treatment plants (is the sewage system present and functional? Is the sewage treated? If so, do these processes work well?).
- Landfills, trash collection and the treatment of communal waste (have recycling and waste sorting been implemented? Are there sites for collecting dangerous waste nearby?).
- Local public transport: buses, trams, metro, trains, public bicycles (are there any, and if so what forms of local public transport exist? How accessible are the connections? How much do tickets cost?).
- Health care (are there local clinics or hospitals in the area? Do they function well? What issues do they face?).
- Social assistance.
- Housing built by local authorities (is the commune (*gmina*) building new housing? What is the quality of social and council housing? Is it provided to those in need?).
- Education (preschools, primary schools, high schools, and other educational institutions; how many are there? How do they work?).
- Culture (libraries and community centres; do they meet the inhabitants' needs? How many are there? How are they equipped?).
- Sports, including sports areas and equipment (programmes funded by local authorities; are there enough of them? How do they work?).
- Marketplaces, enclosed and open-air (are there enough of them? Are they in good condition?).
- Communal green spaces (are there enough of them? Are they in good condition?).

Remember that the questions should be well designed and simple. Answers can be given by circling one of three options (yes, no, I don't know) or by indicating an answer on a scale (e.g. 1 to 6). Conduct the poll in your commune (*gmina*), asking as many inhabitants as possible to answer your questions. Analyse and organise the results, presenting them either as percentages or numbers (if there were fewer than 25 respondents). If you live in different areas, compare the results on different topics. Send a report of your study to the mayor's office.

APPENDIX

GENERAL COMMENT REGARDING SOURCE MATERIALS: Brackets contain suggested answers to the questions. These are not, of course, “the only answers” – they are only meant to help the teacher guide the students to a way of thinking in line with the main message of the texts they refer to.

SOURCE A:

Council of Europe film “Once upon a time. Local Democracy.”

COMMENT: The film⁹² was created for the Council of Europe, an institution which deals, among other things, with supporting the development of self-governance. It uses a very simple example to illustrate the difference between a centralized approach and a local governance approach to dealing with public affairs.

1. What challenge do the members of the community presented in the film face? [Using a new product (the coconut which falls from the tree) for the benefit of the community.]
2. What solution does one of the members (the leader) suggest? [Going to an important and distant office/ministry to get permission to use the coconut.]
3. What happens in the settlement while he is gone? [The inhabitants begin to solve some of their problems using the coconut.]
4. What issues were solved with the creative use of coconuts? [Water supply, roads, education, health care.]
5. What is the film’s message on public services? [The closer the centres of decision are to the inhabitants, the more effectively and quickly issues get resolved.]

SOURCE B: European Charter of Local Self-government- excerpts

The member States of the Council of Europe, signatory hereto,

[...] Considering that the local authorities are one of the main foundations of any democratic regime;

Considering that the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe;

Considering that it is at local level that this right can be most directly exercised;

⁹² Available at: <https://human-rights-channel.coe.int/asset-once-upon-a-time-local-democracy-en.html>.

Convinced that the existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizen;

Aware that the safeguarding and reinforcement of local self-government in the different European countries is an important contribution to the construction of a Europe based on the principles of democracy and the decentralization of power;

Asserting that this entails the existence of local authorities endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for their fulfilment,

Have agreed as follows:

[...]

Article 3

Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

Explanation: The European Charter of Local Self-government is the most important European document defining local government and its relationship to the central authorities. The 47 member states of the Council of Europe which are signatories of the Charter are obligated to follow it. Poland accepted it in its entirety, which means that Polish local governments should operate in accordance with the Charter.

1. How does the Charter define local government? [By its ability to act and not by who controls it.]
2. Who makes up local self-governments, as defined in the Charter? [The right to self-govern, and thus to create a self-governing body, belongs to the local community, that is all the inhabitants of a particular community – it is very important to remember that it is the local community who makes up the self-governing body and not its authorities!]
3. What do you think the term “public affair” means? How should it be differentiated from a private affair? Can you give examples of each? [The key element here is the public, that is, shared interest in solving a particular issue, when the guiding principle is not financial gain or benefit for an individual. It is a good idea to mention issues which appeared in source no.1. It is worth noting that some of these issues are more and more often referred to as “public services”, that is services which are commonly available to citizens, e.g., education, health care or public transport].

SOURCE C: Excerpts from an interview conducted by N. Jarska and S. Zakroczymski with J. Stępień titled “Self-governance is a success story”, Więż.pl, 7.1.2020⁹³

Natalia Jarska: There were people’s councils in the PPR. How did that system differ from the local governance system we have today?

— First, the local governments did not possess legal personality. So, there was no executive body which could make decisions independently when working in the public interest. Second, there were no budgets for specific local governments. There was only the national budget, and the budget of the local government was only part of a higher executive body’s budget. You can’t even say that the higher executive body served a supervisory role, as it always had the right to overrule any decision made by the lower-level executive body. The existence of one, single, hierarchical administrative system meant that local authorities could not manage property on their own, they could not make purchases, sales, or take out loans, they could not make any use of property as an owner might. Thus, public property had no value. You can’t really talk about sensible management of public property. If local authorities wished to build something, for instance, they needed approval from the governing body with the power to make decisions, which was somewhere above it, often all the way in Warsaw.

This made for a very ineffective state.

— That’s true. I remember when in my hometown of Sandomierz, the underground corridors began to crumble. You had to wait for a decision from the Council of Ministers which issued a special resolution concerning the conservation of Sandomierz. But until that resolution was passed, until the financial means were allocated, everyone was waiting, in fear, to see what would happen. The collapse was so great that it required the assistance of the central government, but the local authorities could not do anything about it.



Questions:

1. **What examples of the powerlessness of local authorities in the PPR does Jerzy Stępień give?** [Local authorities, entirely dependent on central authorities, did not possess legal personality or independence in their actions, not even a separate budget]
2. **Why were renovations of the underground corridors in Sandomierz delayed? What does this tell us about the system in the PPR?** [Only the central authority could make the decision to undertake renovations and allocate funding for conservation, and this bureaucratic process took time.]

⁹³ Original title: ‘Samorząd to historia sukcesu. Rozmowa z Jerzym Stępiem’. Available at: <http://wiez.com.pl/2020/01/07/samorzad-to-historia-sukcesu-rozmowa-z-gerzym-stepniem/>.

**SOURCE D: A description of the political system of the PPR,
J. Regulski, "Self-governance in the 3rd Polish Republic",
Warsaw 2001, pp. 18-19.⁹⁴**

In 1944, the entry of the Red Army brought Poland a new system of governance. The new authorities introduced their influence gradually, eliminating opposition and increasing their control over public life. In the initial period following German occupation, cooperation between the ruling body and the citizens was necessary to organize a functioning state. And thus, the decree issued on the 11th of September 1944 by the Polish Committee of National Liberation, established by Moscow to manage Polish territories, did not bring any radical changes. While introducing the name of people's councils, following the Soviet system, it maintained the rule of local self-governance. This self-governance played a significant role, particularly during the settlement of the so-called Recovered Territories, where public administration was virtually non-existent despite the need to manage and organise life in the seized territories.

Eliminating the opposition and strengthening the position of the central authorities changed these circumstances, as any form of public organisation could become a threat to the totalitarian regime. The authorities stopped considering the desires and opinions of the public. A law officially abolishing local government was enacted on March 20th, 1950, replacing the traditional local government apparatus with a new system of people's councils. This arrangement survived, with a few modifications, until 1989. [...]

The communist system in Poland, modelled after the Soviet system, was internally logically sound, but based on principles utterly foreign not only to Polish tradition and mentality, but also to the familiar models of democratic statehood which seem obvious to us today. The preamble of the 1976 Constitution stated that the state's role was to implement "the great ideas of socialism". The working class and its party were to be the leading force which dictated the direction of development. The slogan "the party rules, the government manages" reflected the conditions at the time. The people were to follow in the direction determined by ideology and its practical interpretation. Public opinion was of no consequence as those in power tacitly assumed that it would oppose the system. [...]

Thus, the communists found it necessary to maintain a centralized state whose control covered as much of public life and the economy as possible, as well as deeply infiltrating the private lives of its citizens. [...] Adopting democratic centralism and the principle of uniform state power was of paramount significance.

⁹⁴ Jerzy Regulski (1924-2015) – Professor of Urban Economics and Urban Planning. He was one of the co-authors of the reforms re-establishing self-governance in Poland. The excerpt is from a book in which he describes its causes, design, and course.

The principles of democratic centralism were formulated by Lenin. They stated that all ruling bodies are to be elected [...], but also that lower bodies are entirely subordinate to higher bodies. In practice, this meant that the central authorities made all the decisions, making any public control over their activities entirely a pretence. Elections became farcical under such circumstances. At the same time, the system rejected Montesquieu's principle of the separation of power, giving all the power to the state that is its administrative branch.

Any form of decentralization, which would allow for the formation of independent views, not to mention any attempt to bring them to life, was a threat to the rulers. Thus, the entire apparatus was designed only to pass instructions down and to control their execution.



Questions:

- 1. When did the communists decide to eradicate local self-governance in Poland?** [The complete eradication of local self-governance only took place five years after the end of the war, as the communists did not wish to alienate the people. What is more, they needed the support of local authorities in the recovered Territories.]
- 2. What was the relationship between the Communist Party (Polish United Workers' Party) and public administration in the PPR?** [The party dictated decisions to the government and the administration it managed.]
- 3. What was the system of "democratic centralism"? Do you think such a system can be ever considered democratic?** [The democratic centralism system was based on the hierarchical subordination of ruling bodies and the lack of autonomy of local authorities. Such a system can hardly be considered democratic as it robs local communities of any influence on how their affairs are managed.]

SOURCE E: Excerpts from the "Self-governing Republic" programme, adopted at the close of the 1st National Convention of "Solidarity" Trade Union Delegates 7.10.1980.

THESIS 21 – Legally, organisationally, and financially, independent local authorities must serve as real representatives of the local community.

The basis of a true local government must be that it is chosen through free elections. The elections should be open to persons put forward by social organizations and citizen groups.

No electoral ticket should benefit from preferment. It is necessary to ensure conditions for conducting electoral campaigns in which various programmes and various candidates will participate. [...]

Local governments must receive the authority to decide on all local matters, and in this area can only be subject to legally defined supervision from the state authorities, which serves to review the legality of their actions. In cases of conflict between local authorities and administrative bodies, determinations should belong to the courts. Local governments must have the right to conduct business activity. The ability to form agreements between different local governments must be ensured. In order to fulfil their purpose, local governments must possess legal personality and the right to obtain independent financial means (local taxes).

COMMENT: The “Self-governing republic” programme was the programme of the popular social movement “Solidarity”. It envisioned a broad reform of the political, economic, and social system of the PPR, in order to develop the self-governance of its citizens and the democratization and increased transparency of life in workplace communities, local communities and the country as a whole.

1. **According to the programme’s authors, what was a necessary precondition to creating a true local government? Why do you think that was?** [The basic precondition was conducting a free election, so that candidates representing various programmes could compete against each other. Without the plurality of ideas and views, there is no way to create a true election regarding the affairs of the local community.]
2. **What should the elections for local government look like, according to the authors of the programme?** [Free, fair, democratic.]
3. **According to the authors of the programme, what rights and characteristics should a local government possess?** [The right to make decisions regarding local matters, limitations on supervision from the state, the right to appeal to the courts in cases of conflict with the administration, legal and financial independence.]
4. **Analyse “Solidarity’s” suggestions in the context of how Jerzy Stępień and Jerzy Regulski described the functioning of local authorities in the PPR. Were they an answer to the inadequacy of local authorities in the PPR?** [Yes, the idea was to ensure financial and operational independence for local governments and protect them from excessive interference from the central authorities.]

SOURCE F: Clips from the film “It only happened in Poland”: the deliberations of the “Local Self-governance Working Group” at the Round Table Talks.⁹⁵ Watch from min. 12:03 to min. 14:30.

COMMENT: The film was created for the 20th anniversary of the reinstatement of self-governance in Poland. It is narrated by some of the co-authors behind the

⁹⁵ Available at: <https://www.youtube.com/channel/UCJBeiM5uZDQnrG0hLVjhgGw>.

idea of the system. They talk about the work on rebuilding self-governance, the process, and its results.



Questions:

1. Were the deliberations of the “Local Self-governance Working Group” amicable? [No, the way each side viewed the idea of self-governance differed greatly; representatives of the communist authorities tried to stick to minimal changes, while the representatives of the opposition wanted a radical reform of the Polish system.]
2. How did the working group’s deliberations conclude? What led to such a result? [The deliberations concluded with a memorandum stating the discrepancies in opinions, meaning that no final decision was made as to what local governance would ultimately look like. This was because the very points of views of the participants were irreconcilable.]

SOURCE G: The Constitution of the Republic of Poland – extracts pertaining to local governance.

Article 16

1. The inhabitants of the units of basic territorial division shall form a self-governing community in accordance with law.
2. Local government shall participate in the exercise of public power. The substantial part of public duties which local government is empowered to discharge by statute shall be done in its own name and under its own responsibility.

Article 164

1. The commune (*gmina*) shall be the basic unit of local government.
2. Other units of regional and/or local government shall be specified by statute.
3. The commune shall perform all tasks of local government not reserved to other units of local government.

Article 165

1. Units of local government shall possess legal personality. They shall have rights of ownership and other property rights.
2. The self-governing nature of units of local government shall be protected by the courts.

Article 167

1. Units of local government shall be assured public funds adequate for the performance of the duties assigned to them. [...]

Article 168

To the extent established by statute, units of local government shall have the right to set the level of local taxes and charges.

Article 171

1. The legality of actions by a local government shall be subject to review.
2. The organs exercising review over the activity of units of local government shall be the Prime Minister and voivodes and regarding financial matters – regional audit chambers. [...]

Article 172

1. Units of local government shall have the right to associate. [...]

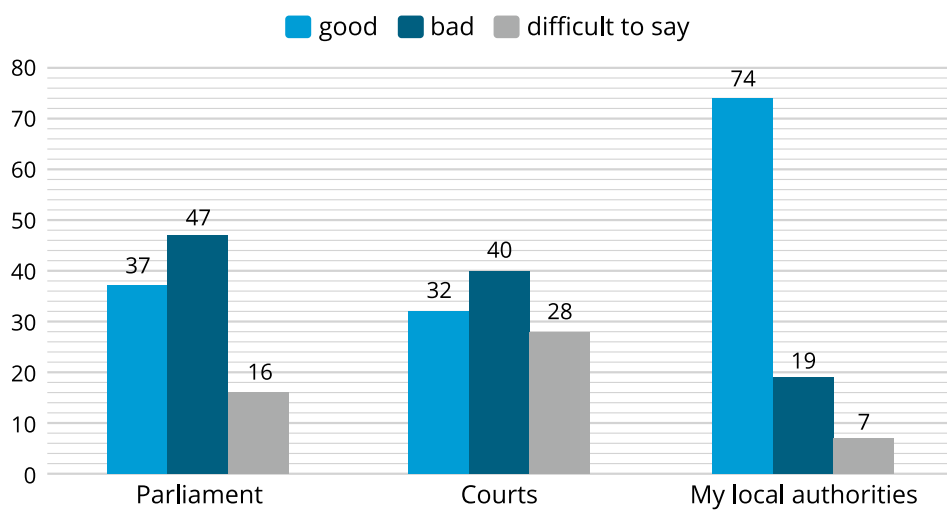
COMMENT: Above you can find extracts from the current 1997 Constitution of the Republic of Poland pertaining to local governance. These regulations are the result of the local governance reform conducted after the first, partially independent parliamentary election in 1989. It also serves as a summary of the first eight years of local governance in Poland.

**Questions:**

1. **How does the Constitution of the Republic of Poland define local governments?** [In Article 16, it describes local government as a “community” of all the inhabitants of any given unit of basic territorial division, for instance a commune (*gmina*), rather than as a local authority. The purpose of the local government is to act as a representative and in the interest of the community.]
2. **According to the Constitution, what is the basic unit of local governance? Why do you think the matter was regulated in this way?** [The basic unit is the commune (*gmina*) that is the smallest unit of local governance, rather than the voivodeship (*województwo*) or county (*powiat*) which are not mentioned in the Constitution. This is because local governance should be viewed as a “bottom up” and not a “top down” initiative, and its key element is the commune government (*samorząd gminny*) which is closest to the inhabitant.]
3. **Do you think the regulations of the 1997 Constitution are a response to the characteristics of local governance in the PPR which have been criticised in the earlier sources? In what way?** [Yes, the Constitution’s regulations are in fact a full response to the accusations against the system of governance in PPR made by Stępień, Regulski or the authors of the “Self-governing Republic” programme. They include the policy on decentralizing public power, the legal personality of local governments, limiting supervision to the review of the legality of their actions, and fiscal independence.]

SOURCE H: The results of the Public Opinion Research Centre's report regarding opinions about various public institutions and authorities from March 2020⁹⁶

Opinion regarding the activities of authorities (source: CBOS, March 2020)



How do Poles view the activities of local authorities in comparison to the parliament and judiciary authorities? [Local authorities decidedly receive the most support. Only in their case do the positive opinions outweigh (significantly so) the negative opinions. What is more, in the case of local authorities, the number of “difficult to say” answers are the lowest, which shows that when it comes to evaluating local authorities, Poles have very definite opinions, most likely because they see the results of their activities on a daily basis.]

⁹⁶ Original title: Oceny działalności instytucji publicznych.
Available at: https://cbos.pl/SPISKOM.POL/2020/K_038_20.PDF.