



**Common Ground**

# **Country Report: Poland**

The Significance of Citizen Participation in Politics and Society

*By Adela Gąsiorowska*

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# 1. Citizen Participation in Poland

In Poland, the concept of citizen participation is defined quite broadly – as a tool for citizens' participation in the creation and implementation of public policies that involve two-way communication, i.e. in which the public administration is obliged to at least provide a justified response to citizens' demands.<sup>1</sup> Creating and implementing public policies should also be understood broadly in this case – participation also includes, among others, participation in spatial development processes.

The concept of participation also includes the processes:

- not based on deliberation (e.g. consultations in which the opinions of individuals are heard but no agreement is sought between them, or advisory bodies making decisions by majority voting)
- and also where it is not the ordinary citizens who participate, but those who represent organized civil society.

The first tools of citizen participation in Poland were introduced after the political transformation in the 1990s. In particular, the introduction of the division into local government units and the subsequent establishment of institutions of social consultations with residents (characterized below as municipal, district and provincial social consultations). Another important change was the adoption of the Act on public benefit activities in 2004, regulating the principles of cooperation and dialogue between non-governmental organizations and public administration.

Currently, there are many different forms of citizen participation in Poland, differing, among others, in: the level at which they are organized (national or local government), the type of people participating in them and their permanent or incidental nature. These forms include in particular:

- 1) public consultations on the government drafts of normative acts;
- 2) municipal, district and provincial social consultations to also include a citizens' budget; innovative participatory processes such as citizens' assemblies are also organized on this legal basis;
- 3) participation of residents in the development of spatial development documents;
- 4) municipal, district and provincial youth councils and seniors' councils – local government advisory bodies composed of representatives of these age groups;
- 5) public benefit activity councils and other initiative and advisory teams composed of representatives of non-governmental organizations and public administration bodies (at the national and local government levels);
- 6) consultations of draft legal acts with non-governmental organizations.

In the case of the first four forms of consultations mentioned above, all residents of given local government units can participate – no selection is used in these processes. The exception in this respect are citizens' assemblies and similar innovative tools which use a random selection

<sup>1</sup> Sześciło, D. (ed.), Mednis, A., Niziołek, M., Jakubek-Lalik, J. (2014) *Public administration and management. The Science of Modern Administration*. Warsaw: The Association of the Faculty of Law and Administration Graduates of the University of Warsaw.

of participants. However, their participation in all consultation processes is currently very limited.

In the case of the forms of participation listed in points 4–5, their participants are selected in various ways (e. g. by the decision of the body they advise, or in a vote in which the people from the community who are to represent these councils take part). All non-governmental organizations operating in a given area may participate in consultations under point 6.

## 2. Legal and Institutional Conditions

The most important legal basis for Polish participatory processes are the provisions of the Constitution of the Republic of Poland and the political principles contained therein regarding, among others, supreme power of the nation and social dialogue. At the statutory level, there are three key acts regulating the operation of municipal, district and voivodeship self-government, which provide the basis for organizing local government social consultations and citizen budgets, as well as establishing youth councils and senior councils. Moreover, on the basis of these acts, local government authorities adopt local laws regulating the detailed principles of these institutions' operations.

Another act on participation is the Act on public benefit activities, regulating the cooperation between organized civil society and public administration and establishing: public benefit activity councils, other initiative and advisory teams and consultations with non-governmental organizations. This Act also regulates the functioning of a public benefit committee (a body responsible for coordinating the cooperation between the government and organized civil society).

The citizen participation in the area of spatial development policy is regulated by the Act of March 27, 2003 on spatial planning and development, which establishes various forms of residents' participation in the development of documents related to this policy.

However, conducting national public consultations is not regulated by the generally applicable law. The principles of their organization are regulated by an internally binding resolution of the Council of Ministers.

Currently, there are no public programmes dedicated to supporting deliberative participation tools. At the national level, such initiatives are not undertaken, and at the local government level, these tools are implemented rather incidentally and experimentally.

There are also no public institutions dedicated to supporting and promoting deliberative participation tools. However, there are a number of public institutions responsible for coordinating or supporting other forms of participation, in particular:

- on the national level: The Public Benefit Committee, the National Freedom Institute
- The Center for Civic Society Development and the Department of Civic Society by the Chancellery the Prime Minister;

- on the local government level: appropriate organizational units of commune, district and province offices, and the representatives of executive bodies of the local governments responsible for the cooperation with the civic society.

### **3. Important Citizen Participation Projects**

Apart from the afore mentioned permanent forms of citizen participation, two types of participatory processes, implemented in local governments should be highlighted:

- civic budgets – they are regulated by law as a form of social consultation and their results are binding for local government bodies; they can be implemented on all levels of local government, however cities with district rights have the obligation to organize them and allocate at least 0.5% of their annual budget; they are based on the participatory budgeting formula, however the projects to be implemented are not selected by deliberation but by popular vote;
- citizens' assemblies – implemented for several years, primarily at the local government level (12 assemblies in 8 different cities) on request of local authorities; the first national assembly took place in 2022, organized by a non-governmental organisation.

### **4. Political and Social Significance of Participation**

The current significance of citizen participation is different on the local government and national level. On the local government level, the participatory processes are regularly used as tools for co-designing public policies. Moreover, some self-governments implement innovative participation methods based on deliberation.

It seems that in many cases participatory processes are not implemented in order to redistribute power among residents, but to e. g. obtain their acceptance for public policies, educate about them or build an innovative or democratic image of the local government. It also seems that in the last years – apart from a growing interest in innovative participation methods – there have not been any significant changes in the approach to citizen participation. This approach varies significantly between different local authorities.

On the national level the quantity and quality of participatory processes is limited. In terms of permanent forms of participation some problems occur which are specified in the “challenges and barriers” section. The first national citizens' assembly was organized in 2022, however it was carried out in a bottom-up manner. Social organizations operating in particular in the areas of citizens' participation, democratization of public life or supporting civic society work towards increasing participation on the national level.

It should also be indicated that citizens' participation is not a popular topic in the political debate. It seems that the organization of the nationwide citizens' assembly has influenced to some extent (although to a rather little extent) the public discourse regarding participation. Especially the politicians of some parties started mentioning the possibility of introducing a permanent, institutionalized citizens' assembly on a national level or organizing the next

citizens' assembly dedicated to the subject of national politics. Such views remain outside the main discourse – especially in the campaign before the parliamentary elections in 2023 such views were expressed by single politicians.

Also, there is rather little public interest in participation – the topic of participation itself and its various tools are mainly present among socially engaged people and not among ordinary citizens. It is especially social organizations working in the area of participation and democratization and the organizations and activists working in the area of particular public policies who are in favour of increasing the number and quality of participatory processes.

## 5. Challenges and Barriers

On the level of a local government, the main challenges are:

- the approach taken by the decision-makers as mentioned in the point above to participation, limiting its importance in the decision-making processes;
- the implementation of innovative deliberative processes often takes place irrespective of the public policy cycle and of the functioning of other local institutions, which limits the significance of these processes;
- the civic engagement of ordinary citizens is relatively low (also in the case of forms based on the selection by lot, which is indicated by a fairly low percentage of people accepting the invitations to participate – in case of citizens' assemblies it is approximately 2%).

On the national level, additional challenges are posed by the decision-makers who show a lack of interest in the innovative methods of participation and downgrade the quality and significance of the already institutionalized forms of participation, through for example:

- violating the rules of functioning of initiative and advisory bodies at the government administration, in particular dismissing the members of the bodies who did not agree with the administration body, at which they worked<sup>2</sup>,
- not carrying out the public consultations of the government projects of legal acts or carrying them out contrary to the applicable regulations, in particular the use of too short deadlines for submitting comments as part of consultations, failure to respond to these comments or not publishing the consultation reports at all, as well as submitting draft laws developed by the government as an MP's draft laws (because this path does not require any consultations)<sup>3</sup>

**2** Polubicka, K., Kietbiowska, K., Gąsiorowska, A. (2018) *Repository of the Polish Federation of Non-Governmental Organizations. Summary Report November 2015 – December 2017. The list of documented cases of violations of the principles of cooperation between the ministries and the non-governmental organizations.* National Federation of Non-Governmental Organizations.

**3** Frączak, P., Izdebski, K., Kopińska, G., Michatek, W., Vetulani-Cęgiel, A. (2022) *The Polish Legislative Disorder. The government and parliamentary legislative process in the first two years of the 9th term of the Sejm.* Stefan Batory Foundation.

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