

DEMOCRATIC, DECENTRALIZATION AND EFFICIENT REGIONAL GOVERNANCE:

Politico-administrative relations in Polish regions, 1989-2001

Introduction

The transparent division of political and administrative positions and the formation of an apolitical civil service is seen as a natural precondition for the creation of a democratic and efficient state. At the same time development of democracy requires decentralisation of power – an issue particularly relevant to Eastern Europe, which during socialism went through an extreme form of centralisation. Hence my interest in investigate of regional administration and politico-administrative relations there. In particular I would like to analyse central government policy towards regional administration. In this regard, four main periods can be distinguished¹:

1. Lack of division between administrative and political positions - ‘the string of post-Solidarity governments’ 1989-1993:

- the division of administrative positions was not defined at either central or regional level. The positions of voivodes (regional governors) were interpreted as administrative although, in reality, they were rather politicised,

2. Introduction of a pool-of-spoils system - post-communist rule 1993-1997

¹ In Poland (but probably also in other post-socialist countries, at least to some extent) the role of historical factors is primarily in the formation of coalition government. In fact under socialism the opposition was illegal and actively influenced the division between the post-communist and post-Solidarity opposition. In post-communist Poland, this division has been much deeper than in Western democratic countries, where the existence of an opposition has been a natural part of political systems. As a result, in Poland the political origins traced back to the socialist period are still decisive, in the selection of potential coalition partners, and Polish parliaments have been divided on two sides – the post-communist left and post-Solidarity right (Rydlewski 2000). This historical division between post-Solidarity and post-communist has recently been weakened in the current parliament due to the arrival of the new populist parties: Self-defence and the right-wing League of Polish Families.

- extensive purges in central and regional administration (voivodes, deputy-voivodes and directors of departments)
- severing of bargains within the PSL-SLD coalition over the division of voivodes' positions in 1993 and director generals in voivodship office in 1997
- the 1996 Civil Service Act

3. Mastering and intensification of the pool-of-spoils system - post-Solidarity's Buzek government:

- since 1997, the automatic dismissal of voivodes and deputy voivodes with each change of government (and in central administration of ministers and deputy ministers)
- the 1998 Civil Service Act
- regional administration of 1999 – the merger of 49 voivodships into 16 powerful and efficient economic units

4. The return of post-communists in 2001 – continuity or change?

- the new set of voivodes – regional politicians

1. 'THE STRING OF POST-SOLIDARITY GOVERNMENTS': 1989-1993

In Poland, the transition to democracy, began with the round table talks (6 Feb - 5 April 1989) and the semi-democratic parliamentary elections held on 4 June 1989. At the end of August 1989 the first non-communist Prime Minister, Tadeusz Mazowiecki, was formed. The government lasted for just over a year (12 Sept. 1989 – 14 Dec. 1990). The next three post-Solidarity governments were: Jan Krzysztof Bielecki (12 Jan. 1991 – 5 Dec. 1991), Jan Olszewski (23 Dec. 1991- 5 June 1992) and Hanna Suchocka (July 1992- May 1993).

The politico-administrative relationships in the period 1989-1993 has to be interpreted as revolutionary as the sudden and unexpected rise to power of Solidarity in 1989, meant that the government policies only then began to be formulated. Dudek (2002: 99-100) writes that neither Prime Minister Mazowiecki nor anybody else in the camp had a vision of the political

and administrative transition of the state and there was no coherent vision about how to destroy the socialist structures and policies of government which were rather chaotic. The exception was economy, where the appointment of Balcerowicz, as minister of finance and deputy prime minister, led to the radical and comprehensive economic transition being started.

In relation to personnel policy the unexpected shift of power to Solidarity in June 1989 meant that it was completely unprepared to create a government (the same applied to regional administration where changes started with some delay in 1990). All four post-Solidarity governments in the early period of transition, despite their distinctiveness showed early limited adaptation to the challenges of forming governments (as well as ruling in regions). Solidarity lacked its own political and administrative cadres at both central and regional levels. Thus, in relation to the description of the personnel policy of post-Solidarity governments, the concept of the revolutionary type of carriers can be applied. Firstly, they were usually rapid carriers of outsiders who, before 1989, did not have any contact with politics or administration. Secondly, there were no clear criteria for qualifications or education required to enter administration. Being in opposition was the primary criteria for appointment. In consequence, a lack of administrative experience came to be seen as a virtue. Thirdly, there were no barriers, excluding certain groups – for example party membership (which appeared later during the post-communist tenure, around 1996). However, there is one feature of the revolutionary type of carrier which is not typical of other revolutionary periods and that is especially true in relation to Mazowiecki's government when the scale of administrative changes was considered by the predominant opinion to be too limited and too slow.

There was only a gradual recognition of the need to develop a personnel policy as a means to preserve political power; at the beginning personnel policy and management of administration were seen as secondary with the primary importance being economic and

political transition. Nunberg and Barbone, analysing the administrative transition in Poland and the development of civil service legislation, argue that Poland's 'impressive economic turnaround and its fundamental overhaul of political institutions had not been matched in the administrative realm' (1990: 7). However, the successful transition of the country after the fall of communism in 1989 and its effective functioning afterwards depended on the capacity of the state to formulate and implement its policies.

Finally, the Solidarity camp was fragmented and only gradually were political parties formed, which substantially hindered coalition partners' co-operation and caused government instability, which, in consequence, led to changes in senior administrative positions with the arrival of each new government.

At the moment of government formation Mazowiecki was acutely aware that the communist party (PZPR) and its political heirs controlled the army and security forces and that the geopolitical factors also had to be taken into consideration. Consequently, confrontation with them was seen as dangerous. In the case of the PZPR it was obvious that their candidates would be ministers of defence and internal affairs. (Dudek 2002: 77). Mazowiecki, in his inauguration speech in the *Sejm*, where he presented the framework of his policy, said that he had not planned to conduct revolutionary changes and used the famous phrase 'the broad line' which meant that he wanted to divide the past and present with such a line and concentrate on the current situation to solve the economic crisis in Poland. However, this concept was often used against him politically as it was interpreted primarily as a cautious approach to communism – not to judge their actions nor to make them face responsibilities for their actions under socialism.

The crucial approach to reform of administration and 'the broad line' approach to personnel policy were also related to the fear of nomenklatura opposition to the formation of a new government. However, as Geremek (Geremek and Żakowski 1990: 287-288) recalls, the nomenklatura, who used to be subordinated, accepted the new authority with the same

subordination. Instead, the greatest challenge to the efficient performance of administration was the lack of ability to make decisions and to be responsible for them (this was because during socialism, decisions were taken in the party institutions, not administration). The other crucial problem for the new administration was the predominance of sectoral interests of various ministries and weak government coherence. Thus, local government reform introduced in 1990, as Prof. Regulski, who was responsible for the reform, recalls this was an attempt to partially modify the central administration structure by decentralisation of competencies to local administration (although the resistance of central administration meant that in the end a much more curtailed form of reform was launched) Thus, the largest achievement of Mazowiecki was the establishment of local government. To adapt the functioning of the state to its new role in the democratic realm and to improve the performance of government democratisation and decentralisation of the whole administrative structure was required to break with the socialist legacy. In Poland, as a consequence of the extreme centralisation of power and distortion of territorial structure under socialism the reform of central administration and the civil service has to be seen as part of the reconstruction of the whole administrative structure. Central administration reform could only be successful if it was preceded by the devolution of power and finances to lower levels (which in Poland also required the merger of 49 weak voivodships [regions] into around 12 regions, which would be able to take over the new competencies). In the situation of the existence of the round table agreement, the central level was the stronghold of communist power and thus it was natural to start reform by decentralising power to local government and replacing the existing local-level state administration with self-governing (at the commune level). A bottom-up approach was adopted as the next stages of reform were to be districts and regions and only at the end was it expected that the central administration reform would follow. This approach to administrative transition was also evident in the policies of the next post-Solidarity governments.

Similarly, Bielecki (in Torańska 1994 56-57) recognised decentralisation of power, especially the formation of strong regions as the crucial element of central administration reform and recollecting performance of public administrations during his rule defined it still as completely socialist. Its performance was like a jelly in which all information and initiatives were lost.

Mazowiecki was often criticised for being over-cautious in personnel changes. Dudek (2002: 102-103), for example, criticises the limited changes in the army among the Polish generals. Also, the formation of completely new intelligentsia forces was rejected by Mazowiecki. A much more positive evaluation of Mazowiecki's personnel policy is presented by Roszkowski (2001: 408-409) who focuses on his action to 'end the police state'. In the army and police a law forbidding party membership was introduced, and according to him the change of personnel in these spheres had to be gradual. The most important personnel reshuffle took place in July 1990, when three post-communist ministers were dismissed.

In other ministries changes were very moderate. A year later, in December 1990, 18 out of 24 ministers had preserved their positions. The most serious changes took place in the ministry of education, with five new deputy ministers. In environment, there were also five deputy ministers and in the finance ministry, three. These 38 new appointments were result of only 25 dismissals with 13 positions being newly established. (Dudek 2002: 101).

However, the personnel policy in regional administration - *voivodes* (regional governors) was much more extensive, although gradual. Up to June 1990 only 23 out of 49 voivodes were newly appointed, but by the time Mazowiecki left office, only four remained unchanged. The number of deputy voivodes was decreased, usually from three to one in every region. As a result, 149 deputy voivodes were dismissed and only 43 were appointed. Those who came were, in the majority, formally non-party members, but tied to Citizens Committees or members of Solidarity (Frydrykiewicz and Reszka, *Rzeczpospolita* 16 July 1996). The type of personnel policy conducted during Mazowiecki's rule reflects the

spontaneous revolutionary period type of changes when clear procedures and the divisions between political and administrative posts have not yet been developed, the fight between coalition partners over division of influence at central and regional level was not so strict and a group of expert non-party members were often appointed.

Analysing the personnel policy of the next government of Jan Krzysztof Bielecki two features are particularly interesting: first the limited politicisation of central and regional administration; and second, the minimal personnel changes. As Chamj (1988: 54-55) emphasises members of five coalition parties were making up only 45 per cent of government and 55 per cent were 'independent', it is significant and shows the early stage of formation of the post-Solidarity parties. After the post-Solidarity parties lost the 1993 parliamentary elections Balcerowicz recollected that not only is conducting reforms important but so too is the creation of its own cadres, as only in this way can continuation of reform be guaranteed.

Bielecki's government represented relevant continuity as out of 19 ministers, eight came from Mazowiecki's government, he also conducted limited personnel changes. For example, 12 new voivodes and 17 deputy voivodes were appointed (Frydrykiewicz and Reszka *Rzeczpospolita* 16 July 1996). In central government, the minister of industry Zawisłak was replaced by Bochniarz and the second dismissal was of the chairman of the Polish central Bank Wójtowicz.

The third post-Solidarity government of Olszewski was formed by smaller parties excluding of the largest parties of the Democratic Union (UD). As a result, a minority government was formed, but it had to cope throughout the whole period with the challenges of an enlarging coalition and a lack of long term policies. The new feature of this post-Solidarity personnel policy was that this government began dismissals directed not only against post-communists but also other members of the post-Solidarity camp. Dudek (2002: 247) also mentions that the UD demanded the stopping of personnel changes of its representatives in ministerial administration as a precondition for talks to enlarge the

coalition. In his initial speech, the prime minister was not only very critical of the actions of post-communists but also two earlier post-Solidarity governments and vowed to break with the policy of previous governments.

Personnel changes also took place in regional administration. In January 1992 in a meeting with the regional governors the new director of the Office of Ministers Council, Włodarczyk, responsible for regional administration, declared quite contradictory decision that in his appointments of new personnel: ‘political sympathies will not be taken into consideration – but he added - although, the senior administrative officials cannot be completely apolitical, as each government has its own political base’. According to Lipszyc and Wielopolska (*Rzeczpospolita* 16 October 1993) this declaration started demands for changes of voivodes by PC regional politicians and also other temporal-formed regional political coalitions. Nevertheless, there were relatively few changes – he dismissed eight voivodes and six deputy voivodes (Frydrykiewicz and Reszka *Rzeczpospolita* 16 July 1996) - especially when compared with the pool of spoils system introduced after 1993.

The last of the post-Solidarity governments of the early period - Suchocka’s government – indicates the high politicisation and fragmentation of the Solidarity camp, which also began to be seen in relation to voivode positions. After the formation of Pawlak’s government Suchocka declared that she hoped that over a period of time, although it seemed to be in the distant future, that voivodes would be included in the category of apolitical civil servants. However, during her tenure (as well as other post-Solidarity governments), the reality was very different. The position of voivode was highly politicised and several of them and their deputies stood in parliamentary elections (altogether none became MPs or senators). At that time, the voivode of the longest tenure was Bohadnowicz from Łódź who had been appointed by Mazowiecki in 1989. There were also three deputy voivodes of longstanding who had been appointed under socialism, one of them as long ago as in 1984 (Lipszyc and Wielopolska *Rzeczpospolita* 16 October 1993). Suchocka dismissed 8 voivodes. Famously,

she dismissed two voivodes, belonging to the PC, both of whom were MPs and together with the PC parliamentary club voted against the government budget. This was seen by Suchocka as a 'drastic infringement of voivodes' duties' (Frydrykiewicz and Reszka *Rzeczpospolita* 16 July 1996).

2. Introduction of a pool-of-spoils system - post-communist rule 1993-1997

On 19 September 1993, the early parliamentary election took place as a result of the post-Solidarity squabbling the power came to post-communists. There were three governments based on this coalition: in the first in 1993, power went to the leader of the junior coalition partner Waldemar Pawlak (26 Oct. 1993 - 1 March 1995) as the post-communists tried to stay in the shadow, but after his collapse, power went Józef Oleksy (4 March. 1995- 26 Jan 1996) and then Włodzimierz Cimoszewicz (15 Feb. 1996 - 31 Oct. 1997). The parliamentary elections in 1993 and the shift of power to post-communist governments started the next stage of administrative transition. First, a pool of spoils system was introduced. Second, the regional administration reform was postponed.

The policy of Pawlak's government is a vivid illustration of the introduction of a radical version of a pool of spoils system. After the appointment of Pawlak, a comprehensive and rapid change of personnel of a clearly political character took place; during the first hundred days of his rule, 19 *voivodes* were dismissed.² Minister Strąk also, for the first time, openly declared that voivodes' positions were political, not administrative. This was in opposition to proposals for legislative regulation of voivodes' positions that were evolving during the post-Solidarity period (despite that in reality being politicised). He also radically changed the philosophy of relations between political and administrative spheres. Earlier, despite their internal fights, the post-Solidarity elite paid much less attention to the systematic allocation of positions as the spoils of victory. Thus, during the post-Solidarity governments' rule, the appointment of

² Koral, *Gazeta Wyborcza*, 14 February 1994.

people from various political groups was possible, especially as they wished to break with the *nomenklatura* style of exclusiveness of members of the communist party. Instead, they tried to pay more attention to professional abilities and did not wish to exclude the opposition completely.

For the first time, a significant rise in numbers of political appointments were proposed. This meant an extremely extensive scale of personnel changes accompanying each change of government under the demand that voivodes, their deputies and other senior civil servants, would automatically resign. (This his concept came into effect in 1997). Strąk justified this policy by declaring it was modelled on France, where, according to him, after each change of government about 60 % of prefects are changed. Moreover, this reflects the will of the voters who voted for the new government. In consequence, the real purges took place in regional administration 32 voivodes (out of 49) and 34 deputy voivodes were dismissed (Frydrykiewicz and Reszka *Rzeczpospolita* 16 July 1996). Moreover, new criteria for appointments especially in central administration led to them being made on the basis of acquaintances with the prime minister (Grobowski and Lipszyc *Rzeczpospolita* 20 July 1994).

The chairman of the office of council of ministers openly declared: 'In reality, the former officials are returning. That is normal. During the past four years, the young angry men introduced reform, which could not be done without the former officials. Now these are returning to new structures and adjusting everything'. (Strąk quoted in Dudek 2002: 364 from *Gazeta Wyborcza*, 23 October 1994).

The politicisation of *voivode* positions meant that the division of positions within the ruling coalition (the PSL and the SLD) was also important. Prime Minister Pawlak, although a leader of the PSL, the junior partner in the post-communist coalition, nevertheless ensured that the PSL gained 19 *voivode* posts while only two went to supporters of the SLD.³ This was against the earlier agreement, which was to divide *voivode* positions within the coalition

according to whether the PSL or the SLD dominated in the parliamentary election in a particular voivodship. The most evident break in the agreement was in the two voivodships of Wrocław and Katowice, where the SLD had twice the votes of the PSL.

The extensive pace of personnel changes was preserved during Oleksy's rule, such as when the prime minister's position shifted from the junior coalition partner Peasant party (PSL) to the post-communist SLD. The predomination of the SLD was also evident in changes of deputy ministers and director generals, where, after more than half a year's rule, 48 had been replaced compared to 67 changes conducted during the more than year-long tenure of Pawlak in the group of 145 senior officials (Henzler and Olszewska *Polityka* 25 Aug – 2 Sept 1995). Among them were five voivodes and seven deputy voivodes (Frydrykiewicz and Reszka *Rzeczpospolita* 16 July 1996). In relation to regional administration, particularly interesting are the purges of director generals of voivodship offices described here after presenting the 1996 Civil Service Act.

Rydlewski (2001: 83-4) writing about the nineties emphasised that the correlation between frequent changes of government and the lack of stable administrative cadres was so extensive that it was criticised by foreign experts. For example, such an opinion was presented in Brussels by the European Commission in November 1998.

Second, as mentioned, the shift of power in the post-communist government meant the stopping of certain visions of administrative reform, which were conducted by all post-Solidarity governments, despite certain minor modifications due to frequent changes of government. The comprehensive vision of transformation of the whole administrative system was limited to central administration although assisted by the introduction of the Civil Service Act. This illustrates the fact that after the formation of Pawlak's government the whole set of parliamentary bills prepared by previous governments of Suchocka, proposing comprehensive administrative reform, was rejected. The most evident example is the abandoning of the

³ In the 1993 election the PSL gained 15 per cent of votes compared with the SLD's 20 per cent, according to

concept of the necessity of further territorial reform of districts and regions as the prerequisite of the transformation of the central administration.

On 1 January 1997 a reform of central administration was introduced and the number of ministers decreased. Finally, despite a few earlier attempts, a super-ministry - the Office of the Council of Ministers was finally transformed and the division of political and administrative positions began to be much clearer. Its tasks were transferred to the Ministry of Internal Affairs and Public Administration and the Chancellery of the Prime Minister. The Chancellery has a clearly distinguished political section – with political advisers forming the political cabinet. Moreover, division on political and administrative sections in ministries was created. As part of the central administration reform the Civil Service Act was then introduced.

The 1996 reform also defined which positions in administration have political status. In the early stages of the transition in the nineties, some politicians were employed in managerial administrative positions and their tasks were clearly political; for example, to formulate the politics of government, or to advise the prime minister or other members of government. However, the trend was to gradually define these positions as political within the administration: the position of secretary and deputy secretary of state; secretaries and deputy secretaries; and in regional administration, voivodes and deputy voivodes (around 200 officials) became defined as political officials and it was decided that they would automatically hand in their resignations with the collapse of a government, although the new prime minister would not have to accept their resignations. (For the first time, this policy preceded the formation of the next successive government of Buzek in 1997). The director generals in ministries and in voivodship (regional) offices became the highest administrative positions, which were to remain unchanged irrespective of changes in government (Izdebski and Kulesza 1999: 146). In addition, the constitution of 1997 forbade uniting the functions of

MPs or senators with positions in public administration, except governmental positions of ministers and prime ministers and secretaries of state – which, since 1996, as mentioned above, have been defined as political, not administrative (Rydlewski 2000: 84).

During Prime Minister Pawlak's tenure, work on civil service status began as a modification to the 1982 socialist bill on administrative employees of instead of a continuation of earlier post-Solidarity projects (Izdebski 1996: 312 –313). The continuation of work on the Civil Service Act resulted in the creation of the Civil Service Act on 5 July 1996, under Prime Minister Cimoszewicz (Izdebski and Kulesza 1999: 218).

Moreover, in contrast to the civil service in France (where the civil service accounts for about 2.5 mln officials as it, for example, also covers policemen) and in Britain, where the number of its employees is much smaller 600 thousand the Polish model (according to 1996 act) was distinctive as it covered only some of administrative officials (Każmierski *Rzeczpospolita* 16 Oct. 1997). Two categories were present; first, employees of the public administration and second, 'nominated' officials, who went through the procedure of nomination by the chief of the civil service after going through the examination procedures by the civil service commission for qualifications. In addition, the civil service commission, acting as an advisory body, was established, which similarly to the chief of civil service was directly subordinated to the prime minister, with the consequent danger of politicisation. Four categories of civil servants were established.

The 1996 Civil Service Act closed the most senior positions to people who did not have seven years' work experience in administration, so that excluded everyone who had not worked in administration before the collapse of communism. In 1997, selection procedures for civil servants nearly completely excluded anyone who was not a supporter of the SLD or (to some extent) PSL. Meanwhile, Miller, the minister of internal affairs and administration prior to the autumn election of 1997, in June had appointed a whole new set of director general (48 out of 49), as this position was to be defined as administrative and should be

preserved after the change of government (Roszkowski 2001: 436). Among the new director generals, 11 belonged to the PSL, 4 to the SDRP and the rest were non-party members. However, appointment to this position demanded non-party membership so they had to either withhold or resign from their party membership. Nevertheless, PSL politicians argued that the statistics were false as the current non-party members were all sympathisers of the post-communists as they were former senior communist apparatchiki (Wróbel *Rzeczpospolita* 21 Jan. 1997 and Subotić *Rzeczpospolita* 22 Feb. 1997). These appointments of formally apolitical civil servants raised strong protests from the PSL who did not pretend that they did not threaten them as pools of spoils (Czackowska and Kieszkowski *Rzeczpospolita* 24 Feb. 1997). Thus, the mixed evaluation of central administration reform is that it closed fast-track on the advancement of opportunities to graduates of the National School of Public Administration while enhancing the likelihood of promotion of previous area apparatchiks (Nunber 1999: 45 and Dudek 2002: 437).

'The long-lasting government' - Post-Solidarity government of Buzek 1997-2001

The elections on 21 September 1997 led to the formation of Jerzy Buzek's government under the umbrella of Solidarity Electoral Action (AWS), the loose bloc of post-Solidarity parties and the Freedom Union (UW). The composition of Buzek's government shows the strong position of the AWS as 72 % of ministers were from this party. The electoral results were rather unfavourable for the UW as they secured nearly three times less seats than the AWS. Also, the fact that there were two deputy prime minister positions was also aimed at weakening UW influence. When comparing the division of posts within the SLD-PSL coalition in the period 1993-1997 and that of Buzek's government, one can see that the PSL – the junior coalition partner - had at the beginning a more prominent position than the UW. The Freedom Union in the majority received only 'deputy-type positions': and deputy prime ministers, deputy spokesmen of the *Sejm*, and *Senat*. In contrast, the PSL had spokesman in

the *Sejm* Józef Zych and Waldemar Pawlak, even achieved the position of prime minister (this was most of all caused by social unpopularity of SLD when they came to power in 1993).

The expectation of possible conflict within the coalition meant that from the beginning, attention was paid to co-ordination of government personnel policy already in the coalition agreement, and it was defined in details not seen in any other post-socialist government since 1989. Despite such attention being paid to eliminate possible doubts over the division of spoils, this government was the least successful in co-ordination of this policy and it was one serious co-factor in the break-up of the coalition government. The main assumption was that the personnel policy should reflect the will of the population that could be measured in the number of votes cast for each of the coalition parties. It was written down in the coalition agreement that the prime minister would be from the AWS but accepted by the UW, and that the deputy prime minister would be from the UW and accepted by the AWS. In addition, detailed division of ministerial posts was decided. Detailed regulations were also put in place in relation to regional administration – the AWS proposed candidates for voivodes and the UW for their deputies. In 12 out of 49 regions the opposite situation should take place as UW voivodes were to be appointed with AWS deputies. It was also added that two candidatures for every position should be proposed and the prime minister would make the final choice.

One of the most important reforms of Buzek's government was territorial. On 1 January 1999, 49 weak voivodships were merged into 16 much stronger regions. The reform of regional administration was used by the junior coalition partner, the Freedom Union, to propose the formation of "corps of voivodes", according to which voivodes would represent the prime minister instead of being advocates of regional interests and depending on regional political partners who recommended them, as this would lead to voivodes over-concentrating on regional interests instead of representing coherent government policy. However, this proposal met strong resistance from the AWS, the senior coalition partner. Again the division

of voivodes' post was decided during political bargaining between national and regional politicians of the AWS and UW. After reform, AWS predominance increased even further. The UW failed all sixteen first deputy voivodes positions, half (eight) the second deputy voivode positions, but none of the voivode positions (Rydlewki 2000: 55).

As mentioned earlier, in reference to the coalition agreement, Buzek's government paid special attention to personnel policy, and the pool of spoils system at both central and regional level was expanding. Thus it is not surprising that its first decisions were aimed at extensive replacement of cadres in central and regional administration, beginning with the replacement of deputy ministers of foreign affairs, defence, internal affairs and administration, and the State Protection Office, but quickly spreading to all ministers and boards of state-owned companies and security forces (Roszkowski 2001: 448 and Dudek 2002: 455-6). As Dudek comments, changes of personnel with an incoming government is natural behaviour but the scale of these changes varies in different countries. In Poland, a tendency to extreme politicisation of appointments appeared, which seems to mirror the socialist nomenklatura system, under which appointments require political approval.

During the electoral campaign of the AWS, Kaczyński referred to the coexistence within AWS political groupings of contradictory political aims – starting with conservative liberals and ending with radical trade unionists and standing in election together for pragmatic reasons, suggesting that the main integrating force was: 'now it is f... time for us to come to power'. This vulgar phrase quickly gained popularity in society, which was convinced of its truth (Mikołajczyk 2002: 305). Krzaklewski openly declared that 'the cancerous communist tissue' has to be cut out (*Rzeczpospolita* 27 Sept 1997). This meant that about 200 senior positions in administration were seen as a pool of spoils for the AWS. In consequence, long-term trade union activists took over the senior positions in state institutions. As Dudek comments, this was due on the one hand to the pressure of its echelons, but on the other hand a lack of its own well qualified and trustworthy cadres. As an example of these bad

appointments, Alot, became director of the pension scheme office, 'The Office of Social Security', and only after a media campaign was he finally dismissed. The last month of the AWS minority government shown the full scale of incompetence and corruption within the AWS. The minister of sport, Dębski, was killed in mafia related business, and Wiczerzak, chairman of the State Insurance Office (PZU) Życie was arrested on corruption charges (Dudek 2002: 464 –465 and 496).

One of the first decisions of prime minister Buzek was to withhold examination procedures and nomination of civil servants, despite the fact that out of 105, 000 employees of administration in 1997 only one hundred of them passed the examination and received a civil servant nomination (Wróbel *Rzeczpospolita* 1 July 1999). On 18 December 1998 the new Civil Service Act replaced the 5 July 1996 post-communist act, which the new coalition saw as highly politicised.

The act assumes an administrative apprenticeship for the people who start work in administration. However, graduates of the National School of Public Administration are exempted from it (at that time about 350 graduates). The act established nine grades of civil servants. After nomination, the highest grade is awarded. Those who can apply for nomination are employees with two years' apprenticeship, a master's degree and knowledge of at least one foreign language, and the nomination has to be preceded by fulfilling certain examinations and procedures which are conducted by the chairman of the Civil Service. The requirements of knowledge of a foreign language substantially limits potential applicants for nomination. The chairman of the civil service evaluated the group of potential applicants on 10,000 employees in administration (Wróbel *Rzeczpospolita* 1 July 1999). Separate regulations are applied to around 2,500 senior (managerial) civil servants; which in the Act are defined as the secretary of the council of ministers, director generals of an office, directors of departments and their deputies in ministries and central offices, directors of departments and their deputies in regional offices. Appointment to these positions takes place as a result of

competition procedure – appointments are made by the prime minister after the recommendation of the chief of Civil Service and after consultation with the relevant minister or director of the central office or voivode (Leoński 2000: 220).

After the introduction of the new 1998 Civil Service Act the problem was what to do with those who passed the examination regulated by the 1996 Act as there were new examination requirements. It was decided that employees who had passed the examination in 1996 and received their nominations would be preserved (115 civil servants) but would receive the lowest administrative grade (Rydlewki 2001: 36). If they wanted to be employed in senior (managerial) positions they would have to stand in the competition (Wróbel *Rzeczpospolita* 26 March 1998). However, those who passed the examination but did not receive a nomination due to the change of government had to reapply according to the current criteria for nomination, which meant that some of the previous candidates were automatically eliminated (Wróbel *Rzeczpospolita* 1 July 1999).

Article 69, point 2 of the new Civil Service Act repeats the constitutional declaration of an apolitical civil service and introduces several obligations which are supposed to guarantee the apolitical nature of the civil service: its members cannot publicly declare their political attitudes, they cannot be party members or trade unionists, and finally, they cannot be local or regional government councillors. The politicisation of decisions also indicates Pastwa as the Council of the Civil Service – the advisory body is highly politicised as eight members are appointed by the prime minister and the next eight are representatives of political clubs in parliament. The positive fact is that the nomination procedures are conducted by the chairman of the civil service who, due to his 5 years' term in office is relatively independent (Wróbel *Rzeczpospolita* 1 July 1999).

To estimate progress in the creation of a civil service in 2000 and the relationship with politicians and their role in government policy-making the European Commission evaluation is particularly interesting. The report emphasises the slow pace of civil service formation –

the qualification procedures take place only once a year and out of 240 administrative employees who volunteered to undergo the examination procedures, only 42 passed, and the same was the proportion of candidates for the examination in the year of the report. The data were base for the conclusion that the creation of the civil service would be a very long process and in meantime, civil services would remain vulnerable to political pressure. There were doubts if, even in the medium term, the introduction of the Civil Service Act would be efficient enough to guarantee their apolitical character and stability of nominations. Finally, they emphasised the necessity to guarantee a substantial rise in salaries for the senior civil servants as an important incentive for development of civil service cadres (*Polska 2000, Okresowy Raport...*). The reference to EU standards was also quoted here to show the importance of external factors in the development of the civil service in Poland. In contrast to other administrative reforms, for example local government and regional administration, when there were strong internal motivations, it seems not to be the case with Civil Service Acts as politicians have difficulty letting go of thier ‘unlimited’ control. For, example, prime minister Buzek broke the Civil Service Act as he appointed two director generals in ministries instead of organising competition procedures as the regulations required. Rydlewski (2002: 101-102) also shows that the distinction between political and administrative positions has not been appreciated and that this causes a decrease in the performance of government. For example, Buzek appointed to the administrative position of the chairman of Chancellery of Prime Minister an ambitious AWS politician, leading to a situation in which he was conducting his own policies instead of serving prime minister and government. In these conditions, the necessity to improve efficiency of administration as a pre-accession requirement and according to EU standards its crucial for intensification of civil service creation.

Miller's government 2001-present – change or continuity?

Formed in autumn 2002 the government of Leszek Miller was reverted to the post-communist SLD and Peasant Party (PSL). The composition of this government shows the heavy domination of the SLD. Kalinowski, chairman of the PSL became minister of agriculture, which meant responsibility for Polish negotiations with the EU over agriculture. In addition to two ministers, the PSL also has 10 secretaries of state and 11 deputy voivodes (even less than the UW in the previous coalition, which had deputy voivodes in each of the 16 regions). Bentkowski is the chairman of state of the powerful agency for restructuring and modernisation of agriculture and Pietrewicz is chair of the government centre of strategic studies (Gajewski and Siennicki *Wprost* 1 Sept 2002).

The composition of this government with the small number of PSL ministries and rather limited influence in administration also shows how the position of the PSL has changed over the time since 1993 when, despite the fact that it was the junior coalition partner, it took the position of prime minister, with Pawlak. However, the weakening of the PSL has had a positive influence on decreasing conflicts within the coalition. The role of the UP is purely symbolic except for the prominent position of Marek Pol, deputy prime minister.

Similarly, as in the case of Buzek's government, there has still been some difficulty accepting the limitation of the political sphere and recognising that the administrative sections should be stable, with ministerial appointments being limited to political positions. For example, the Minister of Treasury Kaczmarek, chose himself the person who should be director general of his ministry, despite the fact that according to the Civil Service Act this is an administrative position, and thus his action breaks the law, which requires competition procedures to be adhered to. The other way in which the successive governments of Buzek and Miller have ignored the Civil Service Act of 1996 and the later 1998 Act has been by employing people in managerial positions, for which the competition procedures are required to be on proxy. Another tactic was used by the minister of internal affairs and public

administration, Janik, who conducted purges in regional administration, on positions of directors of department, which are defined as administrative by the excuse of introducing standard regional administration status (Henzler *Polityka* 19 January 2002). In relation to voivodes and deputy voivodes, the concept of “corps of senior state officials” was again rejected. The new nominees were local politicians, selected after bargaining between the of regional level coalition partners: SLD and PSL, although it is worth emphasising that most of them had administrative experience.

Pastwa, the chairman of the civil service, argues that there has been difficulty among politicians (both post-Solidarity and post-communists), accepting the introduction of the Civil Service Act in 1996 (and latter in 1998) as they used to have a free hand in personnel policy and the existence of the civil service raised their resistance. In the nineties, the tradition of communist mono-nomenklatura, was replaced by an attempt to form a nomenklatura by each party. Nevertheless, according to him, appreciation of the civil service should be gradually raised as the qualifications, training and administrative experience of potholders guarantee the more efficient introduction of government policy. Moreover, he mentions the first achievements in the creation of the civil service, as being that among 1700 managerial positions in administration 118 (on 6 January 2002) were appointed according to competition procedures and in several more competition has been taking place. However, as Pastwa emphasises, at the moment of the introduction of the Act there were 1200 people appointed according to the criteria defined in the Act and those people do not have to stand in the competition (*Tygodnik powszechny*, 6 January 2002).

5. CONCLUSION

The analysis of regional (and also central) administration since the collapse of communism indicates a tendency towards adopting the extensive ‘pool of spoils system’, which can be seen as an obstacle to the formation of efficient regional administration. The

main source of criticism arises from the fact that voivodes are not representatives of the prime minister in regions but are dependent on coalition partners at regional level, which decide a their selections.

In addition, the civil service at both central and regional levels is still in the nascent stage of formation - weak and vulnerable to attack by politicians wishing to extend their control of personnel policy in administration. However, despite there being legal regulations unquestionably dividing political and administrative positions, clear and high standards are demanded in the Civil Service Acts, in addition, the competition procedures for senior administrative positions are supposed to guarantee a high quality civil service, but only after the certain rise in the number of nominated civil servants – will the critical point be passed and will its stability be guaranteed. Maybe, in the long run after strengthening of administrative sphere it will be possible to appreciate the role of a professional and apolitical civil service and even the pool of spoils system, which, in Poland, has been very aggressive and extensive like in the case of America after 1883 will be limited.

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