

## **Is Re-centralization happening? The Practice of Supervision of Local Authorities in Poland**

### **Abstract**

In Polish legal doctrine and political science, the phenomenon of growing pressure of the central government on the local governments is being noticed. Such factors as the growing financial dependence of LGs on the central budget, transfer of the LG powers to the central government or overregulating the LG tasks have been described. This paper deals with another problem concerning this phenomenon, i.e. the growing supervisory activity of voivodes –regional representatives of central government over the local governments.

According to Polish Local Governments Acts, voivode, nominated by the Prime Minister and responsible for the representation of the central government in the region, is entitled to repeal any legal or quasi-legal act of local authorities if he finds it illegal (in terms of compliance with state law). Moreover, in some specific cases, voivode has the right to issue the Replacement Orders if the Local Government fails to issue the act to which it is obliged. Both described competences are quite strong interference in the sphere of autonomy of LG in comparison to the other countries of region.

In the paper I would like to describe the rise in the supervisory activity of voivodes. As my research has shown, while in 2014 the voivodes issued 1849 supervisory decisions in whole country, in 2019 this number amounted to 2907 (growth by 64%). What is significant, at the same time, the Regional Audit Chambers, independent authorities responsible for the supervision of the financial acts of LGs issued about 1500 to 1600 Supervisory Decisions each year. Moreover, the number of LG's complaints lodged with the RAC against the voivodes supervisory rulings grew from 248 in 2014 to 384 in 2018 and the success rate of such complaints increased from 18,2% in 2014 to 51,0% in 2018. In the meantime the analogical success rate in the cases against the decisions by the RAC dropped. In some regions the number of Supervisory Decisions and Replacement Orders of voivodes grew even threefold or fourfold. This may indicate that the supervisory policy of voivodes dramatically changed.

I would like to pay particular attention to the problem of Replacement Orders of voievodes concerning the de-communization of the names of streets, squares and other public venues under the Decommunization Act. This Act allowed the representatives of government to change such names if they found that the previous ones ‘commemorate people, organizations, events or dates symbolizing communism or another totalitarian system, or promote such a system in any other way.’ This regulation is very far-reaching interference with the crucial competence of LGs – i.e. the power to shape the local symbolic and identity policy. What is more, the criteria of this interferences set by the abovementioned law are very vague and create a temptation for the voievodes to over interpretate their powers. Actually, it happened. My research has shown that the voivodes issued 535 Replacement Orders concerning the names of public venues. 23% of them were questioned by the LGs before the administrative courts. The success rate of LG in such procedures amounted to 86%. This shows the extent to which the government representatives abuse their supervisory powers in order to impose their will on the independent LGs. In my paper I would like to show the in-depth legal and political analysis of this phenomenon of growing supervisory pressure on LGs and draw the possibilities of changing the law and legal practice in order to prevent such phenomenon in the future.