

Public policy activity in polish public administration – general overview.

1. Introduction.

„The Costs of democracy are very high and supremacy of the economy in a state requires a decrease in public spending, sometimes below acceptable rational levels. There is a growing disproportion of quality between institutions representing public interests (e.g. legislative, judiciary, public agencies), public infrastructure (e.g. roads, hospitals, etc.) and institutions which represent private companies and their interests (e.g. commercial centers). All these factors make our life difficult and destroy a state’s prestige (...)”.¹

The modern state is a mechanism functioning on the basis of free market principles and new methods of public management². Nowadays, the state is viewed also as a specific form of cooperation between society and public administration. We may also observe cooperation between individuals acting mostly through the third sector [and the administration](#).

In spite of the expanse of consumption in a society and a commercial approach to state functions, the classic role of the state has not changed. In general, the state is functioning as the main regulatory institution responsible for establishing laws required in the private and public sector. On the basis of the historical and legal analysis we may stress that the very basic and specific fields of state activity were and still are: foreign relations, defense, internal affairs, finances and judiciary.³ These classic functions of state are excluded from the process of decentralization of state power. There is also a contention that success or failure in implementation of the abovementioned state functions depend on sectoral centralization and integrity or cohesion.⁴

Sectoral centralization is a needed phenomenon in every state which is willing to secure the safety and stability of its citizenry. For instance, gathering of competences in the area of public finances and the treasury in the following structure, including Minister of Finances and state treasure administration (*urzędy kontroli skarbowej, izby skarbowe, urzędy skarbowe*), is guarantying stability of a state’s fiscal policy. This stabilization influence, running enterprises and companies, gives a feeling of stability of law which is one of the principles of “Rechtsstaat”.

Other ways of securing an efficient realization of state functions is decentralization and subsidiary. These two mechanisms are identified with self-government. Most parts of European states went down this path and gave citizens a better chance for fulfilling public needs. In Poland, we have observed since 1990, the process of vertical dislocation of the state’s tasks. Creation of self-governing and independent communities was just a prelude to full decentralization which took place in 1999. The end of the 1990’s brought in Poland, a new three-level division of territorial state organization. According to general principles, decentralization is a transfer of power from the central level to local and regional levels. Decentralization means also dislocation and securing financial resources needed for realization of abovementioned state functions. In Polish circumstances, the process of decentralization based mostly on the legislation procedures, allowed a group of acts to enter into force introducing a three-level state territorial division. These legal acts gave to all levels individual and specific tasks and created legal independency and self-efficiency.

A further stage of this process was working on an agenda/plan in which were described particular tasks of communities, provinces and regions. In this agenda was also written, what and how to realize these tasks. From abovementioned plan/agenda came legal regulations. So, the state which generally

* The Bialystok School of Public Administration; Faculty of Public Administration; Department of Public Administration and State Theory.

¹ Żakowski Jacek; Obywatelu gdzie jesteś?; „Polityka” No. 12 of 26.03.2005, p. 14.

² E.g. New Public Administration, New Public Management and various types of quality management in public administration.

³ See. D. Janicka; Ustrój administracji w nowożytnej Europie. Zarys wykładu; TNOiK, Toruń 2002

⁴ See. Boć Jan, Jeżewski Jan, Błaś Adam; Administracja publiczna; wyd. Kolonia Limited, Wrocław 2004.

is responsible for shaping current and future policy should, in a visible way, describe strategies and provide vertical and horizontal coordination in executing single tasks or groups of selected tasks.

2. Public Policy vs. Policy and Politics.

Undoubtedly, Polish policy should reflect Polish reality and try to find solutions for specific national, regional or even local problems.⁵ Competitiveness and globalization have a strong influence on shaping national policies. In the current situation where there is not a “self-sufficient” state, we should focus on creating a policy which could give us a base for effective cooperation within the state and beyond it. Competitiveness is a core factor of developing the national economy which is created commonly by state and private sector companies. In one reports by the World Economic Forum, it was stressed that the Polish economy does not compete effectively. Even if we compare it with economies of such countries like Botswana, Trinidad and Tobago, it looks very poorly. We have no chance to compete with countries with similar economic potential if we are not better than the abovementioned states.⁶

Following Tomasz Borodzicki, I have to mention that a very low quality of public institutions and non satisfactory acts and regulations issued by these institutions very strongly influences public policy which holds tremendous significance in the process of establishing a competitive national free-market economy. The role of public authorities in a state should rely on creating a proper pro-competitive legal system and framework for effective functioning of business entities. Of course, public intervention in the market is allowed in situations where the free market is not able to gain a reliable optimum, and social benefits of this intervention would exceed costs of breaking the market.⁷

„Public policy” in our socio-economic and legal reality is not a very clear concept. We used to understand „policy” as „politics” and define it in a category of execution of power and ability to govern the state. In a wider context, we should define “policy” as a managing of different types of societies.

Aristotle in his „Nicomachean Ethics” is treating policy as an ability to govern the state and „*ratio*” (reason). These two elements cross each other in various ways.⁸ A quite different approach to “policy” and “politics” we could find in Catholic Social Science where two basic meanings of this concept are described. First, “policy” is characterized as a way for taking power. This means an activity which is direct to taking, keeping or restoring power. Secondly, “policy” is a way of gaining a common wellness (common good). The Church does not contrast the first meaning of policy with the second one. Moreover, the Church points to a tight relationship between these two concepts. If a moral *ratio* for being involved in executing power is understood as a duty for the sake of common good, than this duty – from the other side – would be more effective when access to power is secured.⁹

Abovementioned contexts of understanding “policy” and “public policy” should be described also as a process of establishing a plan by appropriate units, bodies and other institutions. Policy also includes a mechanism for implementation of this plan. In my opinion, “public policy” is a process of planning taken by public administration which is acting in the area of public needs fulfillment. From one side, Polish public administration is responsible for implementing a state policy; from another – it is responsible for implementing local government policy. This division is a logical consequence of the decentralization process which took place in our state. One of the contexts of public administration in a scientific approach is a political context. Public administration in this meaning should be described in general as an execution of state policy – governance. On the other side, administering of public services means mostly public needs fulfillment. Public administration is a part of that apparatus, responsible for taking actions for the sake of society.

⁵ Por. Borodzicki Tomasz; Polityka wspierania klastrów; Niebieskie księgi PFSL, Rekomendacje nr 11; IBnGR, Gdańsk 2004.

⁶ See. Borodzicki Tomasz; Jak wyprzedzić Botswanę.....; *op.cit.*, p. 1.

⁷ *Ibidem.*

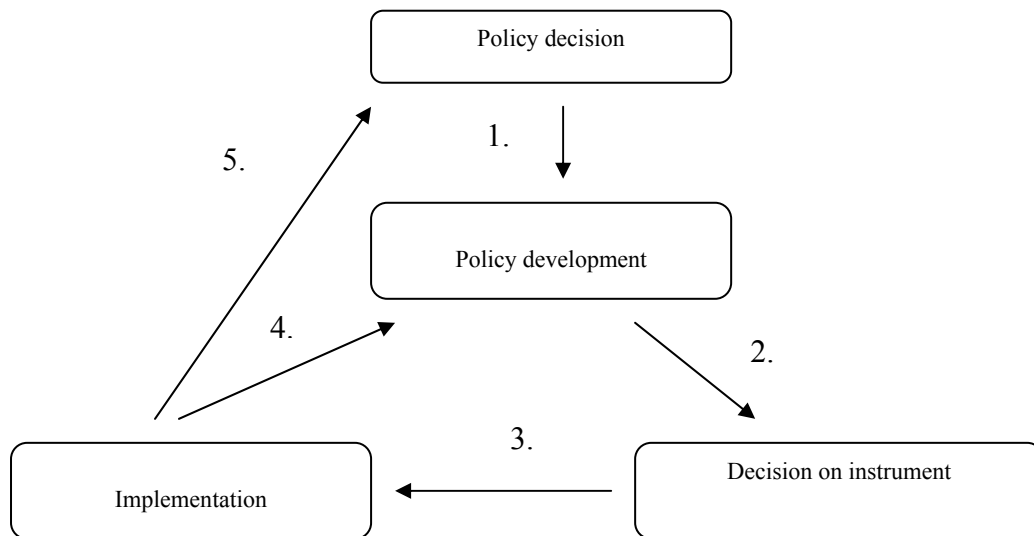
⁸ See. Arystoteles; Etyka nikomachejska; ed. PWN, Warszawa 1982.

⁹ Ks. Zwoliński Andrzej; Katolik i polityka; (<http://www.cyf-kr.edu.pl/~zykalino/zwolinski1.htm>).

According to a public policy cycle, there are five different activities which should be taken to create a policy and implement it. The whole process of public policy creation is shown below.¹⁰

Scheme No. 1

Diagram representing main stages in the process of policy making.



Source: Grochowski Miroslaw, Michał Ben-Gera; How to be a better policy advisor? Manual; ed. NISPAcee, Bratislava 2002

Public policy is very closely related with planning in public administration. Simply put, public administration in the context of public needs fulfillment is planning. Polish public administration is planning *spatial economy*, environmental protection, budget, etc. Public authorities' activities are shifted into activities of local government through planning and programming or creating other policies which describe a certain direction of the state or its sectors' development.¹¹

A plan is an effect of planning created in a specific procedure. Planning procedure is composed of three phases: building a project (proposing), execution and supervision. All elements of planning function in a closed cycle, in which supervision is a very last element of the whole process.¹² In general, a plan is a base for decision-making in individual matters. For instance, spatial planning influences decision-making processes in the matter of conditions of built-up areas. A plan is also an instrument of coordinated decision-making which should reach one aim or system of aims, complexity in a specific feature plan.¹³

We could also find in public administration literature a definition of „administrative policy”, which is an evaluation of the value and quality of public administration. A subject of public administration science is predicting the effects of activity and its possibility of acting in the frame of law. Preparation of programs of public administration activity and verification of their implementation are evaluation of value, methods and ways of working. In the end, public administration science proposes changes in the structure and functioning of public administration. (...)

¹⁰ Grochowski Miroslaw, Michał Ben-Gera; How to be a better policy advisor? Manual; ed. NISPAcee, Bratislava 2002, p. 26.

¹¹ „in modern society, the scope of planning in public administration became wider. There was also changed, character of plans which are more task-oriented. Certain elements of public administration are responsible for various investment plans, public transportation strategies, education strategies, public health protection plans, etc. These plans are created at the level of governmental, regional and local levels.(...)”; (in:) E. Knosala, L. Zacharko, A. Matan; Elementy nauki administracji; ed. Kolonia Limited, Wrocław 2002, p. 105.

¹² Kern E.A.; Skizzen zur Methodik und zum System der Planung (in:) Planung II (ed.) Kaiser J.H., Baden-Baden 1996; [in:] Knosala E., Zacharko L., Matan A.; Elementy nauki administracji; wyd. Kolonia Limited, Wrocław 2002, p. 103.

¹³ Knosala E., Zacharko L., Matan A.; *op.cit.*, p. 104.

Administrative policy, describes also the utility of administrative regulations which are used for state policy implementation. This administrative policy is also one of the methods for interpretation of legal regulations.¹⁴

Two aspects of administrative policy could be distinguished. The first aspect is a problem of shaping public administrative structures which is called a “policy toward administration”. The second aspect/approach is called an „administrative policy” and means executing public services, targeting, shaping priorities and projection of sources and methods of acting, and predicting effects by the public administration. Both abovementioned aspects create an administrative policy in a wide context.¹⁵

Administrative policy is functioning in the area of executing legally regulated tasks by administrative units. These tasks are related to conceptualization of rational and effective activity in different domains of public needs (general interest).¹⁶

3. State Policy in the Area of Ecology (“Ecological policy”).

In this paper I will try to analyze “state ecological policy”, which is treated as a public policy very closely related to other state and local governmental policies.

State ecological policy and other programs in the field of environmental protection are created on the basis of regulations in the Act “Environmental Protection Law” (e.p.l.) (*Prawo ochrony środowiska*)¹⁷ as of 27th April 2001.

The Environmental Protection Law as well as other detailed legal acts (*lex specialis*) assumes further preparation of plans, programme of environmental protection, policies or strategies.¹⁸ In article 13 of e.p.l. it is written that state ecological policy creates the necessary conditions for proper realization of environmental protection. This assumption is an argument for the following thesis that state ecological policy is an element of sustainable development and should relay on harmonization between environmental and socio-economic aims. Precise support of this thesis we can find in article 8 of e.p.l.: “policies, strategies, plans or programs concerning energy, industry, transport, telecommunication, spatial economy, forestry, fisheries, and tourism should take into consideration principles of environmental protection and sustainable development”. Current legal status concerning state ecological policy is very weak. This policy could have only a form of resolution which is not a source of abstract or general law. This resolution is just a directive addressed to public authorities. The Environmental Protection Law assumes that such policy could only bind specific public bodies responsible for preparation of the „Programme of Environmental Protection” at the level of region, province and community.¹⁹ State Ecological Policy for 2003-2006 and 2007-2010 should be treated as a modernization and specification of long-term „2nd State Ecological Policy”. This modernization and specification is done in terms of priorities of the 6th Action Programme of European Union on the Environment.²⁰

Peculiarities of State Ecological Policy come out of the subjective scope of this document. Multi-range of this policy could be observed in terms of approaches to the systematic framework of ecological aspects. Preservation of the environment and nature has a tremendous meaning for such entities like consumers, business and society as a whole. Besides, systematic analysis shows that ecological policy is influenced by the financial sector and education. Effective and efficient implementation of this policy could not be done without specific institutional structures and research centers. Also very important are sustainable development principles which should be taken into consideration by other institutions, bodies, etc. which are responsible for creating and executing legal regulations (e.g. regulations in spatial economy and space utilization).

¹⁴ Szreniawski J.; Wstęp do nauki o administracji; Lublin 2000, (in:) Boć J., Błaś A., Jeżewski J.; *op.cit.*, p. 315-316.

¹⁵ *Ibidem*.

¹⁶ Boć J., Błaś A., Jeżewski J.; *op.cit.*, p. 321.

¹⁷ Dz.U. 01.62.627 and later changes.

¹⁸ Lipiński Aleksander; Prawne podstawy ochrony środowiska; wyd. II, Zakamycze, Kraków 2004, p. 26.

¹⁹ *Ibidem*.

²⁰ See. Polityka ekologiczna państwa na lata 2003-2006 z uwzględnieniem perspektywy na lata 2007-2010; Rada Ministrów, Warszawa 2002.

Another, very important element of State Ecological Policy is rational usage of natural resources and protection of natural heritage. These issues were described separately from systematic analysis. Basics for this study are priorities of the 6th Action Program of the European Union on the Environment. According to directions set up in the Action Program for proper implementation of State Ecological Policy, a change is needed in the Environmental Protection Law²¹; a broadening of nature monitoring within the National Programme of Nature Monitoring; strengthen organizational and personal units responsible for nature protection within the Ministry of the Environment, Voievodship Offices (regional governmental administration), local government administration; increase accessibility of financial resources distributed by the National Fund of Environmental Protection and Water Management.

Third and last part of the State Ecological Policy is devoted to sustainable usage of resources, water and energy. Another element of this policy is related to quality problems of environment, ecological and health safety.

A very important element of the State Ecological Policy for 2003-2006 and 2007-2010 is an evaluation of policy implementation and description of efficiency factors. There is also given a methodology of reporting and evaluation. The importance of this part of policy is guaranteed continuity of public planning in the future. According to a rule that every analytical study start with a description of the current situation, further development of policies, programme, and strategies related to State Ecological Policy became a „starting point”.

4. Planning and regulatory activity of public administration in the area of environmental protection.

Difficulties in legal regulation of the “environment” in Poland comes from an unclear definition of “environmental protection”. Objectively, environmental protection means actions taken for the sake of protecting natural resources, setting-up guidelines for emission of substations and energy into the environment. Environmental protection also concerns access to public information about the environment and involvement of society in various types of procedures. The Environmental Protection Law²² also concerns duties and tasks of public authorities and the responsibility of all people, units, etc. who/which does not respect principles of environmental protection.

Another important issue influencing legislation in that matter is mandatory responsibility of the state for environmental protection. This obligation is formulated in article 74 of the Polish Constitution. In this regulation, public authorities are pointed to as subjects responsible for current conditions of the environment and ecological safety as well as the long-term perspective. Order of perspective overview of environmental problems oblige public authorities for shaping, preventing and regulating referred not only to criteria of legality, but also economy and effectiveness. Realization of this duty is very difficult from the point of an apparent contradiction between economic development and limitations coming from the necessity of environmental protection. Lack of knowledge and a very poor ecological culture of authorities and society became a real threat for the economy over ecology.²³

5. Administering environmental recourses, policy building and planning in local administration.

Gardjan –Kawa in her publication about administering environmental resources points to a wide definition of public authorities. Through this definition we may understand public authorities as legislative, executive and judiciary bodies.²⁴

At the central level, units responsible for building ecological policy are Sejm and the Council of Ministers which is obliged to report implementation of this policy every 4 years. Another public body responsible for abovementioned policy is the Minister of the Environment who has to prepare a project

²¹ Changes were already done by the Environmental Protection Law of 16.04.2004 (Dz.U. 04.92.880).

²² Act of 27.04.2001,(Dz.U. 01.62.627).

²³ Gardjan-Kawa Longina; Administrowanie zasobami środowiska po reformie ustrojowej; Wydawnictwa Prawnicze, Warszawa 2000, p. 25-26.

²⁴ Different approach to the concept of public authorities is presented by Boć, Błaś i Jeżewski in their publication Administracja publiczna, wyd. Kolonia Limited, Wrocław 2004.

of the State Ecological Policy on the base of information received from Marshals of each region (representative of regional self-government).

State Ecological Policy is a description of a certain factual state and a forecast of future undertakings. Single elements of this policy are very closely related to other policies, studies, strategies and agendas. State ecological policy is a postulate with a proposition of solutions and potential financial resources. Undoubtedly, planning is a core public administration task in the area of implementing state policy and public needs fulfillment. Public administration (governmental and local) was endowed with a number of competences' need for implementing state policies, e.g. ecological state policy.

Decentralization of power brought in Poland a new, tri-level territorial division and self-governing structure. The Polish Constitution and other legal acts are grounds for self-government functioning.²⁵

The Appointment of new independent regions, provinces and communities were related to complete or adequate descriptions of tasks which should be realized in terms of their peculiarity. So, all legal acts concerning self-government include regulations concerning the environment and protection of nature as well as water management - article 7 of an act about communities²⁶ (called as u.o.g.), environment and protection of nature - article 4 of an act about provinces²⁷ (called as u.o.p.) and tasks about environmental protection at the regional level - art. 14 of an act about regions²⁸ (called as u.o.w.). Undoubtedly, the most general scope of activity in the area of environmental protection was given to the region which is responsible for creating a strategy of development for the region. A very important part of this strategy is concerned with problems of keeping cultural and natural environmental values intact. There we can also information about protecting these values for future generations (article 11, p.1, pp.4 u.o.w.). Regional self-government has one more task to do. It is responsible for providing a policy of regional development with respect to rational usage of environmental resources and shaping the natural environment in regards to principles of sustainable development (art. 11, p.2, pp. 5 u.o.w.).

The Podlaskie Region (Voievodship) board announced in 2000, Strategy of Development of the Region until 2010. The mission of the region was described in this document. There were also delimited targets and priorities. According to the Strategy, realization, this plan should help to increase socio-economic cohesion and the region's competitiveness through full usage of its potential.

The Strategy of Podlaskie Regional Development was built on the basis of previous documents similar to the strategy, but concerning former territorial divisions and three „old” Voievodships/regions. Also used also local development strategies (at the community level).²⁹

The strengths of our region were written in the abovementioned document, they are: a) a clean and unchanged environment, b) outstanding natural and landscape values. A big chance for our region is development of farming respecting new ecological and integrated methods. The parts of the strategy which interest me are concerning issues of the environment, nature and protection of these values. In detail, the problem of environmental protection is developed in Priority 4 of the Strategy: „Podlaskie region is administering outstanding ecological values. This part of the country plays an important environmental role in Poland and Europe. We are obliged to protect these values for future generations (...). Protection of the environment means protection of air quality, water, soil, etc. Complex environmental protection in the region has to be done in cooperation with our Eastern neighbors (from a geographical point of view).³⁰

This regional strategy, in regards to general assumptions, is a document which describes certain approaches, directions and ways for improving the competitiveness of the region. Other plans, strategies and policies prepared by the provinces and communities have to be in conjunction with general provisions of regional strategy. As an example of local strategy I could give an example of

²⁵ In art.164 of Polish Constitution is written: „1. Basic unit of local government is community; 2. Other unites of local government will be set up by other legal acts; (...)”.

²⁶ Act of 08.03.1990 (Dz.U. 01.142.1591)

²⁷ Act of 05.06.1998 (Dz.U. 01.142.1592).

²⁸ Act of 05.06.1998 (Dz.U. 01.142.1590).

²⁹ See. Strategia rozwoju województwa podlaskiego do roku 2010; Zarząd województwa podlaskiego, Białystok 2000.

³⁰ *Ibidem*.

development for the city of Białystok and documents related to this strategy – the Białystok Community Development Plan for 1998-2002 worked out by the city board.

At the community and province level, building strategies and policies in ecological terms relies on a very specific procedure. There is an assumption of vertical and horizontal coordination and consultation with all potentially interested actors from the public and private spheres. Environmental protection is a very complex and complicated problem from the point of objectivity and legal regulations. For instance, the process of planning in a spatial economy requires taking into consideration all elements of nature and the environment which need to be preserved. On the other side, 32% of the region is legally protected. In our region we have 100 environmental sanctuaries and over 2000 natural „monuments”. These facts show that local authorities need to pay a lot of attention and be environmentally sensitive while working on new strategies, plans, and policies which influence the ecological *status-quo*.

6. Resume.

Building public policy is a very important required activity of state and local authorities. Coordination of other activities related to abovementioned strategies and policies depend of the quality of public policy. In spite of this, taking into consideration the fact that self-government units (region, province, community) are independent and efficient without full supervision from the state, common public policy is the best tool for coordination and cooperation between state and local government.

Polish public administration is not used to planning and building long-term strategies. Let's hope that in a few years this type of activity would be as popular and important as it is in western countries.

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