

# Europeanization of civil society in Poland

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*The paper presents a preliminary diagnosis of the changes that have affected Polish civil society along the trajectory of Europeanization over the 1990s and early 2000s. First, the continuing structural transformation of the civil society organizations is described and analysed. The phenomena of uneven growth and multifaceted differentiation of the sector are emphasized. Legal and institutional arrangements aimed at the levelling of the formal position which civil society actors occupy in the public sphere of the country vis-à-vis the state and market actors are then discussed. Using the case of the involvement of Polish civil society actors in new institutionalized partnership settings related to the implementation of EU structural funds, the levelling arrangements, introduced under the banner of Europeanized modes of governance, are finally put to an empirical test to probe their effectiveness and adequacy in the post-Communist country.*

**Key words:** Europeanization, civil society, governance, Poland.

## INTRODUCTION

Civil society as a concept and an analytical category has become one of the most frequently used terms in social science discourses that concern the systemic transformation in Poland. It is invariably used when post-1989 changes in the political, the economic and the social in the country are traced and evaluated. Far from being thus exhausted, the term has acquired a renewed currency when Poland became part of the European integration processes *via* partnership agreements, pre-accession pro-

grammes and, finally, the accession to the European Union effected in 2004.

The increased usage of the concept of civil society in the context of European integration is justified by the fact that Poland's accession to the European Union has been conducive to institutional strengthening of civil society actors in a triple sense. Firstly, it provided them with more opportunities and incentives to "transnationalize" or "supranationalize", i.e. to enter EU-supported and/or commissioned networks of civil society actors which operate with a defined aim to counteract problems broadly related

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to the democratic deficit ascribed to the European level actors, such as the European Commission.

Secondly - and in terms of domestic options - for civil society actors it opened up, or at least greatly increased, the funding opportunities resulting from the country's participation in a system that redistributes EU structural and community funds. Thirdly, the impact of the European integration has been consistently and increasingly translated into laws and procedures that serve to invite or press civil society actors to take "partner" roles in a variety of institutional settings and policy areas in Poland.

The offer and adoption of the institutionalized partner roles may, in our view, be seen as tantamount to civil society actors becoming part of a locally applied model of new governance which is promoted by the European Union. Although it does not mean lifting the weight of so far prevailing identities, interests and modes of behaviour typical of so far dominant domestic government practices altogether, the participation in the EU modelled governance structures involves learning new rules and roles on part of all three categories of actors involved - public administration, business and civil society. Undeniably, if only for the sheer requirement of the procedural correctness guarded by the European Commission, these rules and roles could be claimed to constitute local vehicles of Europeanization. Thus, inherent in the new model of governance, one of the most potent trajectories for Europeanization of Polish civil society is identified.

In this paper we attempt to offer a preliminary diagnosis of the changes that have affected Polish civil society along the trajectory of Europeanization over the 1990s and early 2000s, using the findings from a preliminary case study of networks established in the area of policy of regional development. Thus, we first describe and

specify features that testify to continuing structural transformation of Polish civil society, defined in the terms of modern non-governmental organizations (NGOs). Emphasizing its uneven growth and multifaceted differentiation, we then highlight legal and institutional solutions which slowly and painstakingly seem to lead towards the levelling of the formal position which civil society, as a category composed of special status, non-state and non-market actors, occupies in the public sphere *vis-à-vis* the state and the market.

We link and broadly associate this process with Europeanization which, for the purpose of the paper, we define by reference to the well known Ladrech's definition as "an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making" (1994:69). On the basis of the definition, we assume that new institutional arrangements such as policy networks mentioned above - whose establishment in Poland is clearly related to the tightening of linkages between the country and the EU - together with the rhetoric of subsidiarity and partnership that accompanies them provide a promising object of studies of Europeanization.

We then specifically focus on the idea of the new modes of governance through which the levelled position of civil society is well captured and tested in the proposed framework of Europeanization. In order to utilize the concept, we turn to the description and analysis involving a system to manage the EU structural funds, both at the national and regional level, which has been introduced in Poland in the wake of accession (cf. Szlachta, 2001). Treating it as a case study pertinent to our interest in Europeanization of Polish civil society, we trace patterns of involvement of civil society actors in the governance structures

that have sprung up in the area of regional development policy.

Attempting to capture both the external and internal dimensions of Europeanization that concern civil society actors, we ask and seek answers to questions such as:

- What are the forms of new governance settings related to the regional development policy and the management of the EU structural funds aimed to promote regional development in Poland?
- Are there positions in these settings which are “reserved” for civil society actors? On what basis?
- What are the major rules and roles inscribed in the settings and positions?
- What are the mechanisms of filling the positions by particular civil society actors?
- What opportunity structures and normative pressures are thus created for civil society actors and civil society at large?
- Are the opportunity structures taken advantage of by civil society actors?
- What is their assessment of the new model of governance and its rules?
- What is their assessment of their own role in the new governance settings?

The empirical evidence on which we base our preliminary answers to the questions and our critical review of the degree to which Polish civil society has become Europeanized by means of the introduction of the new model of governance is mainly derived from official, publicly available policy documents and legal acts, the data compiled for the 2005 internal report by

the Polish nationwide federation of non-governmental organizations – *Ogólnopolska federacja Organizacji Pozarządowych* (Chodor, 2005), website content analyses and exploratory interviews conducted with selected civil society actors at the regional level.

### **CIVIL SOCIETY IN POLAND – A GLANCE AT THE SECTOR**

Modern Polish civil society has developed from next to nothing.<sup>1</sup> Over 90% of the Polish non-governmental organizations (NGOs) have been established after 1989. Their birth was triggered by the mechanism of self-education and self-development typical of civic movements as well as by foreign aid. This aid was monetary, organisational and relating to expertise, cultural and political. It also included a kind of a “boomerang effect”, especially in the face of EU integration, consisting in social pressure exercised by Western élites and standards on Polish élites.

As of 2004, when the most recent nationwide study concerning the Third Sector was conducted, there were about 53,000 registered NGOs in Poland (45,891 associations and 7,210 foundations).<sup>2</sup> The number does not include trade unions, political parties, churches and religious denominations, voluntary fire brigades, parents’ committees and many types of informal associations, which might have increased their number by several thousand entities. According to the estimates of the KLON/JAWOR Association, only about two-thirds of the 53,000 of the registered NGOs are active. About 90% of these organisations were established

<sup>1</sup> It needs to be stressed, however, that the category of modern civil society organisations discussed in the section, does not exhaust all of the modes in which civil society manifests itself in contemporary Poland. For more on this and the other modes, see Gąsior-Niemiec and Gliński, 2006. Cf. also *Indeks społeczeństwa obywatelskiego w Polsce 2005*: 25-28.

<sup>2</sup> Theoretical and methodological problems related to research on civil society organisations in Poland are extensively discussed for instance in Gliński (2004).

after 1989, 25-30% are less than three years old and among the number of those that no longer exist 70% “dropped out” within the first three years of existence. We may therefore assume that more than 1/4 of the NGOs registered in Poland are not functioning or are even non-existent, while only 30% of the NGOs’ members are active (Dąbrowska et al., 2002; Gumkowska and Herbst, 2005).<sup>3</sup>

Depending on the definition adopted, the non-governmental sector employs from 64,000 to over 100,000 people, i.e., from 0.58% (Dąbrowska et al., 2002; Gumkowska and Herbst, 2005) to 1.2% (Leś and Nałęcz, 2001) of those employed outside agriculture in Poland. However, about 65% of NGOs do not employ any regular paid staff. Membership in NGOs is correlated with urban-rural opposition (modern NGOs are an urban, especially metropolitan type of social phenomenon) and education (it is a social phenomenon dominated by well educated people). As of 2002, 15,7% of big city dwellers declared their membership in NGOs, in cities of up to 100,000 residents - 12,6%, while in the countryside the figure was - 9,7% (ESS, 2002).

The non-governmental sector is to a large extent funded by public money. Public funds add up to 29.6% of the sector’s income (16.5% comes from local governments and 13.1% from the central government). However, the greatest growth dynamic is displayed by the income from economic activity: in 2003 it reached 20.7%, having doubled since 2001. Donations from private persons contribute 4.7% of the sector’s income, though most probably this is a large

underestimation in view of the fact that as many as one fourth of organizations declaring income from this source do not reveal the amount of the donations. Donations from firms and institutions contribute to another 7.0%. The income derived from donations from abroad has been rapidly decreasing since 1997, and thus amounted to 7.6% of the income of the NGO sector in 2003 (Gumkowska and Herbst, 2005).

Income is extremely unevenly distributed in the sector. On the one hand, one of the most frequent complaints made by the sector’s members concerns the poor financial condition of most NGOs. Between seventy and eighty percent of all NGOs in Poland have no assets worth mentioning, and only about 20% have financial reserves. Enormous material differences exist within the sector. The accelerating growth of income differences and infrastructure capacity within the non-governmental sector is a cause of unease.

In the years 2001-2003, the percentage of the poorest organizations grew from 15% to 21%, and at the same time – as we have already noted – there was as much as a doubling of organizations’ income from economic activity and most probably there was also a growth of the so called grey zone in the area of individual donations (ibid.). On the other hand, there are a few rich organisations, whereas the vast majority are small and economically frail – the process has been labelled as “oligarchization” of the Third Sector.

The phenomenon of oligarchization of the sector involves highly professionalized and rich organizations, which have to a lar-

<sup>3</sup> Although the paper does not aim at a comparative perspective, it might be useful to place the structural data discussed in the section within a context provided by international surveys on civic engagement, such as the European Value Study or European Social Survey. Such contextualisation reveals that in terms of membership, participation and social capital indicators, Polish civil society is put at the very bottom of international rankings. For more on the topic, see for instance Jasińska-Kania and Marody (2004), Gawin and Gliński, (2006), Gašior-Niemiec and Gliński (2006).

ge degree become able to shape the Polish institutional environment according to their interests. Their resources have also facilitated them to be recognized by public administration and politicians as the voice of the Sector. Apart from the obvious advantages for the whole civil society sector resulting from having acquired a recognized voice in the public sphere, several unfavourable tendencies have been noticed. The civil society “oligarchs” are frequently criticized for “losing touch” with the grassroots (cf. Dudkiewicz, 2004). Moreover, some research studies hint that some ambivalent linkages between the civil society actors and public administration or other state-related institutions and politicians have been formed (cf. Palska and Lewenstein, 2004; Lewenstein and Palska, 2004; Gliński, 2005).<sup>4</sup>

Moreover, there is a danger that a particular kind of a “soft oligarchy” might be established, involving mainly non-governmental activists representing the biggest and strongest organizations which have a tendency to enter into oligarchic and corporative relationships with representatives of the local government, central and regional administration, and even with the representatives of the media or the intellectual elite. On the other hand, research shows that as many as 60% of non-governmental organizations in Poland admit seeking contacts with politicians in order to improve their situation (Dąbrowska et al., 2002). This clearly indicates that, for pragmatic reasons, all types of Polish NGOs might seek patronage in the world of politics and public administration.

A very important factor that diversifies the organizations in terms of size and organizational and financial resources is the size of the town in which they operate. There is a clear correlation between the location of the

associations and foundations and the scope of their activities, the potential they have at their disposal and the type and range of their activities. Accordingly, the difference does not only consist in the fact that there are more organizations in the cities, but also in the fact that the organizations that operate in cities tend to be bigger, richer, more professional and have the capacity to work on a larger scale and have their interests taken into account. Moreover, their linkages with the EU-related institutions and programmes appear to be significantly longer dated, stronger and more advantageous.

In terms of five types of locations, divided according to the number of inhabitants and their administrative role, the proportions of registered NGOs are as follows: small towns and rural areas (27% of the organizations), towns with up to 50,000 inhabitants (14%), cities with more than 50,000 inhabitants (19%), *voivodeship* (regional) capitals (28%) and Warsaw (12%). In terms of density, Warsaw and *voivodeship* capitals take the lead. It should be noted that in the case of other types of organizations, such as associations of economic nature, traditional voluntary fire brigades or social committees, the relation between the level of urbanization and density of organizations is the reverse (cf. Bartkowski, 1997, 2002).

To summarise the section, modern civil society in Poland as represented by the Third Sector organisations presents a rather mixed picture. In many areas of social life, the sector organisations are prime providers of common and public goods. The sector as a whole is dynamic, but extremely diversified in terms of organisational and financial potential. Alongside an increasing share of small and “poor” organisations, there is an ever more influential and powerful

<sup>4</sup> While obviously not all of such linkages may be classified as instances of corruption and/or political clientelism, the fact that they are sought and exploited outside the existing common institutional arenas and targeted at those opportunities which are arbitrarily opened by political/administrative actors makes them indeed appear as ambivalent.

share of NGO oligarchs that are located in big cities. The sector as a whole is clearly dependent on public money. However, the lack of institutional standards and deficient transparency contribute to an existence of a grey zone between politics and civil society. The sector and especially its oligarchs have been involved in working with foreign donors for a long time. Recently, more and more of NGOs are attracted by the EU-related opportunities.

### LEVELLING THE PLAYGROUND

Despite the quite impressive dynamics of growth, which was characterised above, formal - legal and institutional - promotion of the civil society sector has staggered in Poland for several years following the initial post-1989 enthusiasm. High expectations awakened, for instance, by the reform of territorial self-government in 1990, were not met in terms of further empowering of civil society actors. Undecided and changing political elites, entrenched state bureaucracy, lacking common representation of the sector and waning mobilization of the Polish society at large could be named as principal obstacles to gaining a stronger foothold by the sector in the public sphere in the period.

Thus, only in the late 1990s and early 2000s, in connection with an ever more intense and conditionality-driven preparation of the country for the accession to the EU on the one hand and a partial consolidation of the NGO sector on the other, a difficult process of a thorough institutional change in Poland with respect to the place and role of the non-governmental sector in the state and in society began to take place. Legal and institutional gains appeared both at the central and regional level. One such exam-

ple at the central level were the institutional channels of communication, the exchange of information and finally opinion-seeking and consultation which have been called into existence to link public administration agencies (e.g. ministries) with civil society actors (NB usually represented by the sector's oligarchs), rendering the former seem at least more public-oriented (cf. Marody, 2002; Juros et al., 2004).

In turn, following regionalization of the country and the anticipation of European policy standards, as of 2000, new institutions of social dialogue in Poland were for instance introduced at the national level and then at the level of regions. These became one of the first legally binding frameworks which established the participation of social partners in collective decision-making. Similarly, social partners, including NGOs, were requested to take part in the consultations and preparation of regional development strategies – programmatic documents which are *sine qua non* condition when applying for any EU-related aid at the regional level (Gašior-Niemiec, 2002, 2003). Other attempts involved, for instance, the efforts to create joint bodies to balance local labour markets by means of so called local employment pacts, which were to include the representatives of local administration, local civil society and local employers.

The next significant steps were made in the period 2002-2005, when new legislation started to take shape which *inter alia* lays foundations for “social economy” in Poland (above all the welfare employment act and the social co-operative act) and establishes a new public status open to civil society actors. The status is primarily related to the enforcement of Law on activity for public benefit and on volunteering, adopted in 2003 and the establishment of the governmental Civic Initiative Fund in 2004/2005.<sup>5</sup>

<sup>5</sup> The Civic Initiative Fund programme was the first general programme in Poland to finance non-governmental organizations from the state budget. It was to amount to 30 million PLN (ca. 7.5 million euro) annually and arose as a response to the lack of success of the idea of financing organizations from a 1% tax deduction (made possible by the new law). The Fund was, however, suspended by a new governing coalition in 2005, which again created an institutional lacuna in the field of relations between civil society and state actors.

Both provide for a potentially much more levelled standing of civil society actors in the public sphere in terms of recognition and resources.

Stressing its high value, it is, however, worth noting some serious problems associated with the introduction of the above-mentioned Law on activity for public benefit and on volunteering. The basic and most encompassing Polish legal act regulating the functioning of the Third Sector might be seen as a glaring example of difficulties generally connected with the introduction of reform of institutions and legislation concerning the sector of non-governmental organizations. The new law was passed by Parliament in 2003, after seven years of persistent tug-of-war between non-governmental organizations and public administration (with politicians often changing sides), and under the pressure of the nearing accession to the EU. Its main premise is the introduction of a new model of cooperation of the state in partnership with non-governmental organizations and to a significant degree it sets out to facilitate the activity of Polish civic organizations in the public sphere. The model is clearly to be seen in conjunction with the process of the European integration, i.e. the spread of the new modes of governance (Boerzel et al., 2005), mentioned above.

The law introduces, among other things, a special tax relief for certain categories of non-governmental organizations and makes their access to paid implementation of public works and contracting of services easier. More specifically, it defines the basis for commissioning non-governmental organizations for public tasks, and it also makes it possible for non-governmental organizations to pursue their own initiatives with respect to tendering for the implementation of such tasks. The law also enforces a requirement that local government units work in partnership with non-governmental

organizations. The requirement specifies for instance that local governments are to pass “annual programmes of cooperation with non-governmental organizations”, including agreed procedures of financial support for the organizations.

In addition, the law allows citizens to designate 1% of their taxes for the use of NGOs and, finally, it regulates the legal status of volunteering (among other things the law makes it possible for volunteers to be covered by insurance, to be reimbursed for costs incurred whilst undertaking volunteer work etc.). Owing to these regulations, the constitutional and EU-enshrined principles of subsidiarity and partnership could be realized to a greater extent in Poland. Moreover, the transparency of the cooperation between the local government and non-governmental sectors, as well as the level of accountability, is expected to increase.

Although quite forthcoming, the law has been criticized, for, among other things, overcomplicated or imprecise language whose example is an unclear conception of paid activity for public benefit. Also, too narrow provisions the law stipulates for a “transfer of authority to society” are also seen as a deficiency - too many decisions are said to remain in the hands of the state administration and not of social bodies or at least mixed entities. Furthermore, the composition of the latter (e.g. that of the crucial Council for Public Benefit) depends on arbitrary ministerial decisions for its final form. Lastly, legal and administrative intricacies involved in complying with the Law provisions seem discouraging to many small NGOs that lack adequate personnel.

A cause for unease is thus raised by the fact that the advantages granted by the legal act may be enjoyed most of all by the powerful and most professionalized organizations. In other words, its functioning might further contribute to the aforementioned process of oligarchization of the

sector. Moreover, the law does not fully take notice or regulate many pathological phenomena concerning non-governmental organizations, such as the phenomenon of clientelism at the point of contact between non-governmental organizations, the local governmental sector and the central administration sector or instances of participation of NGOs in the shadow economy.

Optimism awakened by the new law in relation to hopes for improvement of the conditions of the functioning of the non-governmental sector was also dimmed by other phenomena, negatively affecting civic organizations. These involve intermittent retreats of the state from general tax regimes hitherto advantageous for the non-governmental sector. For example, the convenient ten to fifteen percent tax relief for donations has been reduced to 350 PLN, and lifting of a tax relief offered to all social organizations, not only to those which – in accordance with complex and costly procedures set by the new Law – obtained the status of public benefit organizations.

Finally, it is worth adding that motions concerning the cooperation with non-governmental organizations required by the 2003 law were passed by only 50%-60% of local governments in Poland, and even these were to a significant extent concluded for appearance's sake only. In terms of voluntary financial support for the NGOs by means of the 1% of tax donation, as of 2004 only 80,000 taxpayers, i.e. about 0.25% of adult Poles, which means 0.35% of taxpayers used the 1% allocation option. Complicated procedures devised for this option may only to an extent account for the more than modest support obtained from the public this way.

However, in terms of resources, a great new avenue for civil society actors was opened wide alongside Poland's accession to the European Union and the implementation of the first round of EU structural funds

(2004-2006). The most desired opportunities for Polish NGOs are related to their having been admitted to competition for grants in many "soft" (i.e. labour market, human resources, R&D, science and culture-oriented) components of structural and developmental programmes financed by the EU funds.

Furthermore, much greater opportunities might arise with the implementation of the National Development Plan for the years 2007-13. Initially, as planned by the previous governing coalition, a special purpose operational programme targeted specifically at the development of civil society was prepared with active collaboration by the members of the non-governmental sector acting in partnership with the state and business experts and committees – constituted one of the main components of the Plan. After the change of government, these plans were abolished and a new scheme for an inclusion of civil society actors in the second round of EU structural funds is still under discussion.

To summarise the section, for the most of the 1990s and the beginning of the 2000s civil society actors have functioned in an institutional void in Poland. Their operation was regulated by the 1980s laws on associations, frequently propelled by foreign donor set agendas and organisational patterns and stimulated (or blocked) by changing tax regimes and exemptions enforced by the foreign donors. The sector was also submitted to arbitrary co-optation procedures by various political and administrative actors. At the same time, since mid-1990s an awareness of available/appropriate legal and institutional arrangements sensitive to civil society actors has steadily risen, both on part of the CSO actors themselves and on part of political and administrative actors. Also, normative pressure coming from the EU has been felt. As a result, since the beginning of the 2000s a series of laws has been passed to strengthen the status of ci-



vil society actors in the public sphere and to open and regulate their access to public resources.<sup>6</sup>

### **EU STRUCTURAL FUNDS AND NEW MODES OF GOVERNANCE IN POLAND**

Following the country's accession to the European Union on 1 May, 2004, Poland has *inter alia* gained access to the European Union funds, such as Cohesion Fund and the four major structural funds: European Regional Development Fund, European Agricultural Orientation and Guidance Fund, Financial Instrument to Support Fisheries and European Social Fund. During the first implementation period (2004 – 2006), the funds have been programmed and implemented on the basis of the National Development Plan and seven operational programmes:

- Human Resources (*SPO Rozwój Zasobów Ludzkich*)
- Competitiveness of Enterprises (*SPO Wzrost Konkurencyjności Przedsiębiorstw*)
- Integrated Regional Development (*SPO Zintegrowanego Programu Operacyjnego Rozwoju Regionalnego*)
- Transport (*SPO Transport*)
- Technical Assistance (*SPO Pomoc Techniczna*)
- Restructuring and Modernization of Food Sector and Development of Rural Areas (*SPO Restrukturyzacja i Modernizacja Sektora Żywnościowego i Rozwój Obszarów Wiejskich*)
- Fisheries and Fish Industry (*SPO Rybołówstwo i Przetwórstwo Ryb*).

The funds are primarily regarded as a source of strong financial incentives to comply with EU-set developmental and

structural priorities for and by all types of actors entitled to partaking in them – state, market and civil society ones (cf. Szlachta, 2001; Hausner, 2001). Apart from that, however, they also constitute a major source of Europeanizing institutional and normative pressure exercised on the actors by means of procedural requirements and rhetoric employed by the European Commission at all stages of the funds and programmes “consumption” by the actors, as well as used by foreign and local experts (cf. Gašior-Niemiec, 2002, 2003; Radaelli, 2000).

One of the dimensions of the institutional and normative pressure is exactly evidenced by an introduction of novel modes of governing the process of the funds' programming and implementation. The new modes – differing by far from well-known forms of decentralization and/or de-concentration of authority – fall into the category of new modes of governance as defined by the students of European integration (cf. Smismans, 2006). New modes of governance – ideal-typically theorized – may be characterised as being heterarchical rather than hierarchical, operating through horizontal rather than vertical linkages, relying on flexible rather than rigid forms of co-operation and coordination and involving on-going negotiation, mutual learning and persuasion on part of the multitude of (public and private) actors included in the networks which form their organizational basis (cf. Boerzel et al., 2005).

Thus conceived, the new modes of governance are explicitly or implicitly assumed to contribute to greater inclusiveness (promoting diversified participation), accountability (promoting democratic participation) and efficiency (promoting flexible participation) of the political system at all levels.<sup>7</sup> However, in terms of the actual

<sup>6</sup> The legal and institutional arrangements are discussed in greater detail for instance in Wyka (2006).

<sup>7</sup> Cf. Smismans, 2006 for a critique of the assumptions.

operation of instances of the modes of new governance, caution is advocated. Even though objective structural characteristics of the actual new governance settings may approach the ideal-typical models, their operational logics might still be far from the supposed one (cf. Smismans, 2006; Soerensen, 2005). Nonetheless, we should accept as a point of departure a succinct definition of new modes of governance associated with the process of European integration at which Boerzel *et al.* have arrived:

“New modes of governance refer to the making and implementation of collectively binding decisions (based or not based on legislation) that:

1. are not hierarchically imposed, i.e. each actor involved has a formal or de facto veto in policy-making and voluntarily complies with the decisions made, **and**
2. systematically involve private actors, for profit (e.g. firms) and not for profit (e.g. non-governmental organizations) in policy formulation and/or implementation” (Boerzel *et al.*, 2005: 6 and ff).

Accordingly, investigating the case of the Polish regional development policy with a focus on changes triggered by the country’s accession to the European Union, we find special-purpose networks of governance, consisting of representatives of the three main categories of actors – those representing the state, market and civil society. The networks known by their official names of “steering” and “monitoring” committees have been clearly called into existence in Poland with the aim of the implementation and management of EU structural funds in a manner congruent with the EC Directive No. 1260 of 1999. Their establishment has also been underpinned by the ever more widespread discourse on the necessity to follow a EU model of public-private partnerships and of an increased inclusion of social partners in public decision-making processes.

The steering and monitoring committees have been established for each of the seven operational programmes listed above, in connection with the strategies of the implementation of Cohesion Fund, National Development Plan as well as of the Community Support Framework. Steering committees may also be, and in reality indeed are, established separately for many priorities and activities within the particular operational programmes. Steering and monitoring committees are present at the central (national) and regional level.

The main legal framework for the establishment and functioning of the committees was adopted in 2004, together with the Law on National Development Plan of 20 April 2004 and put into operation as of 8 June 2004 (cf. Dz.U. z 2004 r., nr 116, poz. 1206). The law and the Plan were at the time severely criticized for their overt and – according to a group of experts – excessive bending towards the logics, priorities and mechanisms inherent in the European Union policies (cf. Grosse, 2004). Monitoring and steering committees constituted part of the 2004 legislation package.

Monitoring committees are conceived of as independent, opinion-giving and consultative bodies to support Institutions managing given operational programmes (e.g. the Ministry of Economy, the Ministry of Agriculture, the Ministry of Labour etc.). Their task is to monitor, evaluate and recommend changes and modifications of objectives and modes of management and implementation of a given programme and related fund, both in terms of policy goals, policy instruments, financial instruments, the access and allocation strategies. Although their recommendations do not have a legally binding force, there is a lot of room for a less formal process of persuasion, adjustment and negotiation left for the members of the committees and between the committees and the Managing Institu-

tions. Precisely, this is the logic of operation identified as typical of the new modes of Europeanized governance.

Similar remarks pertain to the operation of steering committees. They are all the more important if we realize that steering committees are made responsible for the actual evaluation and recommendation of projects submitted by the entitled entities with the aim of getting financial support from particular structural funds, ensuring, presumably, that public interest and common good remain a priority.<sup>8</sup> Thus, they are by definition a type of a public forum within which processes of intensive negotiation, persuasion and adjustment are expected to take place with a view to arriving at solutions and initiatives promoting public interest and common good.

It is clear that both types of bodies are thus to play crucial “bumper” and “corrector” roles in the process of Poland’s “consumption” of EU structural funds *vis-à-vis* society at large and its general interest. The composition and modes of operation of those bodies therefore seem vital. The 2004 Law on National Development Plan stipulates that the committees should be composed of one third of the representatives of state administration, one third of the representatives of self-government administration and one third of the representatives of social and economic partners. Moreover, committees are established by motion of a relevant minister or regional executive board/governor. Coordination of their proceedings is entrusted to public administration actors. Taking all this into account, it is rather clear from the start that public administration sector has been strongly privileged in the governance arrangement adopted in Poland, despite its multi-partite,

network structure, the objectives attached to it and the expectations evoked.

Let us now look more closely at the category of social and economic actors who are by law designated as members of the committees. The category of social and economic partners is defined by the 2004 law as comprising of three basic groups of actors. These are non-governmental organizations, organizations of employers, organizations of employees and of academic milieus. Representatives of these groups are granted a status of permanent members of the committees and are invited to participate in their proceedings on equal footing with the remaining categories of actors. Notably, the participation in the proceedings of the committees is not remunerated.

Another interesting issue is the procedures regarding the actual selection of the representatives of social and economic partners to particular committees. Preliminary research conducted by Chodor (2005) indicates that these procedures are to a large degree vague, allowing for discretionary decisions at a few stages during the selection process. There are, however, important differences between nation-level and region-level practices. Furthermore, serious differences are revealed while comparing various regions and policy areas. On the one hand, this fact might be interpreted optimistically in terms of the flexibility principle ascribed to new modes of governance. On the other, it could signal that the sites of potential blockage and/or pathology exist, where certain categories of actors are unduly excluded/privileged in the framework of such policy networks and/or territorial networks.

As regards the representatives of non-governmental organizations in the moni-

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<sup>8</sup> Steering committees as obligatory bodies to implement the structural funds are not directly stipulated by the EC Directive of 1999 (cf. Chodor, 2005). Their introduction should rather be viewed in terms of normative Europeanization channeled by informal policy narratives (cf. Radaelli, 2000; Gąsior-Niemiec, 2002, 2003).

toring and steering committees, the process of their selection at the central level is formally located and organized by the relevant public administration agency (e.g. the Ministry of Economy, Labour etc.). The process is co-coordinated and supervised by the Council of Public Benefit – a body comprising selected representatives of the NGO sector, established in connection with the 2003 Law on public benefit and on volunteering. The process of selection involves the following major stages:

- an announcement appears in the national press and on the relevant public administration agency's website inviting interested NGOs to nominate their candidates for representatives of the "social" sector in the given committee;
- applications (including a standardized form available on the relevant websites) are filed in at the relevant public administration agency by interested non-governmental organizations;
- applications are technically reviewed by the officers employed by the relevant public administration agency;
- applications are further reviewed by the members of the Council of Public Benefit who, in addition, test and verify the "degree of social support the applicants enjoy in their milieus and the NGO sector in general";
- the Council of Public Benefit issues its final recommendation for some applicants and passes it to the relevant Minister
- the Minister, taking the recommendation into account, but not being bound by it, invites some applicants as social partners to participate in the proceedings of the given committee (Chodor, 2005:10-11).

Discretionary powers on part of the Minister notwithstanding, the critical role played by the Council of Public Benefit

in the selection process also ought to be stressed. The role is all the more worth highlighting when recollecting that the composition of the Council is itself largely subject to discretionary decision-making. Moreover, the Council's workings in the selection process might not seem quite transparent either in terms of criteria and instruments employed by its members during the review and recommendation stages. Thus, one more potential site at which the system of governance could become unduly strained is identified.

At the regional level the selection procedures designed for the representatives of the NGO sector as social partners in the monitoring and steering committees are far less uniform, formalized and clear or transparent. As Chodor (2005:10) summarizes, the procedures vary between different regions, policy areas and committees. The most common elements of the selection procedures employed by regional public administration are: a local press announcement, a formal invitation addressed to all NGOs registered within the given region, a personal invitation issued by the regional governor (*wojewoda*) and/or the regional executive board (*zarząd województwa*) to specific persons associated with the non-governmental sector before a representation of social partners is co-opted to take part in the proceedings of the committees. The mode of selection of NGO representatives to regional monitoring and steering committees is thus characterised by a significant degree of arbitrariness and lack of transparency, leaving considerable room for discretionary decisions, especially on part of the public administration representatives.

## A CASE STUDY

Following the general analyses of the new governance settings which involve representatives of the Third Sector as legally defined social partners, we will now present

findings and conclusions derived from an extended pilot case study in the area of policy of regional development.<sup>9</sup> The study is focused on the actual patterns of behaviour and activities by civil society actors who participate in the nation-level and region-level monitoring and steering committees established within this particular policy area. It also includes analyses of their perceptions thereof and recommendations formulated with regard to the new governance settings and the role of civil society actors themselves in the settings.

The main part of the case study, covering the period of almost a year, involved analyses of documentation related to the presence and actual participation of non-governmental sector representatives in the sittings of selected steering and monitoring committees which deal with the area of regional development policy in Poland in connection with the implementation of European Regional Development Fund and European Social Fund. It was supplemented with an opinion survey carried out among the social partners. The survey turnout should be described as poor (cf. Chodor, 2005:60).<sup>10</sup> Furthermore, a few exploratory interviews of the NGO representatives were conducted at the regional level. Again, unexpected difficulties in arranging the interviews need to be stressed.

At this point it is to be noted that the Integrated Regional Development Programme in the framework of which the representatives of the non-governmental sector have been invited to act as social

partners is the most decentralized of all of the operational programmes designed *vis-à-vis* EU funds in Poland. Its programming is done jointly at the central and regional level, while the implementation is delegated to the regional level. The Integrated Regional Development Programme is thus by definition classified as a multi-level and network governance enterprise. Its relative closeness to the potential beneficiaries, executors, addressees and clients makes it seem especially approachable and attractive to multiple actors. By the same reason, it also offers - at least in theory - much more room for civil society intervention than the other programmes do. This impression is reinforced by listing below some of the priority activities admitted within the Programme, which confirm the opinion that the Programme offers many "soft" components which may be of interest to a variety of civil society actors:

- increasing the level of education among population
- modernization and extension of cultural heritage
- development of information society
- modernization of education and academic infrastructure
- improvement of marketing and management capacities of local and regional enterprises
- increasing the level of employment
- modernization of environment protection infrastructure etc. ([www.funduszestrukuralne.gov.pl](http://www.funduszestrukuralne.gov.pl)).

<sup>9</sup> The case study was conducted in the period January 2004 - February 2006. The findings are presented on the basis of research reports prepared by Chodor (2005) for the *Ogólnopolska Federacja Organizacji Pozarządowych* in Warsaw, analysis of policy documents, content analysis of the Ministry of Regional Development's and Regional Councils' websites and pilot interviews with members of a regional steering committee undertaken within the CONNEX project (cf. <http://www.mzes.uni-mannheim.de/projekte/connex/>).

<sup>10</sup> Owing to their internal dynamics, the exact number of the NGO social partners in the committees is difficult to establish, except within a restricted period. During the analyses based on minutes of the proceedings of the committees carried out by Chodor (2005), that is between January 2004 and May 2005 and again between June 2005 and November 2005, the number of NGO social partners was estimated at nearly 150. Out of the number, only 24 representatives agreed to participate in the survey.

The nation-level Monitoring Committee for the Integrated Regional Development Programme was established by the motion of the Ministry of Economy, Labour and Social Policy in 2004 with the aim of “opinion-giving and recommending Supplement to the Programme and changes proposed to it, evaluating annual reports, final reports of the Programme, proposals of changes in the Programme, including changes and shifts in the allocation between activities. The Committee’s aim is also to periodically monitor progress in reaching milestone objectives with regard to particular aims of the Programme which are defined in the Integrated Operational Programme of Regional Development and Supplement to the Programme” (Chodor, 2005:23; Narodowy Program Rozwoju). Its proceedings are now coordinated by the Ministry of Regional Development which was created in 2005 and which took over the role of the main Institution Managing the Programme.

The Committee includes 7 representatives of the Polish NGO sector. These were nominated by *Federacja Stowarzyszeń Naukowo-Technicznych NOT* [Federation of Scientific-Technical Associations NOT], *Fundacja Rozwoju Demokracji Lokalnej* [Foundation for the Development of Local Democracy], *Caritas Diecezji Katowickiej* [Caritas of the Katowice Diocese], *Bractwo Młodzieży Prawosławnej w Polsce* [Fraternity of Orthodox Youth in Poland], *Fundacja Wspierania Inicjatyw Ekologicznych* [Foundation for Support of Ecological Initiatives], *Krajowe Stowarzyszenie Sołtysów* [Nation-wide Association of Village Heads], *Stowarzyszenie Organizatorów Ośrodków Innowacji i Przedsiębiorczości* [Association of Organizers of Centres for Innovation and Entrepreneurship].

In terms of branch categories, the Committee members thus include representatives of academic milieus, local democracy

oriented NGOs, charity and social work oriented NGOs, minority&youth&religious denomination organizations, ecological NGOs, grassroots local self-government and the milieu of organizations which constitute so called soft, entrepreneurship and innovation infrastructure. In terms of organizational resources, the NGO representation includes 4 persons appointed by big professional organizations (i.e. *Fundacja Rozwoju Demokracji Lokalnej*, *Caritas Diecezji Katowickiej*, *Fundacja Wspierania Inicjatyw Ekologicznych*, *Federacja Stowarzyszeń Naukowo-Technicznych NOT*), 2 persons appointed by federations of smaller, branch organizations (*Krajowe Stowarzyszenie Sołtysów*, *Stowarzyszenie Organizatorów Ośrodków Innowacji i Przedsiębiorczości*) and 1 person representing a minority organization, which is marginal in terms of membership and resources (*Bractwo Młodzieży Prawosławnej w Polsce*). The composition of the social partner segment of the Committee might be interpreted as indicative of conscious attempts to balance the NGO representation in terms of expertise, influence, resources and political correctness. Nonetheless, the Third Sector oligarchs have been well anchored in it.

As far as the governance process is concerned, during the period of January – November 2005 when the *Ogólnopolska Federacja Organizacji Pozarządowych* study was conducted (Chodor, 2005), the Committee had convened 6 times. The attendance of the NGO representatives varied and generally deteriorated as the time passed. Towards the end of the studied period, only the representatives of Caritas and *Bractwo Młodzieży Prawosławnej* were fairly regularly present during its meetings, while the other NGO representatives appeared once or not at all at the Committee sessions. The level of active participation was very low throughout the studied period and, again, it deteriorated as the time passed.

Based on the minutes of the Committee's sessions, the NGO sector representatives took the floor only 6 times, mostly during the initial meetings. The grassroots local self-government representative wanted, for instance, to clarify the classification criteria regarding the inclusion of NGO financial resources in the category of public resources. The NOT representative, for instance, successfully postulated changes to be introduced in an academic scholarship scheme, so that not only university students but also high school students were to be entitled to take advantage of it (cf. Chodor, 2005:23-24). At the end of the first year of the Committee's operation, the social partners must be therefore classified as passive in view of the official documentation.

To compare, let us offer a brief overview of the activity of regional steering and monitoring committees established within the framework of the same Integrated Regional Development Programme. The regional committees come into being by motion of regional executive boards and regional governors. The basic aim of the committees is to evaluate the projects filed for EU co-financing within the given region and recommend for funding those of the projects which contribute to the development of the region, are congruent with its needs, are technically superior and do not contradict priorities set in the given regional development strategy or National Development Plan. Therefore, we would expect the committees to be perceived as (and become) sites of very intense power relations and interests and value confrontations. Accordingly, a very active participation of social partners and animated proceedings of the regional committees would seem more than likely.

Preliminary research shows that the shape, composition and operation of the regional committees are extremely varied across the country. The co-optation of social part-

ners takes place along rather unclear procedures (cf. [www.wroclaw.um.gov.pl](http://www.wroclaw.um.gov.pl); [www.mazovia.pl](http://www.mazovia.pl); [www.zporr.gov.pl/Komitet](http://www.zporr.gov.pl/Komitet); [www.wrota.podkarpackie.pl](http://www.wrota.podkarpackie.pl)). Altogether 81 representatives of the NGO sector have become co-opted to the committees in 16 Polish regions (*województwa*). There are committees that comprise only 1 NGO representative in their structure, whereas the biggest number is 7 NGO representatives per single committee (there are 2 such cases).

The regional committees convene sessions at least twice as frequently as the central level committees. The NGO representatives are generally more active at the regional level than they are at the central level, both in terms of attendance and in terms of voicing their opinions and filing postulates (Chodor, 2005:24-25). Nevertheless, the stated level and type of participation appears far below the expected level related to the challenges and opportunities opened up to civil society actors by the new governance structures.

Looking for ways to explain the less than satisfactory level of participation, we may now turn to the opinions that some of the NGO representatives voiced as regards the functioning of the committees and their own role in them. In general, the newly positioned social partners seem to appreciate the opportunity and see it in terms of a step forward on the way to empower civil society in Poland. Nevertheless, they rather consistently point to several weaknesses of the institutional formula and its operation. Moreover, their opinions evidence internal weaknesses of the NGO sector and its representation as well. Those have been by and large anticipated by our analysis of the sector in the first part of the paper.

On the one hand, owing to their consultative status and dominance of the public administration actors in their structure, the monitoring and steering committees are of-

ten seen as “fig leaves” or “voting machines” that simply legitimise decisions which have already been taken somewhere else. It is said that the voice of social partners is not blocked literally, but it is rarely consequential, taken into account selectively or just overruled. The committees are believed to convene too rarely, and then are too flooded with work to be able to truly deliberate the agenda. Moreover, in many cases if any deliberation takes place, it is perceived as too formalized and misdirected towards technicalities and administrative issues. Lastly, lacking criteria and routines of dealing with the agenda are often mentioned as obstacles to fruitful work and transparency (Chodor, 2005:64-69).

On the other hand, the NGO representatives themselves also identify many shortcomings. Quite often the interviewees admit that they lack competence to deal with the committee’s agenda and postulate that some sort of introductory training be introduced for them before they start taking part in the proceedings. They point to the fact that the majority of NGO representatives are passive or interested only in narrow issues related to the interest of their organizations or the organizations’ clients. Also, they feel that the voice of NGO representatives in the committees could be more effective if it came not from single partner, but a coalition of them – and these in their view are difficult to form. Moreover, they hint at the questionable representative quality of the NGO representatives, which also contributes to the detriment of the sector’s perception and its influence on the proceedings of the policy networks (cf. *ibid.*).

Finally, it is worth to take account of the doubts that the interviewed and surveyed NGO representatives have as regards their role in the governance structures. The majority of them are uncertain if they should play the role of policy experts or guardians of the social interest in the committees (cf. Chodor, 2005:71). The uncertainty is aggravated

by the fact that “screenplays” for both types of roles are not formed yet, but have to be actively construed by civil society actors, their governance partners and their respective broader milieus. In addition, with reference to their “constituencies”, some of the civil society representatives appear to experience a classic Burkean dilemma: whether to act as a delegate or as a trustee? Moreover, in terms of trust and communication, the studied representatives often see their roles as caught in a paradox: they are expected both to comply with confidentiality rules which apply to the committees’ proceedings, and to share their committee experience with the represented NGO sector. Furthermore, the channels of communication with the broader civil society milieu may be seen as deficient.

## CONCLUSION

The Europeanization hypothesis tested on the case of civil society actors in Poland has partly been proved in view of the adduced evidence. Indeed, in terms of organizational logic, new modes of governance have been instituted in connection with the managing and monitoring of EU structural funds in the country. They have resulted in - or at least have greatly contributed to - a structural change involving positing civil society actors as social partners in many policy arenas. The European options have been translated into both institutional weight in decision-making and the access to financial resources which civil society actors have gained after Poland’s accession to the EU.

However, civil society actors have not been granted a footing equal with that of market and public administration actors – even in purely structural terms, as the analysis of the monitoring and steering committees shows - their position is outnumbered, underweight and overshadowed by discretionary powers on part of public administra-



tion. Moreover, the modes of operation of the studied policy networks with respect to the role of civil society actors in them remain unclear and ambivalent. Furthermore, it does not seem clear from the preliminary research whether this partial repositioning of civil society actors in the public sphere – driven by the Europeanized logic (and discourse) of governance – means a reorientation of civil society actors themselves towards norms and patterns of behaviour classified as European.<sup>11</sup>

What is quite clear is that more research is urgently needed to describe, analyse and fully identify the mechanisms that are responsible for the actual shape and operation of the new governance structures in Poland with respect to social partners' involvement in them. More insight is also needed to determine if, how and to what degree the governance structures, such as the ones dealt with in the paper, really act as vehicles of both democratisation and Europeanization. The very concept of Europeanization must also undergo further unpacking, both in the theoretical and operational terms. Finally, comparative and longitudinal studies could fruitfully be employed to track down the impact that the processes related to European integration might have on civil society in the country.

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<sup>11</sup> On the other hand it is worth noticing that the stated awareness of and insistence on the need to improve Polish civil society – public administration relations according to some supposed European standards has become a recurrent motive and a trade mark of NGO activists and NGO-rooted researchers as well as an argument used in negotiations with public administration actors (cf. Chodor, 2005; Gliński, 2005).

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## WEBSITES INCLUDED IN THE CASE STUDY

- [www.bkkk-cofund.org.pl](http://www.bkkk-cofund.org.pl)  
[www.fundusze-strukturalne.gov.pl](http://www.fundusze-strukturalne.gov.pl)  
[www.mazovia.pl](http://www.mazovia.pl)  
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### **Sažetak**

## **EUROPEIZACIJA CIVILNOG DRUŠTVA U POLJSKOJ**

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*Ovaj rad daje preliminarni pregled promjena koje su utjecale na poljsko civilno društvo tijekom procesa europeizacije u devedesetim godinama dvadesetog stoljeća i početkom dvadeset prvog stoljeća. Prvo se opisuje i analizira trajna strukturalna transformacija organizacija civilnog društva. Naglašavaju se fenomeni neravnomjernog razvoja i raznovrsne diferencijacije tog sektora. Zatim se raspravlja o zakonskim i institucionalnim rješenjima usmjerenim prema izjednačavanju formalnog položaja koji akteri civilnog društva zauzimaju u javnoj sferi zemlje nasuprot državi i tržišnim akterima. Na slučaju uključenosti poljskih aktera civilnoga društva u nova institucionalizirana partnerstva povezana s korištenjem strukturalnih fondova Europske unije, novi sporazumi o izjednačavanju, uvedeni u skladu s europeiziranim načinima vladavine, podvrgavaju se empirijskom testiranju kako bi se ispitala njihova učinkovitost i primjerenost u postkomunističkoj zemlji.*

**Ključne riječi:** europeizacija, civilno društvo, vladavina, Poljska