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Social Partners and New Modes of Governance: the Case of Integrated Programme of Regional Development (2004–2006)

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OF GOVERNANCE: THE CASE OF INTEGRATED
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(2004–2006)**

Introduction

The 2004–2006 period of programming and implementation of structural funds meant a breakthrough as far as institutionalisation of regional policy and policy of regional development in Poland. The breakthrough entailed, inter alia, an introduction on a larger scale one of the now preferred in Western Europe forms to organise decision-making in the arena of public policies – so called new modes of governance. This was exemplified, among others, on the national (central) level by establishing monitoring and steering committees for all operational programmes implemented during that period on the basis of EU structural funds. In the case of one of those programmes – Integrated Programme of Regional Development (ZPORR) – which was co-financed by European Regional Development Fund (ERDF) and European Social Fund (ESF) – such committees were established on the regional level as well.

In accordance with the logic of new modes of governance, conventional (hierarchical and centralized) structures and procedures to manage policies aimed at stimulating development are replaced or at least supplemented with regulations that allow for creating decision-making, consultation and evaluation bodies that include – in the capacity of „partners” – representatives of governmental administration – selected representatives of economic and social milieus (i.e. non-governmental organizations and S&T/R&D organizations). This innovation is primarily to: 1) produce a wider opening of public policies to needs and postulates of the economic,

social and scientific milieus; 2) create conditions fostering decision-making that is consensual or based on bargaining; 3) better mobilize public and private resources that are needed to accomplish public policies' goals; 4) increase effectiveness of those policies (cf. Börzel et al. 2005).

The present paper is to analyse and evaluate the first round of institutionalisation of the new modes of governance in Poland focussing on social partners and taking as its case the monitoring and steering committees established within ZPORR 2004–2006. Therefore, it will first outline legal foundations, competences and organizational structures of the ZPORR committees during that period as well as their modes of functioning as envisaged by the theory of new modes of governance that were also expected basing on the implementation experiences in the EU-15. Subsequently, research findings will be presented concerning the actual operation of selected ZPORR committees with an emphasis given to participation of representatives of the Third Sector (i.e. non-governmental organizations) in the committee proceedings. Then opinions will be quoted and analysed as expressed by some of the Third Sector representatives concerning the very idea of the committees, their structure and mode of functioning, including evaluations of their own roles in those bodies during the analysed period. Brief conclusions will follow at the end of the paper.

The monitoring and steering committees (2004–2006)

The monitoring and steering committees operating within the operational programmes that were implemented in that period on the basis of EU structural funds, inclusive of ZPORR, were established in Poland in accordance with the EC Directive 1260/1999 (European Commission 1999). The most important national legal basis was constituted in this respect by *Ustawa o Narodowym Planie Rozwoju* (DzU z 2004 r., nr 116, poz. 1206). The committees were defined in that legal act as consultation and opinion-giving bodies whose aim was to support the implementation of the operational programmes by institutions managing them. The main managing institution for ZPORR was the Ministry of Economy, Labour and Social Policy that was replaced by the Ministry of Regional Development following the Cabinet change. On the regional level, the committees were located in

an ambivalent space between the central government representative (Voivod) and the head of regional self-government (Marshall).

As stipulated by *Ustawa o Narodowym Planie Rozwoju*, the committees were to monitor and evaluate the implementation of ZPORR. Also, basing on this, they could recommend modifications and changes both in the programme priorities, specific objectives and allocation strategies, including volumes of the allocated funds. The role of the steering committees, especially those established at the regional level, seemed even more relevant from the vantage point of the particular beneficiaries of that operational programme since they might have recommended shifts in the ranking lists of projects to be financed by structural funds. Taking into account that the committees were to include representatives of the different categories of beneficiaries (territorial self-government, business, science, NGOs), one could expect that the operation of the bodies would be very dynamic.

On the one hand (theoretically), this dynamic should be related to general attempts to redefine the rules of the game, roles and scripts so far played within the arena of the policy of regional development and social policy by public actors (government, public administration, territorial self-government) and private actors – the whole spectrum of economic and social partners. On the other hand (practically), one could expect interactions animated by specific value hierarchies and interests typical of the particular social groups represented by the respective categories of partners. Bearing in mind such expectations and theoretical findings, we will now take a look at the actual functioning of the monitoring and steering ZPORR committees as of 2004–2006. We will be mainly interested in the most innovative aspect of their operation, that is the inclusion of social partners as equal footing members into those bodies.

Organization and operation of the monitoring and steering ZPORR committees (2004–2006)

In accordance with *Ustawa o Narodowym Planie Rozwoju*, rules guiding the composition and functioning of the committees were to be decided by the ZPORR managing institutions, that is the respective ministries at the central level and the Marshal and Voivod offices – at the regional level. Representatives of those institutions were granted by

law the functions of the committees' chairmen. As a matter of fact, the law granted the representatives of public administration a privileged position vis-à-vis the other partners that included representatives of territorial self-government (one third of the committees' members) and representatives of economic and social partners (also constituting one third of the committees' members). The law stipulated that the category of economic and social partners was to feature representatives of employers, trade unions, non-governmental organizations and S&T milieus. *Ustawa* granted equal statuses to all partners involved in the committees' proceedings.

The procedures of actual selection of the economic and social partners' representatives proved to be one of the most contentious issues, being poorly regulated by *Ustawa*. In practice, this meant a considerable degree of arbitrariness and lacking transparency of the selection rules. This situation affected specially negatively the evaluation of the committees at the regional level where initially no specific selection procedures had been officially declared. Only following a series of protests by NGOs and criticism expressed in several press articles did the Institution Managing ZPORR at the central level oblige the regional authorities to formulate and disclose such procedures. They were then gradually elaborated and announced in all regions. Since no previous model for such procedures had existed, the ones that were introduced were quite diverse as far as the degrees of their formality, transparency, representativeness and very adequacy of the selected representatives were concerned (cf. Skotnicka-Illasiewicz 2006: 13–15; see also Dworakowska et al. 2007).

The ZPORR committees – participation of social partners¹

In the first part of the analyzed period, that is since January till November 2005, the central level Komitet Monitorujący ZPORR was convened six times. The presence of the social partners varied and visibly waned with time. Following the first session, some of their representatives no longer participated in the following sessions. The

¹ This part of the paper includes an analysis of social partners' participation in the ZPORR committees that was based on data collected for an evaluation project by Ogólnopolska Federacja Organizacji Pozarządowych (cf. Chodor 2005) and data collected for a research project as part of the CONNEX Network of Excellence' activities (cf. e.g. Gąsior-Niemiec 2007, 2010).

level of active participation of the social partners was generally low and very low – the tendency was downwards. The poor participation of the representatives of the Third Sector in the committee proceedings contrasted with increasing involvement of other partners, especially economic actors (Chodor 2005: 82).

Basing on protocols of the central level Komitet Monitorujący ZPORR's meetings, one could see that in the analyzed period the social partners took floor only six times in total, the majority of which during the initial session.

At the end of the first year of the Komitet's operation, the participation of social partners must be viewed as extremely limited and passive. Their involvement proved almost completely inconsequential judging by the impact on the Komitet's decisions. As such, the social partners had virtually no influence on recommendations issued by that body as regards the programme priorities, allocation strategies, procedures, criteria, instruments and volumes of funding earmarked for particular types of activities pursued within the framework of ZPORR.

As far as the activity of regional monitoring and steering ZPORR committees, basing on data such as lists of presence and protocols of the committee sessions in selected voivodships, one should state that the committees met on average twice as often as the central level committee. The participation of social partners was slightly more visible – as measured by their presence and interventions aimed at voicing proposals to change and modify issues on the committees' agendas (cf. Chodor 2005, 24–25; RKM 2005a, b, c, d; RKS a, b, c, d). Nevertheless, those interventions usually concerned formal and technical matters and only rarely substantial shifts, such as postulates to change the volume of allocated financial means or modify the ranking of projects recommended by external technical experts that were to be co-financed by ERDF and ESF within the ZPORR framework.

The collected information demonstrates that even in those rare cases when substantial postulates were voiced by social partners in front of the committees, they were usually not endorsed by the other committee members and/or rejected during the last phase of the decision-making process by regional authorities (cf. Bojarski 2005; Chodor 2005, 64–69; RKM 2005a–d, RKS 2005a–d). By contrast, the participation and effectiveness of the other categories of the committees' members (partners) has to be evaluated as much better and consequential (*ibid.*). In order to explain the strikingly passive

and ineffective attitudes of the representatives of civil society in the committees we will now turn to their opinions and evaluations regarding the formula of the committees and their experiences in the role of social partners participating in the proceedings of those bodies.

ZPORR committees 2004–2006 in the opinions of social partners

Basing on an analysis of data collected by means of questionnaires and interviews, in general the Third Sector representatives appreciated the opening to embrace the role of a social partner involved in decision-making and implementation of public policies. Also, they were aware of the prominent status awarded to the principle of partnership in the arena of public programmes implemented under the auspices of the European Union – they often quoted the experiences of the non-governmental sector in the EU-15 (cf. Chodor 2005; Czartoryska, Wejzman 2006). Nonetheless, they also indicated multiple weaknesses of the solutions adopted in Poland and listed dysfunctions that appeared in the actual functioning of those bodies that had been established on the principle of partnership. Not so frequently, they also mentioned inadequate competences of the Third Sector organizations to play the role of an institutional partner in bodies such as the committees.

On the one hand, the monitoring and steering committees, especially the ones at the regional level, were perceived as „fig leaves” or „voting machines” tasked mainly with legitimating decisions that had already been taken by regional politicians (cf. Chodor 2005: 65 i nn.; Skotnicka-Illasiewicz 2006: 13–5, 22–23). Even though the social partners were not openly silenced or blocked in the committees, their voice was not „taken seriously”, was overruled during voting or just ignored in the subsequent phases of the decision-making processes. As for the discussions carried out by the committees, the social partners thought that they were generally of little value: too formalized, oriented to procedural or technical issues and dominated by current administrative problems.

On the other hand, the Third Sector representatives expressed their doubts as for their own ability to take advantage of the possibilities opened up by the institutionalization of the role of social partner

involved in deciding about a public policy. Relatively often they confessed that they lacked adequate competences and knowledge owing to which they could satisfactorily contribute to and evaluate the committees' agendas. However, (paradoxically) they simultaneously complained about the volume of materials that had been distributed to the committee members before their sessions by the respective managing institutions. Also, they stated self-critically that the majority of social partners were passive during the committees' proceedings. If they had been more active, this was frequently limited to issues directly pertaining the interests of their respective organizations or the organizations' beneficiaries.

The respondents shared also an impression that the voice of the social partners could have counted more in the committees if it had been the voice of democratically elected representatives or at least the ones that had been recognised by the majority of NGOs or – if it had been supported by a coalition (sectoral or territorial) of NGOs. The issue of dubitable representativeness of the social partners invited to participate in the committees' proceedings was mentioned many times. In the representatives' opinions, this weakness alongside the lacking specialist (expert) knowledge constituted the main reason why the social partners were not perceived as credible participants in the committees' proceedings by the other members. Simultaneously, those factors diminished their potential impact on the decisions taken by the committees.

Conclusions and postulates formulated on the basis of those experiences of participation in the monitoring and steering ZPORR committees as of 2004–2006 were among others related to the need to make the committee procedures more precise and binding, including administrative sanctions or legal consequences attached to rules guiding the operation of those bodies. Such postulates prove complete misunderstanding of the logic inscribed in the new modes of governance. At the same time they are understandable in the context of low trust and poor political, institutional and civic culture in Poland.

Paradoxically, a postulate was voiced to abandon the formula of regional steering committees – justified primarily by the argument that they enhanced politicization of the decision-making process (cf. Czartoryska, Wejcman 2006; Dworakowska et al. 2007). Not being able to counteract and not willing to accept the decisive impact of regional politicians on the approving or rejecting of the recommendations issued by the committees, especially as concerned

the ranking lists of projects to be financed by structural funds, the representatives of social partners ultimately opted for getting rid of that institutional solution altogether.

This issue – nota bene – not only confirms the existence of distrust to politics and politicians that had been revealed by surveys of public opinion but also testifies to lacking understanding or lacking acceptance of democratic rules – ultimately it is not the arbitrarily co-opted representatives of the Third Sector but the regional politicians that have been democratically elected representatives of society. It is worth stressing that the postulate was put into practice as of the programming period 2007–2013.

Conclusion

This paper aimed at analyzing the involvement of social partners in new modes of governance during the first period when the EU structural funds were implemented in Poland. We have focussed on the case of Third Sector representatives participating in the monitoring and steering ZPORR committees as of 2004–2006. The collected data allows us to state that their participation stood in contrast with expectations. On the whole, the representatives of non-governmental organizations were not able to play the partner roles effectively vis-a-vis political, administrative and economic actors and their impact on decisions taken by the ZPORR committees was insignificant. The reasons for this poor performance included insufficient experience with new modes of governance, poor level of technical expertise to play the role of an institutional partner in the arena of policy of development, unclear rules determining the organization and operation of the committees, low mutual trust among the particular categories of actors involved and – in broader terms – political, administrative and civic culture that is not conducive to consensual, „soft” modes of decision-making in the Polish public sphere.

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