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Civil Society and New Modes of Governance in Poland

Abstract: The paper is focused on the introduction and operation of a novel model of EU-induced structure of governance networks—composed of public administration, business and civil society actors. It takes up a case of institutional structures to manage EU structural funds in Poland. In particular, the role of social partners, i.e. representatives of non-governmental organizations in the European Regional Development Fund-related region-level and nation-level steering and monitoring committees is analyzed. Following a brief exposition of regionalization principles, arrangement for regional development policy in Poland and changes induced by the country's accession to the EU, legal and institutional frameworks for the inclusion of social partners in the committees responsible for the programming, management and evaluation of the European Regional Development Fund are scrutinized. Empirical evidence of social partners' participation in the proceedings of such selected committees is introduced and analyzed. Opportunities, challenges and dilemmas of civil society actors faced with new modes of governance are discussed.

Keywords: governance, social partners, regional (development) policy, structural funds, Poland

Introduction

Post-Communist Poland has remained a unitary state. Nevertheless, as of 1999, the country's territorial-administrative structure underwent radical changes. The state has been divided into sixteen self-governing regional units called voivodships. The ensuing reform of public administration and public policies, including their incipient regionalization, was introduced *inter alia* with a view to the country's accession to the European Union. Further reforms related to both domestic issues and the accession have strengthened the tendency to adopt and adapt Europeanized (or perceived as such) institutional solutions and modes of policy-making in Poland.

This process has been particularly visible in the newly created arena of regional (development) policy where new policy objectives, new institutional actors, new competences, new instruments and new modes of decision-making have appeared. At the same time, "economic" and "social" dimensions of the policy-making have started to overlap at the regional level. The overlap has been due to several factors, most important being an extensive transfer of policy competences from the central to the regional tier of government. Owing to the transfer, the regional tier has been made responsible or at least co-responsible both for economic growth and welfare in re-

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gions. On the other hand, the social dimension of the policy-making has started to function as a shared arena, where public administration and civil society actors coexist and complement each other.

The processes could be analysed by looking at the mode and results of the programming, management and evaluation of the European Regional Development Fund in Poland (ERDF). The ERDF, being most important component of the EU structural funds may by its nature be perceived as a double-edged regional (development) policy instrument. It is both to stimulate socio-economic development, economic growth and competitiveness of so called less favoured regions and to serve socio-economic cohesion by counteracting social exclusion of/in the regions. However, the conditions and manner in which a balance is struck between the two orientations of the Fund are to a considerable degree dependent on policy-makers in a given country/region.

Moreover, the programming, implementation and evaluation of the ERDF have been progressively reformed so as to embed the policy decision-making processes in the social system. As a result, economic and social partners such as representatives of entrepreneurs, of employees, of non-governmental organizations and of the academia have been included in domestic ERDF institutional frameworks. The move to the inclusion has been in Poland reinforced by the fact that the ERDF has for the period of 2004–2006 been combined with some components of the ESF (European Social Fund) to function as a single Integrated Operational Programme of Regional Development [Zintegrowany Program Rozwoju Regionalnego (ZPORR)].

The inclusion of economic and social partners as fully fledged institutional actors in the arena of regional (development) policy exemplified by the ZPORR could be seen as tantamount to an introduction/spread¹ of a model of EU-favoured, tripartite governance structure which is composed of public administration, business and civil society actors. Thus, instead of traditional, hierarchical, top–down programming, implementation and evaluation of the policy by the central and/or regional administration, the three categories of actors are supposed to form a policy network. In this case, the network actors are expected to contribute to regional (development) policy-making by taking part in joint region-level and nation-level steering and monitoring committees responsible for the programming, management and evaluation of the European Regional Development Fund.

The underlying logic of the governance model might be interpreted as a way to facilitate a mutual recognition of different interests stakeholders may have in regions, to encourage them to elaborate common good oriented policy solutions and to release cross-sector synergies. The model is offered as a means to overcome both statist and market policy failures. In the arena of regional policy, the governance model, if successful, may therefore facilitate reaching a working balance between its economic (competitiveness) and social (cohesion) objectives.

¹ The governance model has been reflected in other institutional arrangements as well, some of which, like Voivodship Committees for Social Dialogue [Wojewódzkie Komisje Dialogu Społecznego (WKDS)], partly overlap functionally with the committees analyzed in the paper. For more on the WKDS, see Zalewski, 2005.

Participation of social partners in the proceedings of the committees might be seen as crucial in this respect. It opens up an opportunity to make an impact on decisions taken by the committees which are endowed with competences to co-decide about priorities, forms and volumes of public—European combined with national and regional—support for regional developmental projects as well as ranking projects filed for funding. However, the impact may not be taken for granted. It is dependent on many factors such as intricacies inherent in the legal and institutional arrangements for the committees, features of political culture dominant in the country/region, the status of the social partners as civil society actors, the degree of representativeness that they enjoy *vis-à-vis* the category of stakeholders whom they claim to represent in the committees, their expertise etc.

In the following paper I offer an analysis of legal and institutional arrangements for the tripartite steering and monitoring committees related to the programming, implementation and evaluation of the ERDF/ESF-ZPORR in Poland in the period of 2004–2006. My further attempt is to discuss insights drawn from a report evaluating the actual functioning of the committees, focusing specifically on the role of social partners in them. The empirical evidence shows that the actual participation of social partners in the proceedings of the committees is limited as is their impact on the committees' decisions to select priority areas and projects to be supported by the ERDF/ESF-ZPORR. The findings constitute a point of departure for considering the chances of improved functioning and/or viability of the new governance model—policy networks including social partners—in the Polish public policy making. Evaluation of the chances seems specially important from the point of view of the social dimension of the policy-making which seems more and more reliant on the activities by civil society actors (cf. *Narodowa Strategia Integracji Społecznej dla Polski*; Gumkowska *et al.*, 2006).

Regions and Regional (Development) Policy in Post-Communist Poland

The territorial-administrative reform of 1998, implemented as of 1 January 1999, divided the Polish state into sixteen regions (voivodships)—self-governing units of about two million of inhabitants and an area of about 20,000 sq km each on average. In order to facilitate statistical operations and provisions connected with the EU structural funds the newly created regions were indicated as equivalent to NUTS 2 EU statistical units. Labelled as self-governing, the regions have, in reality, been equipped with a dual power regime, which left them vulnerable to the power of central administration and open to political games played both at the regional and central level.

Polish regions are thus headed by a Voivod (*wojewoda*) who is the state administration highest representative at the regional level, whereas they are governed by regional parliaments/assemblies (*sejmik*) elected in regional general elections and managed by a board (*zarząd*) with a Marshal (*marszałek*) as its executive head. Depending on political constellations dominant in a given period on the country's political space, the Voivod and the Marshal may either act in accord or block each other's policy initiatives in the regions since their competences overlap (Hausner 2001a; Gasior-Niemiec 2003a; Grosse 2003). The institutional arrangements for the implementation of the EU structural funds make the competences of the two regional heads intertwine even further (cf. Grosse 2004).

Apart from the Polish Constitution of 1997, there are four major Acts of Parliament that constitute a regulatory framework for the responsibilities and competences of the regional tier of government in Poland. These are the Commune Self-Government Act of March 1990, the Voivodship Self-Government Act of June 1998, the Public Finances Act of November 1998, amended in 2003 and the Law on the Support for Regional Development introduced in May 2000, which was replaced in 2004 by the Law on National Plan of Development (cf. *Ustawa...*). These acts have not only specified competences of regional authorities but have also laid foundations for the regional (development) policy regime in Poland. Moreover, they have constituted the framework within which domestic and European policy objectives, priorities, instruments and institutional arrangements for them are conceived of and implemented (cf. also Woodward *et al.*, 2006; Swianiewicz 2006).

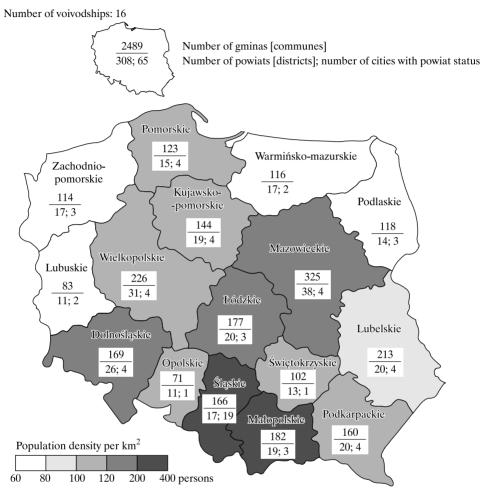
The gist of the regulatory framework included in the major Acts of Parliament mentioned above could be summarised as follows: the regions and region level governments have been instituted in Poland in order to 1) improve the quality of life of the populations concerned; 2) promote competitive advantages of the regions; 3) moderate intra-regional disparities in the level of regional development and 4) ensure equal opportunities of citizens living in various regions. The law on support for regional development specified further the tasks of the regional authorities making them *inter alia* promote the culture of entrepreneurship; restructure territorial economies ensuring their balanced development; create permanent jobs; invest in hard infrastructure; develop human capital; promote regional culture; enhance environmental protection; build institutions in order to support and activate local development.

The regional governments are also obliged to design and implement socially consulted regional development strategies which form the basis both for negotiating and signing regional contracts with the central government and for programming and implementing the ERDF and other EU structural funds. The law on the National Development Plan contains *inter alia* foundations for new institutional arrangements to programme, monitor and evaluate regional (development) policy programmes, instruments and their outcomes. Despite a recent, possibly temporary, tendency to upheld the central administration dominance in the area of programming and evaluation,² the foundations provided by the law have established an opportunity to decentralize the policy-making process further and to embed it more both in the market and society by including in it non-administration stakeholders—economic and social partners.

² The centralizing tendency seems currently motivated both by domestic and external factors. The governing parties' desire to control and distribute funds as a means to shape political relations at the regional level and to influence the electorate choices might be named as the most important of the domestic factors. The European Commission's preference to deal with new member-states' central governments instead of having to deal with their, presumably institutionally weak, regional governments appears the most important of the external factors (cf. Hausner, Marody 2000; Keating 2002; Grosse 2004).

Figure 1

The Administrative Division of the Republic of Poland, Resulting from the 1998 Reform. Regions, Districts and Communes in Poland. Population Density at the Regional Level



Source: Adapted form the Central Statistical Office (GUS).

This breakthrough needs to be related to a (real and perceived) impact of European integration (Gąsior-Niemiec 2003b; cf. also Bruszt 2006).

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 gained access to the European Union Cohesion Fund and the four major structural funds: European Regional Development Fund, European Agricultural Orientation and Guidance Fund, Financial Instrument for Fisheries Guidance and European

Social Fund. During the first implementation period (2004–2006) the funds have been programmed, implemented and evaluated on the basis of the National Development Plan and its seven operational programmes:

- Integrated Regional Development [SPO Zintegrowany Program Operacyjny Rozwoju Regionalnego (ZPORR)];
- Human Resources [SPO Rozwój Zasobów Ludzkich];
- Competitiveness of Enterprises [SPO Wzrost Konkurencyjności Przedsiębiorstw];
- Transportation [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] (cf. www.funduszestrukturalne.gov.pl).

The funds are primarily regarded as a lion's share of financial provision for the Polish regional (development) policy and therefore a source of strong financial incentives to comply with EU-set developmental and structural priorities for all types of actors entitled to partaking in the funds—state, market and civil society ones (cf. Hausner, Marody 2000; Szlachta 2001; Hausner 2001). This perception is reinforced by the fact that both the National Development Plan and regional development strategies compiled by, respectively, central and regional authorities have been seen by a majority of Polish experts as not only modelled on but also clearly subordinated to the principles, objectives and institutional requirements inherent in the European Union regional and structural policy (Hausner, Marody 2000; Grosse, 2003; Gąsior-Niemiec 2003a. Cf. also Paraskevopoulos 2001).

The policy documents could also be regarded as a major source of Europeanizing institutional and normative pressure exercised on Polish actors owing to the fact that both procedural requirements and the rhetoric employed by the European Commission in the area of regional and structural policy have been grafted in a wholesale manner onto the Polish policy documents and then gained currency among a wide array of domestic actors (cf. Radaelli 2000; Gasior-Niemiec 2003a, b). The process may for instance be evidenced by widespread and automatic invocations to the EU policy principles such as subsidiarity and partnership by all kinds of the Polish regional (development) policy actors. Speaking of regional issues in terms of cohesion and competitive advantage as well as advocating the network approach and public-private partnerships in relation to all kinds of problems regions face, creating frameworks for social dialogue etc. illustrate the point further. A multiplication of the novel institutional policy arrangements to programme, implement and evaluate EU-related and other regional (development) policy instruments through tripartite committees from central to local level might then serve as an example of the surrendering to the institutional and normative Europeanization (ibid.; Ogólnopolska debata 2005; Bruszt 2006; Swianiewicz 2006; Woodward et al. 2006; Skotnicka-Illasiewicz 2006).

The novel institutional arrangements differ from traditional forms of decentralization and/or de-concentration of authority as practiced in Poland before the accession. One of the most important differences concerns the fact that decision-making processes in the arena of a public policy are now institutionally opened to influence by so far formally excluded categories of actors such as economic and social partners. Another relies in the fact that public administration actors are expected to bargain with the other types of actors instead of imposing single-handed decisions on them. Yet another difference concerns the manner of bargaining which is supposed to be conducted within an institutionalised framework, thus presumably escaping a notorious trap of political clientelism (cf. Paraskevopoulos 2001; Gąsior-Niemiec 2003a; Dornisch 2003; Lewenstein, Palska 2004; Zalewski 2005; Skotnicka-Illasiewicz 2006; Majszyk 2006) and leading to a fuller compliance with the bargained policy objectives and outcomes (cf. Boerzel 1997).

The new institutional arrangements fall in the category of new modes of governance as defined by students of European integration (cf. Kohler-Koch 2002; Smismans 2006). Apart from the enhanced access of different categories of actors to their organizational structures, the new modes of governance in their ideal-typical form may also be characterised as much less hierarchical, operating through horizontal rather than vertical linkages, relying on flexible rather than rigid forms of co-operation and coordination, involving on-going negotiation, mutual learning and persuasion on part of the multitude of (public and private) members included in networks which form their organizational basis (cf. Mayntz 2002; Boerzel *et al.* 2005). Their successful operation is to a significant degree dependent on soft resources such as social capital (cf. Hausner, Marody 2000; Paraskevopoulos 2001; Dornisch 2003; Adam *et al.*, 2005; Skotnicka-Illasiewicz 2006).

Boerzel *et al.* (2005: 6 and ff) define thus the new modes of governance in the following manner:

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.

Thus conceived, the new modes of governance are explicitly or implicitly assumed to contribute to greater inclusiveness, accountability and efficiency of the policymaking at all levels. They are also claimed to be often more useful and effective in creating and safeguarding common and public goods than either market or hierarchy are (cf. Heritier 2002). Therefore, it might be surmised, they are most suited to arenas such as regional (development) policy³ where there is a need to represent and reconcile diverging values and interests of many actors and to strike a balance between correspondingly divergent policy objectives: constantly upgraded economic competitiveness and maintained social cohesion (cf. Hausner, Marody 2000; Rodrigues-Pose, Fratesi 2004; *Narodowa Strategia Integracji Społecznej dla Polski*, 2004; Ministerstwo Rozwoju Regionalnego 2005, 2006).

³ Cf. a discussion of terms "regional policy" and "regional development policy" in Hudak, 1999.

Accordingly, investigating the case of the Polish regional (development) policy with a focus on changes triggered by the accession to the European Union and access to the EU structural funds, we find legal provisions for new modes of governance in the shape of special-purpose policy networks (cf. Boerzel 1997), including representatives of the three main categories of stakeholders—representing public administration, market and civil society. The networks known by their official names of monitoring and steering committees have been called into existence in the country 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 the EU discourse on governance (European Commission 2001), to introduce a model of public-private partnerships and to allow for an increased inclusion of civil society actors in public policy making processes. Policy recommendations by eminent Polish experts clearly evidence the connection (Marody, Hausner 2000; Hausner 2001b; Szomburg 2003; Luft, Wygnański 2006; Gesicka 2006).

The steering and monitoring committees have been established for each of the seven operational programmes listed above, within the frameworks of strategies to implement the National Development Plan, the Community Support Framework and the EU Cohesion Fund both at the central and regional level. The number of steering committees is fluid and bigger than the number of the programmes they form an institutional arrangement for because such committees may also be established separately for several priorities and activities embarked on within any of the particular operational programmes. The main legal basis 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. *Ustawa* z dnia 20 kwietnia 2004 r. o Narodowym Planie Rozwoju, Dz.U. z 2004 r., nr 116, poz. 1206—further quoted as "*Ustawa*... 2004"). Monitoring and steering committees constituted an integral part of the whole regional (development) policy 2004 legislation package.

Monitoring committees are conceived of as independent, opinion-giving and consultative bodies to support Institutions Managing each of the operational programmes. The Institutions include e.g. the Ministry of Regional Development, the Ministry of Economy, the Ministry of Agriculture, the Ministry of Labour etc., respectively, depending on the policy scope covered by the programmes. Their task is to monitor, evaluate and recommend changes and modifications of objectives, priorities, allocation strategies and volumes of support as well as modes of management and implementation of a given programme and the related fund. Each of the committees is presided over by the representative of a relevant Managing Institution (*Ustawa...* 2004).

Decisions and recommendations of the committees do not have a legally binding force which is reserved for the Managing Institution (ibid.). However, their status, scope and composition—as specified in the 2004 law—seem to institute them as an important policy forum to operate through soft methods such as opinion-giving and recommendation based on negotiation, persuasion, learning and mutual adjustment of the members. Precisely, this is the logic of operation identified as typical of new modes of governance, making them different from the traditional, statist forms of policymaking which rely on legal means and top-down law enforcement (cf. Boerzel *et al.* 2006). Bearing in mind the inclusion of economic and social partners alongside central and regional administration ones in the committees, indeed a crucial channel for giving shape to a both market and socially embedded regional (development) policy seems therefore to have been created in the post-accession Poland (cf. Szomburg 2003; Luft, Wygnański 2006; Gęsicka 2006).

Similar remarks pertain steering committees. They might even be seen as all the more significant from the point of view of economic and social stakeholders involved if we realize that steering committees are made responsible for the actual evaluation, selection and recommendation of projects submitted by all entitled entities with the aim of getting financial support from a particular fund within the framework of a particular operational programme. Thus, they could act as the most essential forum within which diverging interests of the different categories of regional stakeholders are revealed, confronted and reconciled ensuring that regional public interest and common good remain a priority. On the other hand, the steering committees might also be expected to function as a battleground where predominance of any given category of actors is tried to be established to be further reflected in project recommendations issued by the committees. Also, it could be expected that the actual relation between economic and social dimensions of regional (development) policy might be one of the main issues to be negotiated within the framework of the committees.

It is therefore clear that bodies such as the committees have been attributed with a potentially crucial role of both market-oriented and society-oriented "sensors," "bumpers" and "correctors" in the policy process led by political actors (public administration) (cf. also Zalewski 2005). A closer scrutiny of the law-stipulated principles of the constitution, composition and modes of operation of those bodies seems therefore vital as does gaining an insight into their actual implementation and functioning. In particular, it seems of interest to see which economic and social actors are invited to participate in them and in what manner, what is their status, competences, skills and goals. Also, it seems important to investigate what is their expected and actually performed role in the committees and thus their impact on the regional (development) policy-making in the country.

The 2004 Law on National Development Plan stipulates that monitoring and steering committees are set up by the Managing Institution at the central level and by the Voivod (the state representative in the region) or the Marshal (elected head) at the regional level. The law ensures that the initiative to form a policy network and to control it is left with the administration.⁴ Coordination of meetings and proceedings is entrusted with a Managing Institution representative, who presides each of the committees (Ustawa... 2004). Each of the committees should be composed of one third of representatives of state administration, one third of representatives of

⁴ The fact that the public administration sector has been strongly privileged in the governance solution adopted in Poland does not make it by itself dysfunctional. Governance networks are claimed to perform better "in the shadow of hierarchy" (Boerzel 1997; Heritier 2002). It is rather the actual uses to which the hierarchy might be put that would seem decisive in evaluation of the fact.

self-government (regional and local) administration and one third of representatives of social and economic partners (ibid.).

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 representatives of three basic groups of stakeholders. These are organizations of employers, organizations of employees, non-governmental organizations, and of academic milieus. Representatives of these groups are granted a status of permanent member of the committees and are invited to participate in their proceedings on equal footing with the remaining categories of actors (ibid.). Notably, participation in the proceedings of the committees is not remunerated (with the obvious exception of public administration representatives), which might be perceived as a certain barrier by non-administration committee members (cf. also Chodor 2005: 70).

Another interesting issue is the procedures regarding selection of the representatives of social and economic partners to become members of particular committees. Analyses indicate that these procedures are only loosely described by the 2004 law and remain rather vague, allowing for discretionary decisions by representatives of central administration and of unspecified representatives of the other stakeholders during the selection process (*Ustawa*... 2004; Chodor 2005: 2–10). On the one hand, this might be seen as a sign of flexibility needed in the case of policy networks. On the other hand, however, representativeness and accountability of the economic and social actors invited in the circumstances to take part in the proceedings of the committees may not always be recognized by all of the relevant stakeholders.

Let us take a look for instance at a sub-category of social partners—representatives of non-governmental organizations (NGOs) in the monitoring and steering committees related to the operational programmes. The process of their selection for the 2004–2006 implementation round was formally entrusted at the central level with the Managing Institution, i.e. a relevant Ministry. The process was co-coordinated and supervised by the Council of Public Benefit [Rada Pożytku Publicznego]—a body comprising opinion-making representatives of the NGO sector, established in 2003 to contribute to the preparation of the law on public benefit activity and on volunteering and then continuing to advise the government, especially the Ministry of Social Policy and Labour, on matters concerning civil society.

The process of committee members selection involved the following major stages:

- an announcement appeared in the national press and on the relevant public administration agency's (Ministry's) website which invited interested NGOs to nominate their candidates for representatives of the "social" (NGO) sector in the committee;
- applications (including a standardized application form available on the Ministry's website) were filed in at the public administration agency by interested nongovernmental organizations;
- applications were technically reviewed by officers employed by the Ministry;
- applications were further reviewed by members of the Council of Public Benefit;
- the Council of Public Benefit issued its final recommendation for some applicants and passed it over to the Minister;

 the Minister, taking the recommendation into account (although legally not bound by it), invited some applicants as social partners to participate in the proceedings of the committees (Chodor 2005: 10).

Discretionary powers on part of the Ministry notwithstanding, a critical role played by the Council of Public Benefit in the selection process ought also to be stressed. The role is all the more worth highlighting when recollecting that the composition of the Council is itself largely subject to a discretionary selection made by an informal network of public administration officers and opinion-making NGO activists (cf. also Lewenstein, Palska 2004). Moreover, the fact that there are no formal criteria such as for instance a threshold of a minimal organizational capacity could lead to marginal NGOs taking up roles of the social partners on behalf of the whole NGO sector. Similarly, lacking requirement of a branch recommendation for nominees might allow for a selection of an NGO which is not perceived as a representative of a given NGO branch and/or indeed does not represent it.5 Thus, the procedures of selecting social partners within the regional (development) policy arena through the central level committees do not seem to guarantee that they will act and be recognized as representative of the relevant stakeholders either in terms of values/interests/preferences or expertise.⁶ The status and potential impact of social partners in the policy networks, including improved compliance of stakeholders with the policy objectives and outcomes, might therefore be undermined by the intricacies of the legal-institutional provisions.

At the regional level procedures for selection of social partners to monitoring and steering committees were initially altogether lacking. Following protests by some civil society actors and a subsequent ministerial directive, such procedures have gradually been introduced in all regions. Nevertheless, the procedures significantly vary between different regions, policy areas and committees. Also, they seem far less formalized and much less transparent than the ones obtaining at the central level (cf. Chodor 2005: 10). Therefore they appear to be much more vulnerable both to discretionary powers of the public administration officers and open to charges of political clientelism (cf. Skotnicka-Illasiewicz 2006: 13–15) not to mention again the problem of the stakeholders' compliance with the committees' decisions. The perception of the degree to which selected social partners are representative of their milieu might be described as even lower than at the central level.

The most common elements of the selection procedures employed by regional public administration are: a local press announcement, a formal invitation addressed

⁵ The problem of representativeness involves *inter alia* issues such as legitimate interest articulation and compliance of the represented stakeholders with policy networks' regulations. Given the fragmented, competitive and clearly branch-oriented nature of the Polish non-governmental sector, recommendations of branch coalitions (environmental, social services, education etc.) might help overcome the problem. It needs to be mentioned, however, that in reality apart from environmental and, partly, social services organizations, no such stable coalition has been formed within the NGO sector. The procedural requirement could therefore act as an additional, much needed incentive, to structure the sector and establish its nation-wide and region-wide representations (Chodor 2005; Gumkowska *et al.* 2006). On the other hand, it could also prevent the strongest organizations from monopolizing the role of social partner—as indeed some NGOs have managed to have their nominees selected to almost all of the committees (cf. Chodor 2005; 72–73).

⁶ A similar case is argued for the WKDS which have been mentioned earlier (cf. Zalewski 2005).

to all NGOs registered within the given region, a personal invitation issued by the regional governor and/or the regional executive board to specific persons associated with the non-governmental sector (cf. Chodor 2005: 8–10).

Social Partners in the ERDF/ESF-ZPORR Related Monitoring and Steering Committees in Poland (2004–2006)

Following the general analysis of the principles according to which the new governance arrangements operate, I will now discuss findings and conclusions derived from a pilot case study in the arena of the regional (development) policy. The case study is based on an evaluative report prepared for Ogólnopolska Federacja Organizacji Pozarządowych [All-Poland Federation of Non-Governmental Organisations (OFOP)], publicly available reports prepared for the Ministry of Regional Development and selected voivodship offices, print media analyses, websites content analysis and exploratory interviews with NGO representatives. The OFOP evaluation involved analyses of documentation related to the principles of the implementation of the ERDF/ESF–ZPORR, evidence of the selection, presence and actual participation of social partners (non-governmental sector representatives) in the sittings of selected ERDF/ESF–ZPORR steering and monitoring committees. The analyses were supplemented with an opinion survey carried out among the social partners (Chodor 2005). National press coverage of the ERDF–ZPORR issues was reviewed for the period of 2004–2006.

The study focused on the actual status, patterns of behaviour, activities and opinions by and of social partners selected to participate in nation-level and region-level monitoring and steering committees established as part of the policy networks to programme, monitor and evaluate the implementation of the ERDF/ESF–ZPORR operational programme in Poland in the period of 2004–2006. Opinions and recommendations regarding the new governance settings and the role of civil society actors in the settings are highlighted. They reveal many of the dilemmas inherent both in the new institutional arrangements and in the overall capacities of the non-governmental sector in Poland.

At this point it needs to be added that the ERDF/ESF–ZPORR (European Regional Development Fund/European Social Fund—Integrated Regional Development Programme) in the framework of which the analysed committees have been established and social partners invited is the most decentralized of all of the operational programmes implemented *vis-à-vis* EU structural funds in Poland. Its programming and evaluation are done jointly by the central and regional level while implementation is delegated to the regional level. The ERDF/ESF–ZPORR is thus by definition classified as a multi-level and network governance enterprise. Its relative institutional "closeness" to the potential beneficiaries, addressees and clients makes it appear more "approachable" and "attractive" for multiple actors, including social partners. By the same reason, it also seems—at least in theory—to leave considerable room for representatives of different stakeholder groups to bargain about and negotiate the ranking of the policy priorities and volume of funding for particular projects.

This impression is reinforced when the three priority areas—1) building infrastructure to strengthen regional competitiveness (with initial allocation of 56% of available funding), 2) strengthening the regional economic base and human resources (with initial allocation of 22,1% of available funding) and 3) local development (with initial allocation of 22,4% of available funding)—are decomposed into more detailed types of project areas admitted for support within the ERDF/ESF—ZPORR framework. The project areas include for instance:

- building and modernizing regional road infrastructure;
- development of systems of communication;
- increasing the level of popular education;
- modernization and extension of cultural heritage;
- development of information society;
- modernization of educational and academic infrastructure;
- building and modernizing of regional health infrastructure;
- improvement of marketing and management capacities of local and regional enterprises;
- restructuring regional economy;
- increasing the investment potential of local enterprises;
- increasing the level of employment;
- improving co-operation and transfer of innovation between regional R&D sector and regional/local enterprises;
- modernization of infrastructure to protect the environment etc. (cf. *Zintegrowany Program Operacyjny Rozwoju Regionalnego 2004–2006*; www.funduszestrukturalne. gov.pl)

It is clear from the listing that bargaining and mutual adjustment within the ERDF/ESF-ZPORR committees could be expected not only in terms of preferential treatment of and recommendation for priorities and project areas but also in terms of the actual shape of concrete projects and the balance between purely economic and social dimensions within them. Therefore, there seems to exist considerable space within which to build the role of civil society actors.⁷

The nation-level Monitoring Committee for the ERDF/ESF–ZPORR was established by 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 allocation between activities. The Committee's aim is also to monitor periodically progress in reaching milestone objectives as regards particular aims of the Programme which are defined in the Integrated Operational Programme of Regional Development and

⁷ For detailed analyses of the structural condition and potential of civil society in Poland see for instance Gliński 2004 and 2006; Gumkowska *et al.* 2006; Gąsior-Niemiec, Gliński 2007.

Supplement to the Programme" (Chodor 2005: 23; *Ustawa...* 2004). Its proceedings are now coordinated by the Ministry of Regional Development which was created in 2005 and took over the role of the main Institution Managing the Programme.

The Committee includes seven representatives of the Polish NGO sector. These were delegated 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] (Chodor 2005: 23–5).

The NGO-related social partners represent members of B&R and academic milieux, 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. Looking at the organizational resources of the delegating NGOs, four Committee members were appointed by powerful, fully professional organizations (i.e. Fundacja Rozwoju Demokracji Lokalnej, Caritas Diecezji Katowickiej, Fundacja Wspierania Inicjatyw Ekologicznych, Federacja Stowarzyszeń Naukowo-Technicznych NOT), two Committee members were appointed by federations of smaller, branch organizations (Krajowe Stowarzyszenie Sołtysów, Stowarzyszenie Organizatorów Ośrodków Innowacji i Przedsiębiorczości) and one Committee member represented a minority organization, which is marginal in terms of both membership and resources (Bractwo Młodzieży Prawosławnej w Polsce) but important in symbolic and political terms as a minority representative.

In general, the composition of the social partner segment of the central level Committee might be interpreted as indicative of conscious attempts to balance the NGO representation in terms of fields of expertise, branch rank, type of resources and political correctness. It could nevertheless also be mentioned that the balance in the social partner representation appears tipped towards so called Third Sector oligarchs, i.e. the most powerful, rich and professional organizations (cf. Gąsior-Niemiec and Gliński 2007). All of the oligarchs not only enjoy a high profile at the central level but also have strong regional representations. Likewise, they have already had a considerable history of public policy involvement both at the central and regional levels. Each separately, they do not, however, enjoy a status of a Third Sector (branch) representative (cf. ibid.).

As far as the actual proceedings of the Committee, during the period of January– November 2005 when the reported EFOP study was conducted (Chodor 2005), the Committee was convened six times. The attendance of the social partners varied but, generally, deteriorated with time. 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 throughout the studied period very low and, again, it deteriorated with the time passed especially when compared with a growing active involvement of other Committee members (Chodor 2005: 82).

Based on the minutes of the Committee's sessions, the social partners took the floor altogether only six times during the period under research, the majority of which took place during the initial meetings. The grassroots local self-government representative (Krajowe Stowarzyszenie Sołtysów) took for instance the floor asking to clarify what were criteria for classifying NGO financial resources as public resources. The Federacja Stowarzyszeń Naukowo-Technicznych NOT representative successfully proposed changes to be introduced to an academic scholarship scheme so that to ensure that not only university students but also high school students were entitled to take advantage of it (ibid.: 23–24). At the end of the first year of the Committee's operation the social partners' participation must, in general, be classified as extremely passive in view of the official records and almost totally inconsequential in terms of shaping the regional (development) policy programme.

Let us now offer a brief overview of the activity of selected regional steering and monitoring committees established within the framework of the same ERDF/ESF– ZPORR Programme. To repeat, the regional committees come into being by motion of regional executive boards and/or regional governors. The basic aim of the committees is to evaluate the projects filed for EU co-financing within the given region and recommend some of them for funding. It needs to be mentioned that prior to the evaluation by the committees, the projects are evaluated by panels of relevant experts in order to rank them according to criteria such as their potential contribution to the development of the region, congruence with regional needs, technical superiority, fit with priorities set in the given regional development strategy and/or National Development Plan.

Therefore, it might be surmised that the process of evaluation and recommendation by the committee could be interpreted as consciously designed to serve additional purposes. The committee members could, for instance attempt to change the expert ranking of projects arguing for/against it on grounds such as projects' beneficial/detrimental social effects, innovative potential etc. We could then reasonably expect that the committees would become sites of struggle, bargaining, persuasion, mutual learning and adaptation where the voice of social partners will be heard. This, however, seems, again, not to be the case.

Even though the regional committees convene sessions at least twice as frequently as the central level committees, the NGO representatives are generally only slightly more active at the regional level than they are at the central level, both in terms of attendance and voicing opinions and filing postulates (Chodor 2005: 24–25; RKM 2005 a,b,c,d; RKS 2005a,b,c,d). Namely, there is only some evidence that in the framework of regional monitoring and/or steering committees the social partners indeed attempted to introduce changes in the allocation schemes and/or ranking of projects to be funded by the ERDF/ESF-ZPORR programme. In many cases the proposed

changes, even when supported by the whole committee, were, however, subsequently disregarded or annulled under the pressure by representatives of public administration (cf. Bojarski 2005; Chodor 2005: 64–69; RKM 2005 a,b,c,d; RKS 2005a,b,c,d). Other categories of Committee members, including economic partners, appear in the light of compiled records multiple times as much active as the social partners representatives of the non-governmental sector (cf. ibid.).

Looking for ways to explain the less than satisfactory level of participation of social partners, we will now turn to 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 inherent in the institutional formula and its operation. Furthermore, they also express some doubts concerning their own capacity to perform the institutional role.

On the one hand, the monitoring and steering committees, especially at the regional level, are often seen by the interviewed social partners as "fig leaves" or "voting machines" to simply legitimise decisions which have been taken already somewhere else (Chodor 2005: 65 and ff; Skotnicka-Illasiewicz 2006:13–15, 22–23). The voice of social partners is said not to be blocked literally but rather disregarded, taken into account selectively or just overruled without any deliberation. Moreover, in many cases if any deliberation takes place, it is perceived as too formalized and misdirected towards technicalities and administrative issues instead of tackling issues such as social costs, public benefit, short and long term effects of projects etc. (ibid.).

On the other hand, many shortcomings are also identified on part of the NGO representatives themselves. Quite often the interviewees admit lack of expertise to deal with the committees' agenda and even postulate that some sort of introductory training be introduced for them before they start taking part in the proceedings. They also admit 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 organizations but from a coalition thereof. Moreover, they hint at questionable representativeness of the NGO representatives, which also acts to the detriment of the social partners' perception and their influence on the proceedings of the committees and other regional policy networks and decision-makers (ibid.).

Finally, it is worth stressing doubts which the interviewed and surveyed social partners have as regards their role in the governance structures such as the committees. In their majority the NGO representatives are uncertain if they should play the role of technical/ policy experts—for which they admit lacking skills—or rather function as guardians of a common good, as "pangs of conscience" to remind the other partners constantly about social costs and civic and moral obligations involved in the policy-making processes (Chodor 2005: 63–64). The uncertainty is aggravated by the fact that "screenplays" and "skills" needed for both types of roles are still missing and

have to be actively construed by them *vis-à-vis* the other types of committee partners and their own respective branch milieus.⁸

Conclusion

In the light of the existing evidence, the co-optation of social partners to the regional (development) policy networks, illustrated by the proceedings of the ERDF/ESF-ZPORR monitoring and steering committees seems not to have produced expected added policy value so far. Their participation and, consequently, impact on the outcomes of the policy processes are of marginal importance. Both because of external blockages and internal structural weaknesses, social partners appear neither truly capable of nor very keen on exerting an impact on the functioning of the committees and thus taking advantage of them to take part in either the (re)shaping of principles, objectives, instruments or, at least, influencing the project selection and allocation processes.

In brief, looked from the point of view of new modes of governance and the role of social partners in them, the experience of the first round of the implementation of the ERDF in Poland could be summed up as disappointing. The social partners may be said to be misplaced within the new governance arrangements. Their misplacement is to an extent due to internal weaknesses of the milieu they represent. However, the deficient legal provisions for their inclusion in the committees weigh on the misplacement heavily. The deficiencies are clearly manifest in the selection criteria used to co-opt social partners, lacking clarity as for their role in the policy networks, and last, but not least, in an ambiguous sitting of the committees within a larger political context.

The larger political context in the country seems still plagued by façade institutionalizations, low trust in principles of consequential public deliberation and subordinating the public policy processes to non-political influence and control (cf. Szomburg 2003; Zalewski 2005; Luft, Wygnański 2006; Woodward *et al.* 2006: 54). Complying with the dominant EU discourse on governance by creating policy networks and paying institutional lip service to principles such as partnership and social dialogue is often undermined by the fact that the networks are circumvented by informal bargaining that takes place away from such institutional arenas.

In the case of regional (development) policy, the failed experience of social partnership within the framework of policy networks has not had a dramatic, socially damaging influence so far on the balance between support for economic competitiveness and social cohesion. On the contrary, the policy in its current shape is commonly criticized for its social and anti-developmental orientation, favouring simple redistribution to planting seeds of sustainable development (cf. Grosse 2004; Rodrigues-Pose, Fratesi 2004). Thus, in a way, in its current shape, the regional (development) policy might appear as not being in an urgent need of social partners' insight and contri-

⁸ In addition, some of the civil society representatives appear to experience a classic Burkean dilemma while participating in the committees: whether to act as a delegate or as a trustee?

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bution. This would, however, seem, a false conclusion bearing in mind the fact that without the insight and contribution, the policy will continue to function as an arena where political voting support is fought for rather than systemic solutions to social problems sought. The underlying logic of the so far failing governance model seems after all necessary to be included in the policy making processes in the long run. It is especially desirable in the case of regional (development) policy where the degree of a mutual recognition of different interests regional stakeholders have, their conception and awareness of a common good as well as the necessity to release cross-sector synergies is still very limited.

It is therefore to be hoped that the experience of the new modes of governance during the first ERDF implementation period will be submitted to systematic self-reflection by the social partners to realize and further specify causes for the current failures and devise steps of improvement in the future.⁹ One of the means to overcome the failures would certainly be to create some working principles and channels of branch and sector communication so as to consolidate the milieus and facilitate establishing criteria for its "representative representation" in the policy networks. Effective communication with the other policy network partners seems another challenge. Its meeting would have to involve means to convince the other policy partners about expertise and worthiness of social partners' participation in the policy-making processes.¹⁰ Finally, some changes in the legal-institutional provisions for the policy networks seem unavoidable. Proposals for those, however, ought to be formulated and insisted on by the social partners themselves on the basis of a policy partner role that they will have to construe for themselves *vis-à-vis* the other policy partners.

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⁹ An increased interest of non-governmental organizations in consultation procedures preceding the final formulation of the National Development Plan and its operational programmes for the second implementation period of 2007–2013 was one sign of the reflection process indeed taking place (cf. an OFOP summary available at www.ngo.pl).

¹⁰ Indeed, based on current selective research on the opinions of public administration actors, social partners are not treated as serious policy partners (cf. Skotnicka-Illasiewicz 2006: 22–23).

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