METROPOLITAN GOVERNANCE: CASE OF THE REPUBLIC OF POLAND

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Abstract - Urbanized areas, and metropolitan areas in particular, are playing an increasingly important role in socio-economic systems. This is a global trend that has been written about many times. They have huge demographic and economic potential, are well connected within countries and in international relations, and house many scientific and cultural institutions. So it is important to manage this "metropolitan resource" well. The term "metropolitan governance" appears in the literature in this connection. The history of the metropolis of the Republic of Poland is very difficult. They were completely destroyed during World War II - the destruction affected both buildings and local communities. During the period of the Polish People's Republic (communist regime), central state policies were implemented. The cities were rebuilt, but based on a defective development model. In contrast, the first years of sovereignty of the Third Polish Republic saw a strong turn towards capitalism and a free market economy - too strong. Recent decades have stabilized the position of the metropolis in development policy, the socio-economic system. A stronger culture and local identity has also begun to emerge.Unfortunately, state power has not been able to establish any system of metropolitan management. The metropolitan debate has been ongoing since 1989. Since that year, 25 metropolitan bills have been drafted. But the system is still lacking. Only one Polish metropolis has "dedicated" legal solutions - the Upper Silesian and Zagłębie Metropolis (Katowice). The others use various “temporary” solutions. The current law does not correspond to reality.In the paper, the author will present key challenges and barriers to the development of Polish metropolises, with a focus on political and legal aspects.

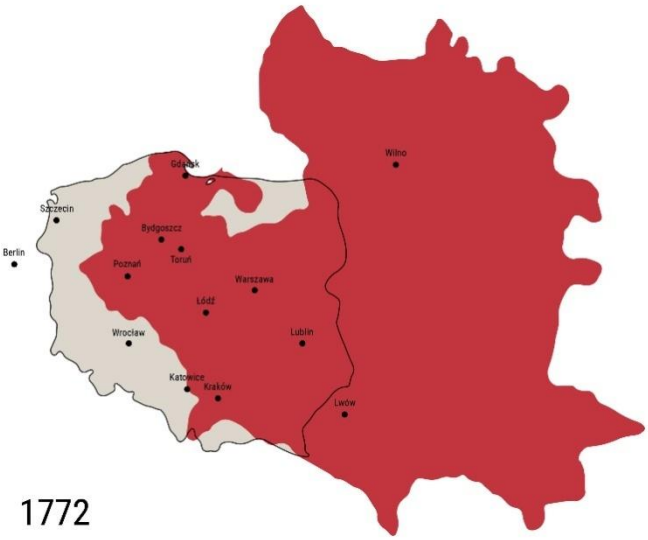
Keywords - Metropolitan Governance, Metropolitan Self-Government, Metropolitan Areas

I. INTRODUCTION

The Republic of Poland is a country with a population of 37.75 million people[1] . As the Central Statistical Office indicates, about 60% of the population lives in cities, and about 40% of the population is rural[2] . Analyzing historical data, one should come to the conclusion that the population of small, medium and large cities has definitely increased over the past decades. At the same time, since the '90s, the syste m of territorial administration, including the system of local government, "does not see" the above phenomenon. In fact, it has never been possible to create a system of management of urbanized areas - metropolitan and agglomeration areas - of real significance. The metropolitan debate is ongoing, many draft metropolitan laws have been shown, but the most important thing is still missing - metropolitan management (and the relevant legal basis).

II. A DIFFICULT HISTORICAL LEGACY

One should not justify everything with history - but it is difficult in the case of the Republic of Poland to overlook historical arguments. They are definitely stronger than other arguments. History has strongly left its mark on the present - on the state system, on the political culture, on the administrative division, on the settlement network as well. Therefore, some key historical information will appear at the beginning of the article. The history of the development of metropolitan institutions is long and goes back many decades (and sometimes centuries). Suffice it to give the examples of London or Paris, whose political distinctions have been formed since the modern period, with great dynamism in the 19th century. Polish metropolises could not evolve, because they had to fight for existence (literally). Starting in the 18th century, their nationality (and therefore the legal systems under which they functioned) changed repeatedly. In the 20th century, many of them were completely destroyed. Therefore, for good measure, the metropolitan issue began to be discussed relatively recently, in the 1990s - from scratch, without systemic traditions, institutional continuity and democratic experience. The following table - in some abbreviated form - shows and discusses the key issues.

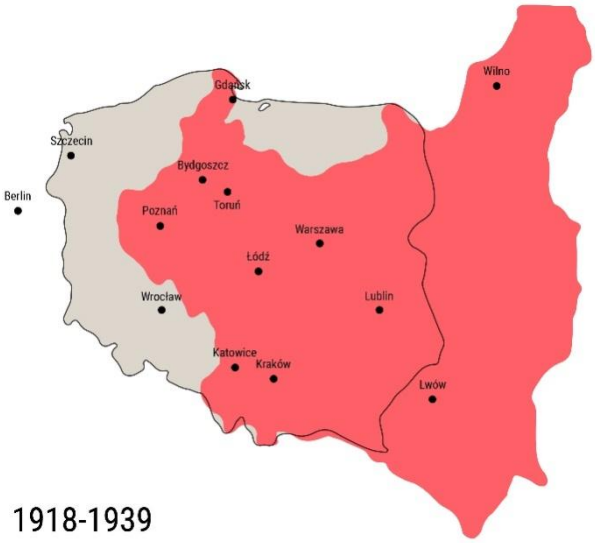


Before 1772, the Republic of Poland was the largest country in Europe, covering some 1,000,000 square kilometers - in time giving way to first place Russia. In 1772, the First Partition of Poland took place, involving Russia, Prussia and Austria. In 1793, the Second Partition of Poland took place, involving Russia and Prussia. In 1795, the Third Partition took place, which ended the existence of the Polish Republic for 123 years. It again involved three countries.

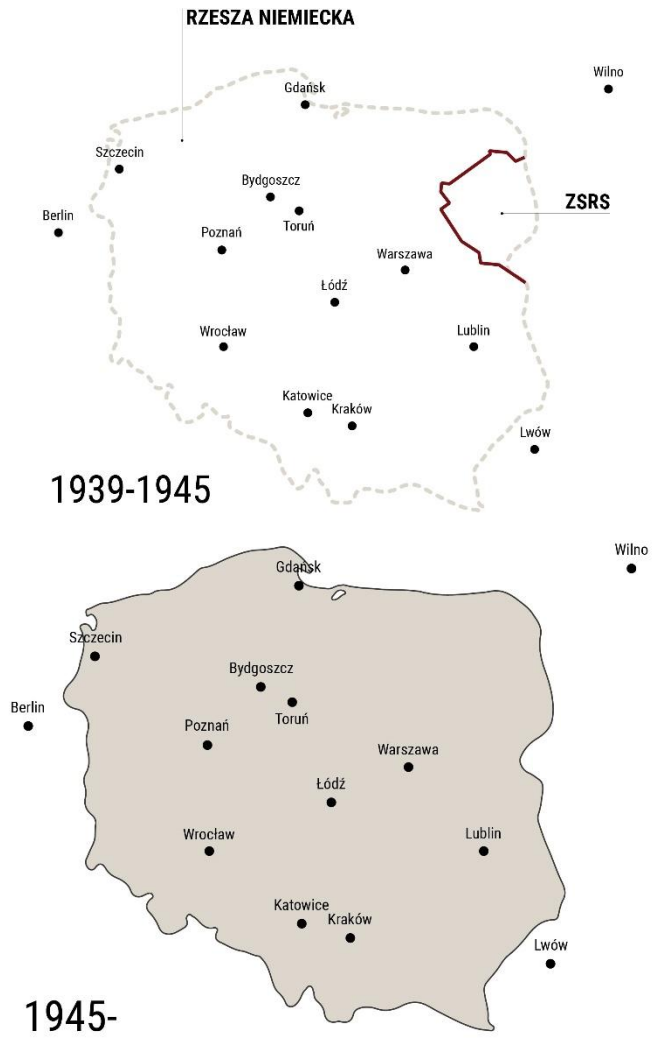
Before the First Partition, the key metropolises - for politics, economy and culture - were Warsaw, Cracow, Poznan, Lublin, Gdansk, Vilnius, Lviv and Torun. Lodz or Katowice were not of significant importance. Wroclaw and Szczecin did not belong to Poland.
Legend:
- gray color - the current borders of the III Republic of Poland;
- red - the borders of the I Republic of Poland.



In 1795, the so-called Third Partition of Poland took place. Between 1795 and 1918, the Republic of Poland did not exist - its territory was divided between three countries: Russia, Prussia and Austria.
Russia got such metropolises as Warsaw, Lublin, Vilnius and Lviv.
Prussia obtained: Gdansk, Poznan, Torun and Bydgoszcz.
Austria obtained: Krakow.
Wroclaw and Szczecin belonged to Prussia before partition, so their nationality did not change.
Lodz and Katowice, on the other hand, were neither large nor economically strong urban centers.



As a result of World War I - after an absence of 123 years - the Polish state returned. The so-called II Republic of Poland referred to the I Republic of Poland (before 1772), although it was much smaller than it. However, all key metropolises returned to Poland: Warsaw, Cracow, Poznan, Lublin, Vilnius, Lviv, Torun and Bydgoszcz, as well as Lodz or Katowice.
The exception was Gdansk, which did not return to the Republic of Poland, but became a so-called free city operating under the supervision of the League of Nations. The Gdansk authorities in the interwar period pursued a de facto anti-Polish policy, which necessitated the Polish authorities to build a port and later a city in Gdynia.
Wroclaw and Szczecin were still not part of the Republic of Poland; they were, except in the medieval period, Prussian and then German cities.
Legend:
- gray color - the current borders of the III Republic of Poland;
- red - the borders of the II Republic of Poland.



During World War II, the Republic of Poland once again disappeared from the world map. This time the absence lasted only six years (1939-1945), but its effects were far-reaching. First of all, the results of hostilities killed 6,000,000 Polish citizens (out of a population of about 35,000,000), and after the war many lost their nationality.

The above has enormous significance for culture as such, including so-called urban culture. In addition to the above, many Polish cities were completely destroyed as a result of the war effort. Krakow survived without major losses. Warsaw and Gdansk were completely destroyed (more than 90% of urban buildings were destroyed). In essence, the question should be asked whether Warsaw and Gdańsk after 1945 are the same cities as before, or perhaps new cities, only located in a similar place.

World War II resulted in the establishment of the Polish People's Republic - a satellite state of the Soviet Union, with a much smaller area and a strong westward shift.

Cities such as Warsaw, Krakow, Poznan, Lublin, Torun, Bydgoszcz, Łodz, Katowice and - for the first time since 1793 - Gdansk returned to Poland.

As a result of the war and the shift of the state to the west, Szczecin and completely destroyed Wroclaw were also included in Poland. Although both towns belonged to the Kingdom of Poland in the middle ages, in the modern period they belonged to Prussia and Germany.

In turn, Poland irretrievably lost two extremely important centers - Vilnius and Lviv (today belonging to Lithuania and Ukraine, respectively).

Table 1. State affiliation of Polish metropolises
Source: own study.

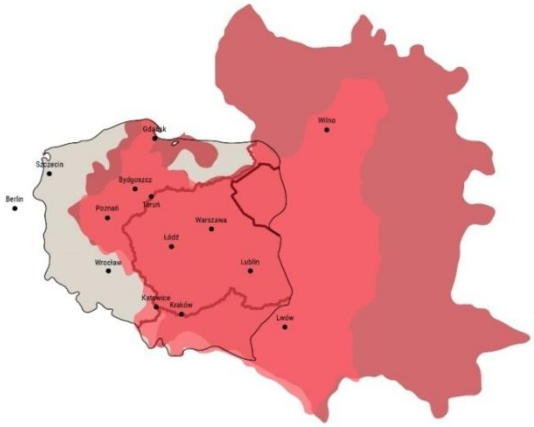


Table 2. Comparison
Source: own study.

II. THE ROAD OF LOCAL GOVERNMENT REFORMS

The border in the history of local self-government in the Republic of Poland was the Second World War. The Polish People's Republic was a non-democratic and centralized state. There was no place in the state system for local self-government, including metropolitan self-government. The restitution of local self-government became possible only after the fall of the military junta in 1989, thanks in particular to the deliberations of the so-called Round Table (February 6-April 4, 1989) and the Contract Elections (June 4, 1989), which enabled the reform of the system. The road to local self-government was long and consisted of many stages:

- 1990 r. - On the initiative of Tadeusz Mazowiecki's government, the Sejm of the Republic of Poland passed a law on local self-government, which is still in effect today, although in a changed name (the Law on Municipal Self-Government); the law restored municipal self-government;
- 1992 r. - The Sejm of the Republic of Poland passed the Constitutional Law on Mutual Relations Between the Legislative and Executive Powers of the Republic of Poland and on Local Self-Government (the so-called Small Constitution);

- 1994 r. - The Sejm of the Republic of Poland ratified the European Charter of Local Self-Government; Poland was one of the few countries to ratify it in its entirety;
- 1997 r. - The National Assembly passed the Constitution of the Republic of Poland, the bulk of whose regulations concern standards and guarantees for local government;
- 1998 r. - On the initiative of the government of Jerzy Buzek, the Sejm of the Republic of Poland carried out the so-called local government reform, which consisted of a number of legal acts, including the Law on County Self-Government and the Law on Provincial Self-Government, which created county and provincial self-governments.

According to M. Ofiarska: "Shortly after the restitution of local government at the municipal level in 1990, the consequences of adopting the concept of a unitary municipality (which did not take into account the differences between individual municipalities, and which resulted in particular from their urban or rural character, size and ability to carry out various public tasks) and its negative impact on the functioning of large cities were recognized. During this period, work was carried out to carry out another reform of public administration, and new systemic solutions were sought for large cities in order to prepare them to perform the functions of cities equated with counties in the future"[3] . However, no initiative came to fruition.

While assessing definitely positively the administrative reforms of the era of systemic transformation, it should be noted that they were conservative in nature. This is because they did not take into account the latest phenomena shaping the nature of local government type entities, including: (1) regionalization and (2) metropolization . As a result, the position of regional self-government is undefined and weak, and metropolitan (or even agglomeration) self-government on a national scale is missing altogether. Thus, the "third step" (after the first in 1990 and the second in 1998) was missing. According to H. Izdebski, "Warsaw, but also other major cities, are still waiting for appropriate systemic solutions, taking into account both their specifics and abundant foreign experience. The 1998 reform not only failed to solve the basic problem of Polish metropolises, but by introducing a mechanical three-tier administrative division, it significantly increased these problems"[4] .

According to the Constitution of the Republic of Poland, local self-government is the basic form of decentralization of public power. The legislator, while introducing many constitutional standards, did not determine the detailed solutions, leaving a sizable part of the matter to be regulated by ordinary law (the parliament has a great deal of freedom in creating the system of local self-government). However, without going into detailed considerations, it would be appropriate to make a synthetic characterization of the Polish model of local self-government. Basic features:

- decentralized nature - local self-government is treated in terms of the basic form of decentralization of public power;
- tripartite (three-tier) - as the administrative-territorial structure is co-created by the municipality, county and province; with only the municipality and the province (treated in terms of a regional self-government unit) having an obligatory character;
- limited dualism - full government-local government dualism occurs only at the voivodeship level, where a regional government functions alongside the "government" voivode;
- uniformity of solutions - as a rule, the organization and functioning of the local government of a given level is standardized in the same way;
- guarantee of self-government units' independence and its legal protection - independence strengthens the position of local government units vis-à-vis government administration bodies, but is not unlimited;
- supervision limited to the criterion of legality - supervisory bodies verify only the legality of the activity of the local self-government units, both in the process of implementing own tasks and commissioned tasks (other criteria, i.e. purposefulness, reliability, economy, are legally inadmissible).

It is worth focusing attention on the principle of uniformity of solutions. This principle causes that the organizational and functional solutions in the field of local government are - on a national scale - unified, almost identical. The principle in question is absolute at the level of voivodships, and relative (since it experiences exceptions) at the level of counties and municipalities. Restrictiveness of the legislator in realizing the principle of uniformity of systemic solutions raises certain doubts.

In particular, separate regulation of agglomeration and metropolitan areas - large urban centers and their functional areas - seems justified. H. Izdebski is of the opinion that: "At least as far as large urban agglomerations are concerned, adherence to this principle must be considered at least questionable"[5] . Similarly, A. Krześ believes: "The need to regulate by law the principles of metropolitan areas in the administrative structure of the country is obvious. Local authorities cannot cope with supra-local management, as there are no adequate legal and economic instruments"[6] .

Also M. Ofiarska thinks that: "Since the restitution of local self-government in Poland in 1990, its system has been subject to certain evolutionary processes. This process is not finished, although it is widely recognized that the most important organizational and functional problems have already been solved. One of the fundamental problems analyzed in recent years in the doctrine is the question of the system of metropolitan areas, metropolises and agglomerations (formerly large cities). The problem is universal, interdisciplinary and complex, as evidenced, among other things, by the attempts made for a quarter of a century to adopt systemic systemic solutions for large cities and their surrounding municipalities (the need to formulate special solutions for urban areas was already expressed during the work on the draft law on local government)"[7] . Or, finally, J. Krukowska and M. Lackowska: "Since the 1990s, there have been "metropolitan" legislative initiatives, undertaken both by local communities associated with individual metropolitan areas and by central institutions, but none has gained wider recognition"[8] .

III. THE AWAKENING OF THE METROPOLIS

The issue of metropolitan reform has become a permanent fixture in the public debate. From the 1990s to the present day on average every few years various political, local government and expert circles take initiatives aimed at regulating the matter in question. Among the proposals taking the form of a bill would be the following:

- the draft law on the Group of Warsaw Municipalities and on the system of the Capital City of Warsaw (1994);
- a draft law on the Warsaw Capital District (2000);
- a bill on the organization of the capital city of Warsaw and the Warsaw Municipal Complex (2001);
- a draft law amending the law on the introduction of the basic three-tier territorial division of the state (2005);
- A bill on the creation and performance of tasks by agglomeration associations (2007);
- draft law on urban development and metropolitan areas (2007);
- draft law on urban development, regional development centers and metropolitan areas (2008);
- draft law on Regional Municipal Union "Silesia" (2008);
- draft law on urban policy and cooperation of local government units in this regard (2008);
- draft law on state urban policy and cooperation of local government units in this regard (2009);
- Draft law on the metropolitan district of Upper Silesia and Zagłębie (2012);
- Draft law on cooperation in local government for local and regional development (2013);
- Draft law on the metropolitan district (2013);
- draft law on the Poznań Metropolitan Union (2016);
- Draft law on a metropolitan association in the Pomeranian Voivodeship (2016);
- draft law on the organization of the Capital City of Warsaw (2017);
- draft law on urban development and metropolitan areas (2017);
- draft law on the Wrocław Metropolitan Union (2018);
- draft law on the Lodz Metropolitan Union (2019).

The indicated enumeration is not closed.

Analysis of the presented draft laws leads to a number of conclusions. First of all, two dominant trends emerge in the legal regulation of the organization and functioning of metropolitan self-government:

- the creation of a metropolitan local government unit (e.g., a metropolitan district) - a new local government unit of a local nature, with separate legal subjectivity, autonomy and authority, whose officers would come from universal and direct elections;
- establishment of a metropolitan association of local government units (e.g., a metropolitan team, a territorial cooperation team, a metropolitan association) - which is a generic form of a municipal association, in principle having a mandatory character, whose authorities would include delegates of the associated municipalities and counties.

After years of effort, the "metropolitan" law came into force on January 1, 2016. The Law on Metropolitan Associations of October 9, 2015[9] was the first legal regulation of a universal and framework nature, which allowed the creation of metropolitan self-government in the form of metropolitan union (unions of municipalities and counties). The law was in effect for 2 years, but was never applied. The new parliamentary majority and the new government (Law and Justice Party) were not interested in metropolises. The Council of Ministers never issued the necessary regulations, making the law "dead."

The above law was replaced by the so-called "Silesian Law." The law of March 9, 2017 on the metropolitan union in the Silesian Voivodeship[10] allowed the establishment of only one metropolitan union - in the Silesian Voivodeship, for the functional area of Katowice. The "Silesian" law does not bring any novelty. It continues the systemic solutions contained in the previous law, making a few minor adjustments. The Upper Silesian-Zagłębie Metropolis is an union of local government units, consisting only of municipalities. According to the law, the metropolitan union performs tasks in the following

areas: socio-economic development, spatial planning, organization of public transportation and mobility, promotion of the area. However, due to a lack of competence, many tasks cannot be effectively implemented (for example, metropolitan spatial planning is de facto non-existent).It was equipped by the legislature with separate legal subjectivity and authorities, which are:

- the union's assembly - is the legislative body, consists of representatives of municipalities (mayors);
- the board of directors - is the executive body, is elected by the assembly.

In the 2014-2020 financial perspective, the European Commission proposed to member states the possibility of implementing cohesion policy through a new legal instrument - integrated territorial investments. In the end, it was decided to impose on 17 provincial cities the obligation to manage part of the EU funds in the 2014-2020 financial perspective in this formula. In the Republic of Poland, there were essentially no metropolitan structures - either in the form of municipalities or their associations, or even "ordinary" associations, which made it necessary to quickly establish such. Only in a few metropolitan areas were there institutions capable of performing the functions of a z.i.t. union. Thus, it should be noted that the opportunity to obtain additional funding influenced integration, as each of the voivodship cities established their own integrated territorial investments union. However, it should be noted that integrated territorial investments unions implement only infrastructural projects financed from the European Union budget, while they do not carry out other public tasks and do not have any sovereign powers. Thus, they can be treated in terms of an "impulse" to tighten cooperation, but not the target metropolitan structures.

IV. SUMMARY

The political transformation, after more than five decades, brought the restitution of local government institutions. In 1990, municipal self-government was restored, while in 1998. - already after the enactment of the Constitution of the Republic of Poland, district self-government and provincial self-government were established. The self-government reform - although by all means justified and evaluated positively - did not take into account two phenomena important for territorial self-government: regionalization and metropolization. The metropolitan issue, despite the passage of successive decades, still remains unsettled. Although systemic concepts or even draft laws have appeared, but in systemic terms metropolitan cities and their functional areas still lack "tailor-made" (social needs and expectations) organizational forms.

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