

Civil society and democratic consolidation in Poland

ENGOS and the programming of EU funds

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Abbreviations

CF: Cohesion Fund

CSO: Civil Society Organisation

EEA: European Economic Area

EIA: Environmental Impact Assessment

ENGO: Environmental Non-governmental Organisation

GDDKIA: General Directorate for National Roads and Motorways

MoE: Ministry of Environment

MoTC: Ministry of Transport and Construction

NFEP&WM: National Fund for Environmental Protection and Water Management

NDP: National Development Plan

PiS: Law and Justice Party

PKP: The Polish State Railways

PZPR: Polish United Workers' Party

SEA: Strategic Environmental Assessment

SF: Structural Fund

SOP: Sectoral Operational Programme

SLD: Democratic Left Alliance

VFEP&WM: Voivodship Fund for Environmental Protection and Water Management

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Introduction

Europe has not let Poland and the Poles down. It is now up to us to shoulder the responsibility for a proper use of the sizable financial assistance from the EU. Let us implement the vision of a strong Poland in a strong and solidarity-bound Europe (Kwaśniewski 2005).

1.1 Main objective of the thesis

On 31 August 2005, political leaders from all over Europe gathered in Gdańsk, Poland, to celebrate the twenty-fifth anniversary of the strikes and demonstrations that won Poles the right to form independent trade unions that led to the Solidarity movement, so important for mobilising the Polish populace in order to end communism. Lech Wałęsa fiery and engaging speeches from on top of the main gate of the Lenin Shipyard in Poland's Hanseatic port town of Gdańsk captivated a large part of the Polish population, from professors and priests to proletarians and punks. 10 million Poles were members of Solidarity until it was forbidden in December 1981. The political leaders present in Poland for the anniversary were not only remembering a proud moment of Polish history. The presences of Viktor Yushchenko and Mikheil Saakashvili from the Ukraine and Georgia reminded us that much work is left regarding the democratisation of our continent (The Guardian 2005).

Similar scenes as those from the joyful anniversary of Solidarity in August 2005 took place a year earlier, on 1 May 2004. On this day Poland formally entered the European Union (EU) together with 7 other post-communist countries,¹ Malta and Cyprus, having in many ways completed the democratic transition by meeting the *Copenhagen criteria* after over a decade of restructuring and economic, political, and social reforms. These criteria, that accession countries have to implement in order to qualify for EU membership, were laid down at the Council of the EU in Copenhagen

¹ Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia.

in 1993, and involve political and economic and legislative alignment with the *Acquis Communautaire* the total body of EU law.² Apart from within some policy areas where an intermediary phase is still in force,³ the new EU members from Central Europe and the Baltic states, known as the EU-8, are now legally integrated EU citizens with votes in the European Parliament, politicians and bureaucrats in Brussels, large numbers of EU directives to implement and great sums of EU funding flooding into the national budgets through Cohesion and Structural Funds. The EU enlargement in May 2004 celebrated an important milestone for the transformation of the EU-8 into liberal democracies, and served as a reminder of how the promise of an EU membership can have a strong democratising effect, relevant for discussions on future enlargement in the Balkans and Turkey, after Romania and Bulgaria join the EU in 2007 or 2008.

1.1.1 Democratic Consolidation

Rome wasn't built in a day — neither the city nor the treaty — and the same goes for the democratisation processes in the post-communist EU states.⁴ After the wall is torn down, the parliament stormed and the new constitution signed, the substantive, “fine-tuning” of *democratic consolidation* commences so that: “*democracy becomes routinized and deeply internalized in social, institutional, and even psychological life, as well as in political calculations for achieving success*” (Kaldor & Vejvoda 1999:3). Like the passionate mechanic who spends countless hours under the bonnet of his vintage sports car adjusting the engine to get the best possible performance, democratic tuning is a long process that is expected to take more than the 15 or so years from the end of communism to the EU integration on 1 May 2004.

² The Council of the EU is referred to as the *Council* in the text below, while the *Acquis Communautaire* is solely the *Acquis*.

³ The post-communist EU members have still not signed the Schengen Agreement, and for the moment they neither have the single currency nor the same rights as older members for working abroad in most other EU countries.

⁴ The Treaty of Rome established the European Economic Community, and was signed on 25 March 1957 by the same 6 Western European States that started the European Coal and Steel Community in 1951.

In this respect it is important to make the distinction between democratic *transition* and *consolidation*. A standard perception is that democratic transition is completed when:

Sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government *de facto* has the authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies *de jure* (Linz & Stepan 1996:3).

The fine-tuning that remains, the democratic *consolidation*, is a longer process incorporating the many extra tasks that need to be accomplished, habits and conditions that must be firmly established before democracy truly can be perceived as, in Linz and Stepan's words: "the only game in town." They have offered a conceptual framework for studying democratic consolidation that has become widely influential. Linz and Stepan suggest that consolidation combines behavioural, attitudinal and constitutional dimensions, and that conditions must exist for the sustainability of five interacting arenas, that reinforce each other in order to consolidate the democracy. These arenas are: a free and lively *civil society*, an autonomous *political society*, *rule of law*, a *state apparatus* and an *economic society* (Linz & Stepan 1996).

In this thesis I study such consolidation and inter-arena interaction in an EU Member State with an authoritarian legacy, in order to conclude that work must still be done to improve the cooperation and dialogue between the different democratic arenas regarding the implementation of EU Funds. Ever since the end of communism in 1989 joining the EU has been a fundamental motivation for this consolidation as Poland and the other EU-8 countries have been working hard at implementing EU policy in order to fulfil the membership criteria and modernise their communities, often physically and mentally run down after 44 years of communism. The pre- and

post-accession financial aid⁵ is such policy, where national and regional government is asked to establish and administer EU projects in an efficient, transparent and consolidated fashion, through constructive cooperation and dialogue with the whole of society. The EU Funds are extremely important for the EU-8. Set up for the period after accession in 2004 until the new EU budget commences in 2007, these funds are to implement over € 12.8 billion from the EU budget in Poland alone, through mainly Cohesion and Structural Funds (NSRF 2005).

1.2 Partnership — the dependent variable

The dialogue that is expected with society is exemplified by the *partnership principle*. Stated in Article 8. of Council regulation (EC) No 1260/1999 setting up the Structural Funds, this principle invites social and economic partners from a broad range of stakeholders, such as non-governmental organisations (NGOs), trade unions, local authorities and business interest groups, to help plan, implement and monitor the funding schemes, and in that way create:

A wide and effective association of all the relevant bodies, according to national rules and practice, taking account of the need to promote equality between men and women and sustainable development through the integration of environmental protection and improvement requirements (Council of the EU 1999).

Sticking to this partnership principle is by no means always easy. It craves patience, good behaviour and a will to compromise of all those taking part, if a community is going to decide on unpopular but necessary projects. On the other hand, a broad partnership with the whole of society increases the legitimacy of the decisions finally made, improves transparency and helps democratic consolidation by strengthening the interaction between different arenas of society.

⁵ ISPA, SAPPARD and PHARE are examples of pre-accession funds while Cohesion and Structural Funds are main sources of funding after accession in 2004

This interaction is especially interesting to study in post-communist states, as partnership and pluralism are often understood as democratic values, not easily installed in a new regime over night, and even confused by similar values and partnerships that existed within and between the various arenas during communism. Civil society is an interesting focal point in this sense since its independence was mostly disallowed during communism and thereby not seen as a partaking arena in a liberal democratic sense. On the other hand civil society was strong and lively in its own antiauthoritarian way, and helped bring democracy to communist Europe at the end of the 20th century. After democratic transition and EU membership we can therefore expect partnership and civil society itself to be both better and worse off in Poland and the EU-8 than in other Member States, where the citizens have not recently had to struggle for democracy. This brings me to the description of my research question.

1.3 My research question

The exact question I am posing is how democratic consolidation, or the lack of such consolidation effects the participation of environmental non-governmental organisations (ENGOS) in the programming of EU Funds in Poland.

By *programming* I mean the planning phase of EU Funds, including the selection process for choosing funding beneficiaries. This selection process is often referred to as “implementation”, but in this thesis it is studied as part of the programming phase. Generally speaking then, I am studying how the ENGO sector is consulted regarding the planning of EU Fund spending.

Participation is in this sense a broad description that includes consultation on both individual projects and the setting up of the funding schemes as described in the programming documents for the EU Funds, e.g. the Polish National Development Plan (NDP) and its legal act from 20 April 2004. As a special case I will also study

the participation of ENGOs in steering committees set up for project selection for the Cohesion Fund (CF).

Environmental non-governmental organisations (ENGOs) are central and well organised representatives of civil society, actively taking part in the programming of EU funds at both a regional, national and international level.

EU Funds is a term I use for Cohesion and Structural Funds. As I am focusing on the environmental, public advocacy groups in civil society it is interesting to study funding that either negatively affects the environment in some way or deals with environmental issues directly. The Cohesion and Structural Funds are such financial mechanisms, directly supporting the construction and modernisation of roads, railways, dams and other big infrastructural developments. In wider terms these funds are supporting economic growth and increasing the standard of living, issues that also relate to environmentalism. These funds are also by far the largest EU Funds, redistributing a third of the EU budget.

Democratic consolidation is the interaction between the ENGOs in civil society, and the political society, rule of law, state apparatus and economic society. I have restricted myself to studying how the variables given to me by Linz and Stepan's democratic consolidation framework affects ENGO partnership in EU Funds in order to keep to what is at least the outline of a path through a potential minefield, and to what can be a constructive way of understanding a complex issue such as democracy.

1.4 Contextualising my study

Studying the “indirect” effects of EU policy on civil society as caused by the partnership in programming EU funds is interesting since it helps describe the relationship between economic growth and societal development on the one hand, and the development of political democracy on the other. A rush has taken place in the EU-8 countries to catch up economically and socially with the EU-15 that might

involve cutting some corners on time consuming, but important democratic processes like the partnership principle.

The post-communist role of the traditionally strong elements of civil society in the EU-8, like the Catholic Church and Solidarity movement in Poland, is also less clear and even perceived as weakened after the fall of communism in Europe. This can partly be explained by the fact that civil society during communism was often of an antiestablishment character, creating an “us” vs. “them” barrier between civil society and the authoritarian regime. With the introduction of democracy, one could no longer place all the blame on “them”, and the internal conflicts within civil society began to materialise (Ost 2005).

In a western liberal democratic tradition on the other hand, civil society has a long tradition of being in a triangular relationship with state and market. In this perspective all three sectors are autonomously cooperating and checking each other, creating an efficient society and limiting government power. This can be perceived as having created a power structure that is more horizontal and decentralised than in authoritarian or totalitarian regimes. Although, such a western system can be said to especially favour the market more than civil society, such a notion of de-emphasizing government and letting the market take charge of certain policy areas, can also be seen as favourable to the social sector. In such a liberal political sense civil society is believed to promote transparency and efficiency regarding the implementation of local, national or international policy, in the same way as for example including the private sector in the running of domestic public services is seen as promoting these values. The epitome of this argument can be made for implementation of humanitarian aid in third world countries, where financing civil society in the form of aid agencies is sometimes regarded as the only way to ensure that people receive help in the face of a corrupt, undemocratic regime.

The European Commission has seen the need to cooperate more with civil society as well as with local and regional government as part of strengthening EU democracy, and released its white paper on governance in 2001, in order to spark the debate.

There seems to be an array of persistent problems concerning the fundamentals of EU governance such as the *community method*, the institutional modus operandi operating for most EU policy, also European integration. In this sphere the European Commission acts as an executive with right of initiative, while the European Parliament and the Council have joint co-legislative roles. This is supposed to be effective and fair for all parts involved, but with almost 460 million EU citizens in 25 Member States of different shapes and sizes, there's bound to be trouble. Europeans will easily feel alienated from politics in Brussels, resulting in them not taking a great deal of interest in European policymaking. The exception to this trend was the referendums on the European Constitution in 2005, where a majority of voters in France and the Netherlands had opinions about the future of the Union, and consequently rejected the constitution. The irony being that this constitution was created as the single most important way of improving the EU's governance problems (European Commission 2001).

The white paper from 2001 does not propose the dramatic strengthening of the role of civil society in EU processes, as it is perceived to be the individual Member State's responsibility to include this sector in policy making. Still, the paper suggests more partnership arrangements for consultation with local partners and more flexibility for how EU legislation can be implemented in a way that takes account of local conditions and civil society (European Commission 2001).

1.5 The subject of analysis — ENGOs as social partners

My dependent variable “partnership” will be approached through a case study of how Polish ENGOs are adapting to life in the EU, more specifically how they experience such *capacity building* and *partnerships* with government, the business sector or other NGOs, through the programming of EU funds relevant for the environmental sector.

The term “NGO”, which is often liberally granted to all sorts of organisations that are not governmental, is understood here as the public interest advocacy dimension of civil society rather than a regular membership organisation. An ENGO in this respect is an organisation (or a federation of organisations) that spends its time lobbying in the political sphere, being a watchdog of government policy, taking part in the public debate and educating citizens on topics it finds important and relating to the cause of environmentalism and sustainable development. Although the NGO sector is often portrayed as a central part of civil society, it is important to stress that NGOs neither share the broad cooperative ethos of collectivism among themselves, nor have the wide enough community support to be regarded as the direct incarnation of civil society. On the other hand these interest advocacy organisations show us the potential of civil society and are crucial to democracy because they seek to influence governmental policy on specific issues (Mendelson & Glenn 2002; Whitehead 2002:68).

A reason for focusing on organisations that seek to influence at a governmental level is that a serious lack of political trust is expected in young and not fully-consolidated democracies. NGOs in post-communist Europe are expected to be very sceptical of the political society and state apparatus, while politicians and bureaucrats are thought to have more problems accepting nosy and critical NGOs than apolitical and harmless civil society organisations (CSOs) like youth clubs, or neighbourhood and recreational organisations. Although not directly applicable to Poland, a bill passed in the Russian Parliament (Duma) on 23 November 2005 restricting foreign NGOs in Russia on the ground that these were infiltrating Russian politics, exemplifies my idea that young post-communist “democracies” can have a tendency to approach power and governance in a vertical way, seeing NGOs and civil society as foes or competitors, rather than friendly team players (Associated Press 2005).⁶ The role of Solidarity and the Catholic Church in bringing down communism in Poland as

⁶ Linz and Stepan’s *Democratic Threshold Rating* aggregates civil liberties and political rights in different post-communist countries. Russia is ranked as a borderline case while Poland is above the democratic threshold (1996:447).

described in chapter 3 is a good example of the threat that a strong civil society can pose to an authoritarian regime.

Including ENGOs in the important decisions that have to be made regarding Cohesion and Structural funds is important since they will be able to contribute technical or environmental competence, or local knowledge, that can be extremely important for the success of a proposed project, and even for the wellbeing of the whole region involved⁷. The environmental partners are not only verifying that the funding is implemented in accordance with both Polish and EU environmental policy, but partnership in itself entails a flow of information that creates transparency regarding who is taking which decisions and what money is being spent where. At the end of the day this openness is paramount for hindering corruption and mismanagement.

On the other hand ENGOs are potential troublemakers that can slow down or sabotage an important project with their lack of will to compromise, naive bickering or concrete idealism. The liberal democratic triangular cooperation between state, market and civil society is expected to be especially difficult in EU-8, since ambitious goals of economic growth for combating unemployment and speeding up modernisation will often clash with interests promoting environmental sustainability, in a region of Europe that already has a legacy of environmental issues and potholed roads to deal with after over 44 years of communism.⁸

The important values of environmentalism and sustainable development, advocated by ENGOs and other CSOs within this field are reasons in themselves for focusing on the interaction of these organisations with EU funding. Consumption is dramatically on the rise in the EU-8, matching the sharply increasing GDP pr capita in purchasing power standards (PPS). Polish purchasing power is now at approximately half the

⁷ “Fallout” in the environmental policy area is never entirely local. The Byelorussians certainly realised this after the accident at the Chernobyl nuclear power plant across the border in the Ukraine in 1986.

⁸ Poland has the highest unemployment in the EU, with over 17.4 % unemployed in November 2005. For young adults under 25, the figure is 37 % (Eurostat 2006)!

EU-25 average, currently held by Spain and Italy (Eurostat 2005).⁹ In these budding consumption societies, new issues of traffic congestion and waste management are already surfacing. It is a pity if this part of Europe has to make the same mistakes as Western Europe has made before the importance of sustainable development and environmental protection is acknowledged. As of today Poland has modified smaller part of its natural environment than most other EU Member States, and Poles produce only half the amount of waste as Western Europeans. Environmentalists see this historical underdevelopment as a unique feature that can give growth to new sectors such as eco-tourism and organic farming (NSRF 2005).

For the EU as a whole environmentalism and sustainable development took an important turn with the adoption of the Sustainable Development Strategy (SDS) at the Council summit in Gothenburg in 2001. Since then it has been a proclaimed goal to make sure that the three pillars of economic, social and environmental sustainability go hand-in-hand and mutually reinforce each other in all EU policy (European Commission 2001). This goal has also made its mark on the Cohesion and Structural Funds, and the partnership principle of including economic and social partners is part of this argument regarding sustainability.

1.6 Relevant background information on Poland

1.6.1 Poland and the EU Funds

Over 38 million people live in Poland, approximately half of all the new EU citizens from the enlargement in 2004. Geographically Poland is the sixth largest country in the EU-25, and the second poorest after Latvia concerning GDP pr. capita. Poland is therefore naturally enough the largest recipient of EU funding. From accession in

⁹ The figures for 2003 and 2004, show an increase in GDP-PPS in all new EU Member States except Hungary and Slovakia that remained stable at 60 and 52 % of EU-25 average purchasing power. Poland's purchasing power had increased from 47 to 49 % of EU-25 average (Eurostat 2005).

2004 until the end of this budget period in 2006, over € 12.8 billion from the EU budget will be spent together with Polish funding on implementing the NDP valued at € 17.6 billion. € 8.3 billion of the EU financing is tied to the Structural Funds (SFs) and implemented through a Community Support Framework (CSF) which is attached to seven distinct Sectoral Operational Programmes (SOPs). The focus of the SOPs range from developing fisheries, agricultural regions and the public transport system, to generally increasing the competitiveness of Polish economy and expanding human resources in the direction set out by the Council in the Lisbon Strategy from 2000 (NSRF 2005:33).

Another € 4.2 billion from the EU budget is to be spent in Poland through the Cohesion Fund (CF), a funding scheme exclusively for the poorest EU Member States, meant to strengthen transport and environmental infrastructure.

The rest of the € 0.3 billion in NDP funding from Brussels, is put aside for interregional projects across national borders (Interreg) and a pan-European employment project (Equal).

The non EU-members of the European Economic Area (EEA), Norway, Iceland and Lichtenstein have also set up financial mechanisms for the new Member States, and plan to spend approximately € 0.5 billion in Poland from 2004 until to 2009. The main aim of all this financial aid is to speed up Polish convergence with the socio-economic development of the EU (European Commission 2004a; NSRF 2005)

In general, financial assistance from the EU and EEA is extremely important for Poland at the moment, since the admission of Romania and Bulgaria in 2007/2008 is expected to shift Brussels' financing focus eastwards. This has already happened with many foreign financiers, from George Soros and Ford Foundation to the World Bank and USAID, having reduced their activity in the EU-8 and instead chasing new, needy markets further east, in places like Georgia and the Ukraine. Funding in the new Member States was also a big issue at the EU Council in December 2005 deciding on the long term budget for 2007–2013. The EU-8 were initially very

disappointed with the small budget proposed by Britain, but happy at the end of the day when a more generous budget was ratified after the German Chancellor Angela Merkel had shifted her weight around (The Economist 2005)

1.6.2 Civil Society

Apart from being the largest recipient of EU Funds, Poland is also a country renowned for its strong tradition of civil society. This tradition dates back several centuries and has helped keep a Polish spirit and national identity alive during the hardship of partitions, war and communism. The Solidarity movement that started in Gdańsk at the beginning of the 1980s gained support all over the world and is credited an important role in bringing an end to communism in Europe. Religion has also played a very important role in Poland, as exemplified by Ronald Inglehart's term "hyper-Catholicism", arguing that here as in Ireland, religion and politics are strongly entwined (1997:99).

The Catholic Church and Solidarity have been able to grow so strong for partly the same reason, that these institutions have become focal points for independent, Polish civic activity and thus creating a detached, uniquely Polish, civil society in times when an autonomous Polish state did not exist. It is interesting to relate this perception of civil society having arrived first, helping to build formal democracy in Poland, to the notion of civil society being part of the final consolidation phase of democratisation theory. With this historical legacy one would on the one hand expect Poland to have the best chances of consolidating its democracy and of interacting civil society with the state and political arenas. On the other hand the base of the traditional civic activity has been anti-political as civil society in Poland has grown so strong during partitions, Nazi-occupation and communism by despising "them", the foreign, atheist oppressors in the state apparatus and political society. The roundtable negotiations at the end of communism showed that the political and civil society could communicate if necessary, even if the political problems that later occurred and which helped maintain a stable distrust of Polish politics in the 1990s were blamed on

the same roundtable not resulting in a clear break with communism (Linz & Stepan 1996).

1.7 Posing my hypotheses

Right from the first moment I began taking an interest in European funds, at a seminar in Warsaw in 2005 on NGO participation in EEA financing, I was made aware that there were some “issues” related to the smooth workings of these funds. From a financing perspective it is easy to think that one is being extremely generous and that the beneficiaries will be pleased irrespective. At the receiving end there are often high expectations leading to frustration when things do not work out as planned or promised. Three interconnected problems are identified by the ENGO milieu concerning the inclusion of civil society in EU and EEA funds in Poland: A weak civil society, a post-communist State apparatus and impracticable and bureaucratic EU and EEA policy.

In this thesis I focus on these issues in the context of democratic consolidation theory, which means I will primarily be discussing the two first problems from an internal Polish perspective rather than the more institutional relationship between Brussels and Poland as a Member State. Concretely, the theoretical expectations can be posed as the following hypotheses, for my study of the programming of EU Funds in Poland

H₀: The lack of consolidation within or between the five arenas of democracy can not be regarded as a hindrance for ENGO participation in EU Funds.

H_α: The lack of consolidation within or between the five arenas of democracy can be regarded as a hindrance for ENGO participation in EU Funds.

1.8 An outline of the chapters

After a presentation of the theoretical framework for this thesis in the next chapter, I sketch up the historical and contemporary outline of Polish civil society and its environmental sector in chapter 3. In chapter 4 I turn to the methodological challenges that I face in this study. In chapter 5 I will introduce my case in relation to the European funding schemes more thoroughly, before proceeding to analyse my interview data and conclude that much, but not enough has happened with regards to democratic consolidation in Poland.

2. Theoretical Framework

2.1 Which door to open?

Studying ENGO participation in EU Funds is in many ways a typical *governance* study describing how the ENGOs get to act, through what types of interaction. Governance stems from a western liberal tradition that emerged in the late 1980s as a tool for understanding social coordination and the interaction between different arenas in society. It soon became a popular concept, as it promoted democratic values by perceiving power as exercised through a network of interconnected actors, not solely by the strong state. In the age of Thatcherism and Reaganomics, decentralisation and small government, such a notion was welcomed, and governance could therefore also evolve rapidly in the economic society (Kemp et al. 2005).

A governance study can be approached from different theoretical platforms, and democratic consolidation is only one of them. A different approach would be the literature on institutionalism that, put briefly, discusses how the norms, rules and frameworks of institutions shape our society and vice versa. The actors involved in such policy transfer in Poland, be it bureaucrats, politicians, ENGOs or businessmen are all affected by their institutional affiliations as well as their self-interest, as the actors in Brussels are affected by theirs. The transfer of EU policy to the new post-communist Member States in the east can easily end in failure because of institutional differences, with only parts of the policy implemented, policy implemented in the wrong way or nothing implemented at all (Dolowitz & Marsh 2000; Holm-Hansen 2005). In my case concerning democratic consolidation it is a danger that the partnership principle ensuring broad interaction with civil society will be harder to implement in Poland than in Western Europe because of the communist, authoritarian past still holding a certain grasp on Polish political institutions.

I do not reject the institution theory as in fact many elements of it are found in my analysis, but I do close the door slightly and “zoom out” instead, trying to explain ENGO participation from the larger, more historical arguments concerning democratic consolidation. “Path dependency” is such an argument, and uses events in the past to explain how current societal and political structures have developed as they have, and how this development will continue in the future. Although this can be a tempting tool to use when describing the ailments of post-communism, as rules and norms naturally do evolve through a history-dependent process, path-dependency and democratic theory must not be exaggerated. The EU-8 countries have developed quickly since 1989 and many reforms have been carried out and new institutions established, clearing the way for brand new perceptions of governance.

2.2 Democratic consolidation theory

Discussing democracy is never easy as it is such a broad concept and thereby so easily flavoured by ones own political colours. It literally means “rule of the people” in Greek, but which people? Communist regimes even used to perceive themselves as more democratic than the “bourgeois” democracies in the west. I save myself the effort of having to design a new starting point by sticking to a widely recognised framework for studying democratic consolidation, even if it does rather perceive democracy from a western, liberal tradition.

In a regular dictionary I find that the verb “to consolidate” has two meanings: “*to become or make something more solid, secure or strong*” and: “*to unite or combine things into one*” (Oxford University Press 1995). Democratic consolidation unites these two meanings with the Greek *demokratia* by arguing that the strengthening of democracy must take place in different arenas in society, and in the interaction between these in order to make democracy the “only game in town” (Linz & Stepan 1996).

Linz & Stepan argue that democratic consolidation within and between the arenas of civil society, political society, rule of law, the state apparatus and economic society, take place at a *behavioural*, *attitudinal* and *constitutional* level. Behaviourally, consolidation is possible when no significant participants are going out of their way to destabilise the democracy. Attitudinally a consolidated democracy enjoys a strong majority of pro-democratic public opinion and political culture, while constitutional consolidation means that the different players within a state are all more or less subjected and habituated to the rules, laws and procedures that the democratic game entails (Linz & Stepan 1996:6–7).

Ekiert and Kubik also focus on different levels, when they procedurally approach democratic consolidation as the completion of certain conditions. The first, “political” condition concerns democratic transition and is essential for any degree of consolidation, while the others conditions are realisable in various degrees, with their absence making democracy weak and unstable.

1. Political democracy must be in place with free and fair elections, broad political participation and political and civil liberties like freedom of speech and to join organisations.
2. There must be a consensus about “stateness”, the territorial boundaries of the political community and who should be its citizens.
3. Transparency and predictability must be developed at the institutional level, with rule of law assured by the constitution, a state monopoly of certain means and powers giving it the capacity to implement its policies, and clear boundaries between the state and other institutional domains of the democratic polity like civil society and the political party system.
4. A sufficient level of social and cultural democratisation must be achieved, in the sense that the institutional setup of the democracy and its political procedures must be considered legitimate by all in society (Ekiert & Kubik 1999:78).

It is important to note that democratic consolidation in theory can be regarded as an everlasting process of strengthening the interaction between different arenas in society. There will always be room for improvement in the EU-8 as within all EU-25, and every other state in the world, especially regarding the less formal cultural and social conditions, providing democratic legitimacy and good practices. Formalising the concept by relating to conditions and societal arenas is a good idea however, since it makes democratic consolidation graspable and possible to study.

Poland and the other EU-8 are expected to have a hard time fulfilling these conditions for democratic consolidation as they are still young democracies. EU has and is still playing an important part in this democratisation process by presupposing consolidation as necessary for EU membership, hence the Copenhagen Criteria, and important for the best possible implementation of EU policy in the Member States. The EU Funds are elements of such policy and they relate to all the 5 arenas of democratic consolidation, as presented in Figure 2.1 below.

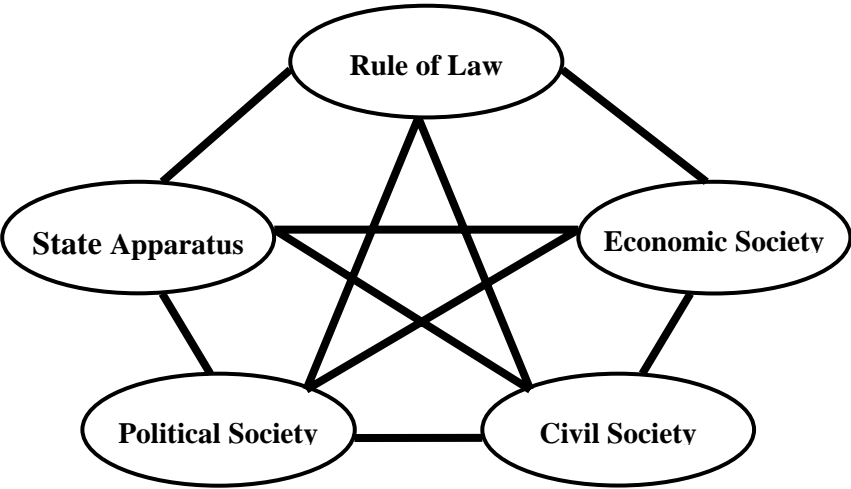


Figure 2.1 The relationships between the arenas of democratic consolidation.

I choose to include all the five arenas in my analysis since I feel they are all interesting with regard to my case concerning ENGOs in civil society. A different approach would have been to only concern my model with the “main” political realms of civil society, political society and state apparatus, as Ekiert and Kubik do in their study of Polish civil society, and rather perceive rule of law and the economic

society as underlying arenas that are in any case touched upon (1999). “Rule of law” is important for my analysis since many decisions about partnership are based on Polish and EU legislation. “The economic society” is central to the discussion on environmental sustainability and economic growth. In the context of the 5 arenas from figure 2.1, I will continue below to discuss democratic consolidation, describing them and their interaction with each other in Poland.

2.2.1 Political society

The political society is the arena where the right to exercise control over public power and the state apparatus is contested and where social interest is aggregated, arranged and translated into policy recommendations (Ekiert & Kubik 1999:82; Linz & Stepan 1996:8) A political society is necessary in order to select and monitor a democratic government, and full consolidation in this arena means general positive appreciation and use of political institutions like parties, elections, political leadership, but also collaboration with the other arenas, especially civil society. Authoritarianism kills political society with its in effectively single party system, and it is hard after the transition to reinstate a lively and diverse political society. People in post-communist Europe have learnt to be distrustful of political institutions and stay away from politics, and the lack of democracy has hindered the development of a stable party political landscape that gives voters clear alternatives to choose between. Consolidation of the political society plays an important role here, creating platforms for democratic participation and stimulating the use of these and thus creating norms and routines for exercising democratic power (Linz & Stepan 1996:7–15).

Poland has also had to set up a new political society and create an electoral system and new political parties. There have been 5 completely free parliamentary elections from 1991 until 2005 in addition to the 1989 round table “compromise” between Solidarity and the Polish United Workers’ Party (PZPR), and a total of 10 different governments. When the electoral system was created at the end of communism in Poland, a majority party system of proportional representation was chosen, but with

no minimum threshold. It was easy to register a political party for national elections, as only 15 members were needed, and after the 1991 elections 29 parties created a highly fragmented Sejm, some with names such as *Party X* and *Beer Lovers' Party*. In 1993 a 5 % threshold and the D'Hondt method of allocating seats to parties at district and national tiers was implemented as a stabilising measure, and from 1997 a new law stated that a party needs 1000 members in order to partake in national elections (Ekiert & Kubik 1999:57–58; Ferry & Rüdig 2002).

Today the political party system is relatively stable as a result, with largely the same parties running in the 2001 and 2005 elections. Another reason for this stability can be that the liberal form of communism and the strong anti-communist civil society gave Poles a head start in rediscovering political cleavages and party identifications after 1989, and thus aided the creation of today's political spectrum. The main political cleavages in Poland are the different views on how to deal with the communist past, opening the Polish economy to foreign influence, and governance issues. In the context of a slightly confusing mix and match of nationalism, Catholicism, socialism and liberalism, the Polish political party spectrum is created. This spectrum consists of a clerical-nationalist right-wing, the non-populist right, the liberal centre, the agrarian parties and the left-wing (Ekiert & Kubik 1999:165; Holm-Hansen 2002:97). The 9 main parties that represent this spectrum are listed in Table 2.1 below. Seven of these met the 5 % threshold in the 2005 elections and are therefore currently in the Sejm.

Table 2.1 The Polish political party spectrum after the 2005 parliamentary elections

Name of party	Description (economic policy/values)	% of votes 2005
League of Polish Families (LPR)	populist protectionist / ultra-Catholic, nationalist	8 %
Law and Justice (PiS)	Protectionist, anti-corruption / Catholic conservative	27 %
Civic Platform (PO)	liberal / moderately conservative	24.1 %
The Democratic Party (Demokracy.pl)	social liberal / liberal	2.5 %
Polish People's Party (PSL)	agrarian protectionist / conservative	7 %
Democratic Left Alliance (SLD)	social democratic, ex-communist / liberal values	11.3 %
Social Democratic Party (SDPL)	Splinter party from SLD, anti-corruption / liberal values	3.9 %
Self Defence (Samoobrona)	agrarian, populist protectionist / nationalist	11.4 %

(Source: Kurczewski 2003:165–167; National Electoral Commission 2005; Szczerbiak 2003)

This stability in the Polish party system is not necessarily followed by stable voting patterns, known as low *electoral volatility*. Such volatility is expected to be high in the EU-8 countries since the creation of political cleavages and voters' party identification takes time (Bakke 2002:20). In Poland, a large number of voters are “switching sides” and voting for the moderate left- and right-wing parties at every other election, choosing alternate governments every 4 years. High volatility is only really found for the smaller, extremist and populist parties, namely the League of Polish Families and Self Defence, whose percentages of the total number of votes haven't changed more than 3–4 % from 2001 to 2005 (National Electoral Commission 2005).¹⁰

¹⁰ In contrast SLD went from having 40 % and winning the elections in 2001, to having 11 % in 2005.

In 2005 the two largest parties to the centre of Polish politics, Law and Justice (PiS) and Civic Platform (PO) won approximately 27 and 24 % of the votes each, but when coalition talks broke down, PiS decided to create a minority government with the support from the ultra-conservative League of Polish Families and populist, isolationist Self Defence. These three parties eventually formed a majority coalition government on 5 May 2006. This has brought worries to people in the centre and to the left of Polish politics, increasing the distrust in political society (National Electoral Commission 2005).

Distrust in political society

Political distrust is obvious in post-communist Poland, and apart from the Presidents of the Third Polish Republic, who have all enjoyed support from a majority of Poles who even wish them more power (CBOS 2005a), trust in political institutions has been minimal since the end of communism. The parliament, political parties, the cabinet, senate and judiciary are all distrusted by a majority of Poles, with less than 10 % trusting members of parliament and political parties. The army, media, local authorities and police on the other hand, are institutions that are trusted by a majority. The trend is similar in the other EU-8, and shows that there is a legacy of deep-rooted distrust in politics, and regular perceptions of the political class as corrupt, selfish, inefficient and incompetent in these countries (CBOS 2004). Transparency International's Corruption Perceptions Index (CPI) exemplifies this distrust. Yearly the feelings of business people and country analysts are sampled, and in 2004 Poland squeezed in between Peru and Sri Lanka as the sixty-ninth least corrupt country the world (Transparency International 2004).¹¹

The same trend is shown in the Eurobarometer, where only 30 % of Poles declare they are satisfied with how democracy works in their country, compared to 61 % of Germans and 91 % in Denmark, with the EU-25 average at 57 % On the other hand, a

¹¹ In 2004 Poland received an overall score of 3.5 where 10 was "highly clean". In 2005 the score had crept up to 3.6 (Transparency International 2004).

majority of Poles are satisfied with EU democracy and have confidence in European Union institutions, NATO and the UN (Eurobarometer 2005; CBOS 2005a).¹²

A depressing feature of the lack of trust in political institutions and the state bureaucracy is that it does not seem to be improving with EU membership. The percentage of respondents who felt the political situation in 2005 was “good” in a survey performed by the Public Opinion Research Center (CBOS) even dropped slightly after EU membership in May 2004 to below 5 %. The economic situation is seen as a little better, as 10 % now feel the economic situation is good, a figure that has doubled in two years (CBOS 2005b).

What does this political distrust stem from? As phrased by Linz and Stepan: “*Forty-five years of party-state rule in Eastern Europe and more than seventy in the Soviet Union have given the very word ‘party’ a negative connotation throughout the region*” (1996:247). Although democratisation has taken place, the old members of the communist party organisation are still around in the political society and state apparatus. This is especially true in countries where one did not have a clean break with communism, such as in Poland, where the roundtable negotiations in 1989 left 65 % of the Sejm in the hands of the PZPR until the 1991 elections (ibid.:272–273). Solidarity therefore had an incentive to maintain a unified, anti-political movement for a few more years after 1989, continuing to play on the “us” of Polish civil society against “them”, the communist dominated political society. This hindered the early creation of a diverse and interest based political society and maintained the distrust of the same society (ibid.).

2.2.2 Rule of law

Rule of law is another indispensable part of a consolidated democracy, granting the civil and political societies their independence and autonomy. Likewise these

¹² The following question was asked: “*On the whole, are you very satisfied, fairly satisfied, not very satisfied or not at all satisfied with the way democracy works in your country/EU*”. A total of 52 % are satisfied with how democracy works in the EU. 52 % tend to trust the EU Parliament while 58 % tend to trust the Commission (Eurobarometer 2005).

societies must, to a certain extent, be embedded in this same rule of law and its “spirit of constitutionalism”. Such a spirit requires a strong consensus on the constitution, a broad legal culture in all parts of society and a clear hierarchy of laws interpreted by an independent judicial system. The rule of law in a state then creates norms that make the actions of individuals and the interactions between the different arenas discussed here legitimate and predictable. Although plenty of rules and laws exist in authoritarian regimes, the constitutional spirit representing an independent, predictable judiciary and liberal democratic values is missing, as is the possibility of constraining or binding the leader or the party-state. All this makes it difficult to consolidate a strong legal culture in the government, civil society and business sector once the initial freedom is won (Linz & Stepan 1996:10–15, 248–9).

Poland has an old rather than long tradition of constitutionalism, with its May Constitution of 1791 claiming to be the first modern constitution in Europe. The final partition of Poland in 1795 rendered the constitution useless, and for the next 123 years Poles developed different legal codes and democratic traditions in the Prussian, Russian and Austrian parts, with strong assimilation policies in Prussia and Russia and relaxed semi-independence in the Austrian south. The Russian regime was also more brutal and undemocratic than the Austrian and Prussian, especially after the failed Polish January Uprising in 1863, sending Polish dissidents to Siberia if need be. As a result, political life in Russian Poland was clandestine and underground, while constitutional reforms and rule of law in Prussia and Austrian Poland allowed for some political mobilisation and participation (Åberg & Sandberg 2002:64). All these years apart, with different political systems and cultural influences made it difficult to consolidate a strong republic after the First World War, and the constitution of the Second Polish republic lasted only 5 years, from 1921 until Piłsudski’s coup in 1926 (Davies 2001).

Democratic transition to rule of law and the casting off of the old communist heritage from the Peoples Republic of Poland (PRL) has not been straightforward, having taken the best part of the 1990s. The so-called *Little Constitution* of 1992, making

amendments to the PRL constitution of 1952 in order to regulate electoral procedures, was the first step. In 1995 a constitutional commission was appointed and set about discussing what the new constitution and character of Poland should be. Although there was right-wing squabbling about the new constitution lacking a national, Catholic soul, the referendum on 25 May 1997 accepted the new Polish Constitution. With this constitution parliamentary democracy was strengthened as the power of the President was weakened and the army and judiciary de-politicised (Davies 2001:426). The development of rule of law in the Third Polish republic has had the advantage of having EU membership as a major incentive for creating a good legal framework that corresponds to the accession criteria from Copenhagen and the rest of the Acquis. On the other hand, the consolidation of a strong legal culture, encompassing the whole of society will take a long time, and it is to be expected that Poland still has weaknesses, for example in its administrative law for implementing EU Funds.

A vague legal framework

A joint EU/OECD report from 2002 concerning the flaws of Polish public administration procedures discusses rule of law and blames a vague legal framework.

This renders the general public helpless when dealing with the public administration, which frequently pays little respect to the principles of the rule of law. However, this situation has its origins in a legal framework that often is incoherent, vague and unstable both in procedural and substantive terms (EU/OECD 2002:5).

The report points to different things, some of which will have greatly improved in the years since the report was written. The quality of the legislation was generally low in 2002, legal texts lacked clarity, were imprecise and had many loopholes. Little notice was taken of existing regulations before creating new ones, adding to the confusion. Since the quality of legislation was low, a great number of amendments had to be hastily adopted after a regulation had been published (ibid.:5–6).

The report was also very critical about the lack of access to public information, previously dependent on the whims of individual public officials. This was greatly improved with the Law on Access to Public Information that came into force on 1

January 2002. The convenience of the internet has together with this new law improved the situation dramatically (ibid.:6).

Complicated and vague legislation is also one the main criticisms of Poland in the USAID 2004 NGO sustainability index, focusing on how difficult it is to register such organisations:

The freedom of assembly is a civic right guaranteed by the constitution, but the mandatory process of registering an organization in the National Court Register is dissuasive — it involves protracted court proceedings, very complex administrative procedures, and high registration fees (USAID 2005:197).

The report also criticises the fact that the state apparatus too rarely considers the opinions of the NGO sector, even if the freedom of the organisations to address matters of public debate also is guaranteed by law (ibid.:197). This shows clearly that theory and practice are two entirely different things when it comes to discussing the implementation of rule of law, and must therefore be considered individually when studying ENGO participation in EU funding.

2.2.3 State apparatus

A state bureaucracy is necessary in order to protect the rights of the citizens and implement the basic services that these citizens demand and the laws and procedures established by the political society. In a consolidated democracy this apparatus needs to work in accordance with the rule of law, it must be efficient and independent of the other arenas, but with their support. Civil society must support the fact that the state bureaucracy has monopoly in some areas, the political society must agree on a system that can raise taxes for the state apparatus, while the economic society produces the taxable surplus to finance this bureaucracy (Linz & Stepan 1996:10–15).

Political independence?

In post-communist Europe it is natural to discuss the functionality of the state bureaucracy for the new democratic regime, since authoritarianism obliterates the

independence of this arena from the political sphere. Although a politicised bureaucracy is not confined to authoritarian states, the problems of democratically consolidating the state apparatus in a country that has not previously had a culture for a transparent and independent bureaucracy is apparent. Poland is no exception, as shown above by its high ranking on Transparency International's index of perceived corruption. This is partly the result of resistant stereotypes created within the "us" versus "them" dichotomy, with the state apparatus still perceived as dominated by ex-communist *apparatchiks* with their old-fashioned and inefficient ways. Formally though, things have changed since communism, as exemplified by article 153 of the new constitution, guarding an independent civil service:

A corps of civil servants shall operate in the organs of government administration in order to ensure a professional, diligent, impartial and politically neutral discharge of the State's obligations (The Constitution of the Republic of Poland 1997).

With the National School of Public Administration (KSAP) set up in 1990 and with the new Civil Service Act that came into force in 1999, effort has been made to make the recruitment of civil servants more transparent, competitive and merit based, and to improve the training of government employees. This has been done to increase professionalism in government and to reduce politically biased appointments. Unfortunately, the new and superior recruitment policy with six-month trial periods and extensive examinations is only found at a national government level, and the traditional, politically biased appointments are still seen as a problem within regional and local government. This is unfortunate since de-centralisation policy has meant more decision making is taking place at these levels than before (EU/OECD 2002:7–8).

The new training schemes and especially KSAP are great stimulus for getting young and intelligent professionals to enter government offices, and slowly take over and eradicate the post-communist culture that still holds the Polish public in its grasp. Salaries in government jobs are usually lower than what the business sector can offer while the frustrations of working in this sector are perceived as higher. For this

reason many ambitious and clever university graduates find it more attractive to work in the private sector in Poland, and of the young people who do enter public administration, the danger is that many solely use it as a stepping stone to acquire work experience, before hopping over to well-paid jobs in the private sector (Bartoszewicz interview).

Theory and practice

Another point of criticism is that secondary legislation to policy such as the well-intended Civil Service Act has not always been properly developed or enforced in many areas, revealing a gap between theory and practice. Regulation of procedures for exposing corruption or other wrongdoings, and legal protection for civil servants who dare to do so, had not been implemented when the EU/OECD report was published in 2002. There was also much unpredictability regarding salary schemes in the civil service, granting managers too much power in determining individual wages (EU/OECD 2002).

There are different reasons for these gaps between the intentions of new policies and the practical workings of them. The rush to implement a great deal of new legislation during a phase of democratic consolidation, such as in the 15 years between the end of communism and Poland joining the EU, will naturally cause “pro-forma” situations, where the practical implementation lags behind the legal act. One of the reasons for this is that the often ambivalent relationships between politicians and the professional civil servants in the government sometimes results in these civil servants being sidestepped by the politicians and their advisors when designing a new policy. The later translation of the policy into an administrative action plan is more difficult than if the civil servants are informed and actively taking part all along (ibid:15).

2.2.4 Economic society

Modern consolidated economies require a set of socio-politically crafted and socio-politically accepted norms, institutions, and regulations, which we call economic society, that mediates between state and market (Linz & Stepan 1996:11).

Empirically there is also a strong case to be made for the link between market capitalism and liberal democracy being important since no consolidated democracies are command economies in times of peace. China is an example that you can combine authoritarianism with capitalism, but conventional theory and Western history asserts that the industrialisation process in the long run necessitates a more highly educated population and complex division of labour that tends to support the development of liberal democratic institutions and the material base for the pluralism and autonomy of these arenas. On the other hand no free market is perfectly maintained without laws and norms, and consolidated democracies therefore require socio-political regulations and institutions that govern the economy. Put in a different way, democratic consolidation entails dialogue between society and the government regarding public goods, while such goods do not exist in an extreme free market economy (Fukuyama 1996: 356–361; Linz & Stepan 1996:11–12).

Post-communist societies have to establish democratic political institutions without the capitalist economic system to back them up. This can be hard since it is often the firms, markets and competition that provide the critical form of social backing for the proper functioning of democratic institutions (Fukuyama 1996). Likewise the rejuvenation of capitalism and the free market requires these democratic institutions and especially social capital in the underlying society permitting the self-organisation of business, corporations and networks (*ibid.*). Poland had a strong civil society at the end of communism, and was able to start economic reforms early. Finance Minister Leszek Balcerowicz introduced a shock therapy in late 1989, in order to curb the hyperinflation and rapidly introduce liberal market economy. The result was early and successful privatisation, rapid GDP growth and foreign investment in the business sector. Heavy industry created greater difficulties after the fall of

communism, due to the collapse of its large Soviet market, and Poland suddenly experienced mass unemployment and a reduction in the average standard of living (Sanford 1997:180).

Post-communist disappointment

The economic and social hardship that occurred after the initial, momentous and optimistic feat of ending communism, bred cynicism and disillusionment with social, economic and political development, and is often referred to as “post-communist disappointment” (Howard 2003a). This disappointment prepares the ground for populist politicians who argue for increased isolationism and economic patriotism. Too much economic liberalism is seen as part of the problem, morally degenerating Poles, robbing them of their Catholic values, and having made the *nomenklatura*¹³ and the foreign businessmen rich, while many hard working and honest Poles are poor and unemployed (Garton Ash 1999; Ost 2005).

The economic hardship and reinstallation of class divisions with the disproportionate spread of wealth in post-communist societies can also be somewhat detrimental to the development of civil society and can help explain both the drop in civic participation and interpersonal trust throughout the 1990s. People who are finding it hard to get by, either they're unemployed or have several jobs, can not be expected to find the time or energy for extensive civil societal activities, and combined with general distrust in organisational membership stemming from forced participation in work-place activities during communism and the later crumbling of the Solidarity movement after 1989, many Poles and other EU-8 nationals are expected to stay away from organisational activity (Howard 2003a). An increase in organised crime, drug abuse and violence in Poland after 1989 can also be seen as a result of market liberalisation opening the borders to new foreign troubles that the weakened state apparatus, e.g.

¹³ Originally *nomenklatura* was used in the Soviet Union for a list of jobs or positions whose appointments had to be approved by the Communist Party since they involved high responsibility. The word later developed into a figurative term describing the stratified, privileged class in Communist Europe. Naturally this well-educated and experienced class, with its networking and managerial skills has fared better through the democratic transition than many other groups in Poland, even without corrupt behaviour. (Davies 2001:31-32).

the police, is not capable to deal with. This fear of criminality and lawlessness can help explain the reduction in general interpersonal trust in Poland since the end of communism, and the increased focus on such issues in the political society, with PiS now in power. It is time to discuss civil society and its position in Poland in detail.

2.3 Civil society

2.3.1 A kind of definition

Although the vague notion of “civil society” is age-old and dates back to early discussions of democracy and citizenship in the classical Greek *polis*, the concept of civil society as we know it today derives from European eighteenth century enlightenment with the philosophers of this period spreading modern democratic ideas and paving the way for the first wave of democratisation in the nineteenth century, by developing liberalism and freeing individuals and their capital from the grasp of the absolute Monarch. By the nineteenth century however philosophers like Hegel and Marx were picking holes in the liberal design and its individualist and capitalist view of community. Hegel believed in a more ideological driving force behind the individual interaction in a State than pure market capitalism as proposed by liberalism, and introduced civil society as one of three main arenas of interaction for individuals, besides the family and the state, and an abstract concept of “ethical life” motivating this interaction. Marx on the other hand saw the world as materialist, but wanted to do something radically about it and regarded civil society with its social class system, as the arena where change would need to happen with workers uniting. Variations of this debate have more or less continued ever since, as exemplified by the *communitarian* and *liberal* dichotomy¹⁴ at the end of the twentieth

¹⁴ The debate started as a communitarian critique of what is seen as liberal citizenship’s slightly negative and defensive view being too protective of the individual against the state, rather than focusing on the “thick” notion of the individual being obliged to take part in society. The debate has been central to the discussions of the decline of civil society in the western hemisphere (Faulks 1999:136-140).

century. Civil society has thus emerged as a societal sphere, distinctively set apart from the State, but also from the marketplace, where interaction between individuals happens for different reasons at different levels of abstraction (Cohen & Arato 1992: 91–102; Faulks 1999).

The Centre for Civil Society at the London School of Economics tries to capture this multifaceted concept with the following working definition of civil society:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups (London School of Economics 2004).

2.3.2 Civil society and democratisation

Civil society is a practical concept when discussing democratisation, as it importantly focuses on how systems of cooperation can be built from below. Alexis de Tocqueville's nineteenth century perception of such society being important for the building of democracy in America is an early contribution to such democratisation literature. He argued that the many Americans participating in numerous and extensive voluntary organisations fostered cooperation and trust, which again was essential for the successful functioning of the young American democracy (Inglehart 1997:224). Similarly, civil society has enjoyed a renaissance during the fall of communism in Europe, as autonomous pressure-groups like the Solidarity movement in Poland proved that political mobilisation in opposition to the communist regime was both possible and rewarding. Collective action and democratisation could happen from below, and the historical events at the Gdańsk shipyard helped reinstate civil

society as an important factor for democratisation (Cohen and Arato 1992:31–36; Howard 2003b:31).

The renaissance of civil society at the “end of history” is also related to the beginning of a new era. Globalisation, new technology and greater intercultural exchange created arguments for huge societal and economic adjustments that also favour the strengthening of the third sector. These arguments vary from pragmatic, capitalist measures regarding the strengthening of civil society as a way of minimising government spending and thereby competing more efficiently in the global marketplace, to the “globally thinking, locally acting” political activists, using new technology and civil society engagement as way of combating the evil perils of this same globalisation (World Resources Institute 2004).

2.3.3 Civil society at an organisational and an individual level

As has already been established, discussing the well functioning democracy can focus on the interaction between civil society and the other four mutually reinforcing conditions posed by Linz and Stepan. It is at this “institutional” level we find most of the studies of post-communist democratisation. These usually regard civil society foremost as the arena of different self-organised organisations or institutions that were important for the breakdown of communism, but that today works at preserving an autonomous public sphere that can check and balance the activities of the State in the young democracy (Kaldor & Vejvoda 1999:17; Linz & Stepan 1996).

My case study from the Polish ENGO milieu retains such an approach to civil society, studying these organisations’ participation in EU Funds in a democratic consolidation framework. This *participation* can be operationalised by focusing on three main areas identified by Howell as central for strengthening civil society: 1.) “Institution and capacity-building”, aiding the creation of CSOs and supporting these with the technical advice and training necessary for building effective organisations, in addition to encouraging the establishment of legal and regulatory frameworks helping this. 2.) Encouraging “partnerships and coalitions” between state, market and

civil society, and thereby bringing different areas of society closer together. 3.) Securing “financial sustainability” of civil society by making sure the material basis for the organisational activity is in place. In reality, Howell argues: “*these approaches are not neatly separated from one another as developing partnerships might also require capacity-building and financing mechanisms*” (2000:7).

In addition to an institutional level it is important to study civil society at an individual citizen level, since most citizens do not even belong to any organisations, and at the end of the day organisations consist of people with their individual opinions, agendas and experiences. Civil society at an individual citizen level can be perceived as a type of social space or sphere and relates to citizens’ values and behavioural orientations towards politics and the people around them (Gibson 2003:61–62). Contemplating civil society as such a social space is especially important in post-communist regimes, since independent organisations were usually banned under communism. A strict institutional level focus will in these cases not give a complete picture of civil society and its importance for democratic consolidation as such a society formally did not exist during communism.

Social capital

Social capital is such civil society at an individual citizen level and can be defined as:

Features of social life — networks, norms, and trust — that enable participants to act together more effectively to pursue shared objectives...Social capital in short, refers to social connections and the attendant norms and trust” (Putnam 1995:664–665).

Whitehead reasons that the “capital” part of social capital makes the concept easier to grasp than “civil society” since we can relate it to economics and finance, where capital can be machines used to make goods, or financial assets held in order to generate more income (2002:67). Figuratively speaking then, social capital is a stock of resources, like norms and trust, which can enhance the social effectiveness in society while generating more social capital.

In his influential study *Making Democracy Work* Putnam argues that there is a historical path dependency between civil society at an institutional and a citizen level, and that the greater amount of social capital between individuals in Northern Italy can explain why this region is richer and more democratically consolidated than Southern Italy today. While Southern Italy stayed poor, authoritarian and feudal after the Middle Ages with a vertical “client–patron” hierarchy, independent city states started to develop in Northern Italy, and built their wealth and institutions on trade and cooperation. This has developed trust between people, and participation in the many different horizontal networks has given a collective spirit to Northern Italian communities, which in turn has facilitated better government, greater prosperity and a stronger civil society than in the south (Putnam et al. 1993).

Similar historic path dependent analyses have been done in post-communist societies, where a low level of civic participation and social capital is perceived as a result of communism being detrimental to the development of a lively civil society (Howard 2003b). Poland is an interesting case since it has both a strong civil society heritage and a communist past, and a discussion on Polish civil society will follow in the next chapter.

3. Polish Civil Society

3.1 The historical legacy

Poland's historical legacy is rich and fascinating. The geographical position in the heart of Europe, between the great powers of Germany and Russia, has meant that Poland has played an important role in European history, sometimes in a way that one could never wish for. Countless wars have been fought on Polish soil, millions of lives have been taken and much of the great economic and intellectual wealth built, was later squandered and reduced to rubble. After the partitions of the country by Prussia, Russia and Austria-Hungary at the end of the eighteenth century, the Polish state ceased to exist for over a hundred years. Independence was regained in 1918, and Poland was ready to blossom again, as it had done for centuries past.¹⁵ In many ways it did, and despite international economic crisis Poland achieved significant economic growth in between the wars. Politically, this "Second Republic" was more troubled. Neighbourly border-squabbles had to be dealt with, and a nation split by three culturally different empires for more than a hundred years had to be reintegrated into one common Polish state that had one-third national minorities among its populace.¹⁶ Though a Polish constitution was agreed on in 1921, by May 1926 the political scene was so chaotic that war hero Józef Piłsudski found it best to overthrow the government by a military coup in order to save Poland from chaos and collapse. From then on, until the end of the Cold War 63 years later, authoritarianism in some form or another was the order of the day in Poland. The experience of the Second Republic, and even Piłsudski himself, is retrospectively seen as a central part of Poland's democratic heritage, and became a ray of light during later oppression,

¹⁵ From the mid-sixteenth century until the partitions in the 1790s, the Polish-Lithuanian Commonwealth, with its "aristocratic democracy" and multi-cultural population, was a hegemonic power in Central Europe (Michta 1997:69).

¹⁶ In 1931 the largest national minorities in Poland were the estimated 5 million Ukrainians, 3 million Jews, 2 million Byelorussians and 800.000 Germans, of a total population of 35 million people (Iglińska 2000).

showing that national sovereignty and western-style democracy is possible in Poland (Davies 2001; Michta 1997).

On 1 September 1939 the Second World War officially began when the German battleship Schleswig-Holstein began shelling the military garrison at Westerplatte in Poland, an ally of France and Britain. The Molotov-Ribbentrop pact of August 1939 had already sealed Poland's future — yet another partition between Germany and Russia.¹⁷ The war took almost six million Polish lives in all, which was a fifth of the pre-war population and included most of the three million Polish Jews. In addition to a horrific death toll, many of the biggest cities were utterly destroyed and the whole of Poland was geographically moved westwards, gaining German areas east of the river Oder but losing its eastern part to the USSR. These new post-war borders meant that millions of people were forcefully moved and expected to make new lives for themselves hundreds of kilometres from home. As if that wasn't enough, the Yalta summit in February 1945 gave Stalin the power to draw the iron curtain before Poland's eyes, submerging the country into 44 years of communism (Davies 2001; Michta 1997).

Foreign oppression has played a central part in modern Polish history, especially in the epochs that are regarded as so important for European nation building. The nineteenth century is such an era, as nationalism bonded citizens and helped the “first wave”¹⁸ of democratisation that created many of the European states we know today. The American and French revolutions at the end of the eighteenth century gave way to democratic ideals, as the growing gaps between new social classes created by industrialisation gave radical ideas to the impoverished people living in town slums.

¹⁷ This pact, a non-aggression treaty between Germany and the Soviet Union, included a secret agreement that the two superpowers would “carve up” and divide the independent countries geographically situated between their own empires between themselves (Davies 2001).

¹⁸ Huntington defines waves of democratisation as: “a group of transitions from non-democratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period” (Huntington 1991:15). The waves are usually followed by periods of reversed, democratic breakdown, and the first wave of democratisation in the nineteenth century was followed by a democratic breakdown in 1922-1942 (Huntington 1991).

Nineteenth century nationalism was all sewn together by technology and culture, by improved accessibility to printed newspapers and books, an increasingly literate public, and a ruling class giving democratic concessions and stimulating nationalist values in order to thwart new revolutionary ideas, brewing among the working classes. There was plenty of Polish nationalism in this period too, but no state to attach it (Davies 2001).

The story is a similar one after the Second World War, when Europe was at the stage of physical and mental rebuilding. This rebuilding in Poland was taking place involuntarily under Stalinist rule and involved the weakening of Polish nationalism by harassment, incarceration or execution of political foes of the communist regime. Many of these were active in the strong Polish resistance movement and Home Army (AK) during the war, and falsely accused of collaboration with the Nazis. By the end of 1948 over 8000 people had been killed, 150,000 arrested and nearly 23,000 sentenced by military tribunals (Ekiert & Kubik 1999:25). This persecution of political enemies continued for the whole continuity of the Polish Peoples Republic, though a more liberal form of communism was implemented when Władysław Gomułka became head of state in 1956. Gomułka was of the opinion that Poland needed to adopt its own national form of communism, linked to Polish traditions and its own local circumstances, rather than blindly following Soviet advisors. At the same time he knew that his communist regime rested on Soviet power, and so the deal with the Soviet Union was struck. More Polish autonomy and some liberalising measures, like allowing for an independent Catholic Church and elements of workplace democracy, and not collectivising the agriculture, while not challenging the geopolitical interests of the USSR. The success of Gomułka's liberalisations can be discussed. On the one hand the Polish People's Republic ceased to be solely a puppet state as this liberal communism was easier to accept for many Poles. On the other hand, the liberalisations were helpful in creating the autonomous civil society in Poland that eventually led to the strong opposition against the regime (Davies 2001; Ekiert & Kubik 1999).

Authoritarianism was still very much the order of the day after the reforms introduced by Gomułka, and later by his successor in 1970, Edward Gierek. An initial period of scepticism and even welcoming of the benefits of reform, like freer press and travel quickly wore off when the populace realised that these leaders had no real incentive or will for actual political liberalisation in the direction of democracy. From time to time these realisations, together with a dire economic situation, sparked off new revolts and political crises, right up until the communist regime finally collapsed, with the Solidarity movement entering roundtable negotiations in 1989. Only then did foreign domination end, and Polish democratic consolidation could truly begin (Ekiert & Kubik 1999).¹⁹

3.2 Polish peculiarities

Polish civil society was able to grow so strong during communism because of certain historic peculiarities. The most important of these are: 1.) the existence of an independent Catholic Church, 2.) non-collectivised farming, and 3.) united political opposition (Ekiert & Kubik 1999:24; Rzeczpospolita 2006). These distinctively Polish peculiarities are important for explaining the many political crises that mobilised such large parts of the Polish population during communism, which eventually created the Solidarity movement and its unusual mix of proletarian radicalism and catholic nationalist conservatism.

3.2.1 The Catholic Church

The role and strength of religion in Poland is the main peculiarity, and of equal importance for Polish civil society and national identity. For centuries the Catholic

¹⁹ Many Polish politicians, especially populists and those on the Catholic right-wing regard this foreign domination as continuing with the EU attacking Polish national sovereignty and conservative values. Even politicians close to the centre of Polish politics can be very sceptical to EU, like Jan Rokita from PO with his “Nice or death” statement arguing firmly that the European Constitution must be amended, keeping the old European Council voting system from the Nice Treaty (Warsaw Voice 2003).

Church has been an institution where Poles can worship both God and Poland, in times when foreign domination has threatened. The strong relationship between Polish nationalism and Catholicism goes back to the end of the sixteenth century, when the Swede Zygmunt III Waza became king of both countries. This drew strong opposition especially in Protestant Sweden, and led to the Swedish-Polish war. Ever since, wars have been fought against states with different religions, and Catholicism has been used explicitly to forge Poles together against the foreign oppressors, be they Orthodox Russians and Ukrainians, Muslim Ottomans and Tatars or Protestant Prussians and Swedes.

Before the turning point at the beginning of the seventeenth century Poland was a multicultural aristocratic democracy where the landowning nobility (Szlachta) controlled both the parliament (Sejm) and the king. The power and liberty enjoyed by the Szlachta²⁰ was unheard of elsewhere in Europe, and the lack of an absolutist monarch banning all other faiths than his own, let people get on with their daily routines and religious practices to a larger extent in Poland than in countries with stronger monarchs. As a result of this, Poland became even more multicultural, as Jews and other marginalised religious groups fled here from persecution in other parts of Europe. On the other hand, the lack of a strong monarch made Poland vulnerable to foreign attack and led inevitably to the demise of Poland at the end of the eighteenth century, with the partitions by Prussia, Russia and Austria-Hungary. This experience with aristocratic democracy and its 1791 Constitution left its mark on Poland though, by strengthening its already “west-leaning” Roman Catholic identity with political aspirations: *“as a bastion of Latin civilization against Byzantine Russia”* (Michta 1997:70)

During “occupation”, be it the partitions in the nineteenth century or the later experiences with Nazism and Communism, the Catholic Church further strengthened its role as the arena for ethnic Poles to meet, speak their language, worship their

²⁰ The Polish nobility counted 8-10% of the population. In most other European countries, except Spain, the nobility counted a mere 1-3 %. In the Warsaw region as many as 30 % were nobility.

national heroes, and dream of full Polish independence again.²¹ The Second World War was especially important since it left Poland in a thoroughly destroyed, but homogenous state. Ethnically, the Holocaust, the territorial adjustments to the west, and expulsion of Prussian, Silesian and other Germans, now meant that what had once been a multicultural state with a third of its inhabitants “minorities” was now entirely Polish. In the way of class stratification too, Poland was much more a homogenous peasant nation after the war, with both Nazi and Soviet “policies” strongly decimating the professional class, the urban intelligentsia, and the industrial owners/bourgeoisie (Iglicka 2000: 6; Michta 1997:71).

All the historical bloodshed and nation-less nation building throughout the last centuries can be seen as having created civil society strengthening and unifying traditions in Poland linked to the Catholic Church, even if the Church itself has merely been protecting its own interests. Linz and Stepan argue that the Catholic Church, although it cooperated with totalitarian regimes in Spain and Portugal, is always a latent source of pluralism because of its trans-national hierarchy and the Pope’s possibility of sanctioning or withdrawing recognition of Bishops who step out of line. This is especially important in Poland from where the archbishop of Kraków, Cardinal Karol Wojtyła became Pope in 1978, as the revolutionary spirit was brewing in the Solidarity movement (Linz & Stepan 1996:256–262). John Paul II became an icon for the independent Polish civil society, and his election and triumphant visit to his homeland in 1979 provided “*the necessary psychological uplift which broke the chains of fear and anxiety preventing ordinary Poles from being themselves*” (Davies 2001:15).

²¹ The strong link between nationalism and Catholicism is shown in the mythological story of how a gang of ill-equipped priests and local soldiers managed to defend the Jasna Góra monastery and its holy icon of Mary with the Christ Child, known as the Black Madonna, from the pillaging, Protestant Swedish army during the deluge in 1655. Nobel prize winner Henryk Sienkiewicz wrote the book *Potop*, and the film version was nominated for an Oscar in 1974.

3.2.2 Private landownership and non-collectivised farming

In addition to the distinct unity that Catholicism and a dramatic historical legacy has given Polish civil society, the fact that this society was able to grow so strong and oppositional under communism must also be put down to the fact that private ownership of land was maintained under communism, and collectivisation of agriculture was only successfully attempted in the newly acquired German territories that were repopulated by Poles from the east, after the war. About 80 % of cultivated land remained in the hands of individual farmers, and as a result Polish peasants were never radicalised and the strong community spirit granted by private ownership, never destroyed (Davies 2001; Michta 1997; Rzeczpospolita 2006).

3.2.3 Solidarity — united political opposition

The different peculiarities that make up Poland's civil society were all slowly able to forge a united political opposition during communism, which in the end was able to establish the strong Solidarity movement. The ability to overcome the social cleavages in a large European country in order to create unity in a movement with 10 million members is a Polish particularity in itself and worthy of a few words.

Communism had great trouble in finding its foothold in Poland, a main reason for Gomułka's liberal brand of "national communism" introduced after 1956, the year when workers in Poznań revolted against the regime and more than one hundred people were killed. Gomułka's reforms, that freed the Catholic Church, increased openness to the west in culture and science, and weakened the communist influence on education and the media, are seen by Ekiert and Kubik as creating "uncontrolled spaces" that: "*became laboratories of experience that nurtured political dissent and opposition*" (1999:31).

Uniting this anti-communist opposition across social class boundaries was however more problematic, since PZPR was aware of this danger and tried to stop it. When Polish students and intellectuals revolted against censorship in the 1960s, reaching a

climax with violent demonstrations in March 1968, the communist regime stirred up anti-intellectualism and anti-Semitism by portraying the dissent as an agent of Jewish Zionism and ungrateful towards the working class. University departments were closed down, rebellious professors lost their jobs and students were expelled. Jews were severely affected by this “clean up” of academia. They could no longer find jobs and about 20,000 were pressured to leave Poland altogether. On another note, the regime’s reaction to the intellectual revolt only strengthened the anti-communist cause since it left no doubt that democratic reform would never be initiated “top-down” by the authorities, and intellectuals who had previously supported socialism and the regime in Poland, lost their faith. In addition, the events of 1968 helped bridge the gap between the intelligentsia and the Catholic Church, which had also been persecuted throughout the 1960s (Davies 2001; Ekiert & Kubik 1999:31–35).

Although the Polish workers had to demonstrate alone in the major strikes of December 1970, where it is estimated that hundreds of people died, a group of intellectuals supported the workers in the 1976 strikes by founding the Committee for Workers’ Defense (KOR). KOR’s agenda was to assist and help free arrested strike leaders, and it became an important information and liaison centre for a unified and anti-communist civil society and stimulated the development of independent groups and organisations across Poland. This in turn facilitated more contact and alliance-building between workers and intellectuals, with the Catholic Church ever present in the background, and culminated in the rise of the Solidarity movement that brought the world’s attention to Gdańsk in August 1980 (Ekiert & Kubik 1999:35–37).

By 1980 the Polish economy was in a pretty unhealthy condition, barely held together by an enormous foreign debt of 20 billion dollars, equivalent to the debt of the entire Soviet Union (Davies 2001:14). The strikes that broke out this time were better planned than before and coordinated between workplaces throughout the country. Demands were voiced in a clear, professional and political language: the right to form new trade unions, freedom of expression, equality of rights and duties and the abolition of censorship. In mid-August the strike committee at the Lenin Shipyards in

Gdańsk were offered a favourable settlement of their local claim, which they rejected on the grounds of solidarity with fellow strikers elsewhere. It led to the August Agreements, signed on the last day of that month, in which government negotiators were obliged to meet some important demands in return for the confirmation that the strikers were not challenging the PZPR's hegemonic political power. The right to organise in free trade unions was one of the accepted concessions, and strike committees from all over the country joined forces to coordinate the new independent trade union named Solidarity, and to elect the strike leader from Gdańsk, Lech Wałęsa, as its Chairman. Grippled by the participatory spirit, Poles organised themselves in affiliated trade unions, and Solidarity grew to become a vast umbrella organisation, and its distinct red and white logo became a symbol of freedom and a strong civil society, set apart from the communist state. Solidarity even counted a third of PZPR's 3 million members among its ranks, and the threat it eventually became to the communist regime in Poland, led to the military coup in December 1981, with Martial Law, mass incarcerations and a ban on Solidarity. The activity went underground and stayed strong until the end of communism, with the movement entering negotiations with the regime. The roundtable agreements, signed on 5 April 1989 re-legalised Solidarity and allowed for semi-democratic²² elections the same year. Wałęsa was elected president for a five year term the following year, and in 1991 completely free parliamentary elections were held (Davies 2001; Ekiert & Kubik 1999; Garton Ash 1999).

3.3 Civil society today?

How can we then best portray civil society in today's Poland, the democratically transitioned EU Member State with a strong Catholic faith and legacy of rebellion and civic participation inherited from earlier times of oppression? Certainly one expects civil societal change to be rather slow, taking at least one full generation to

²² Solidarity and other organisations could compete for 161 (35 %) of the seats in the Sejm (Ekiert & Kubik 1999:47).

break down the previous patterns of thought and behaviour. On the other hand the transition to becoming a fully-fledged western consumer society is happening so fast. The fear is that development will halt in a middle position, inheriting the worst from both worlds — capitalist materialism within a sphere of political alienation and state nepotism.

3.3.1 Polish civil society at an organisational level

Article 12 of the new Polish constitution clearly states that:

The Republic of Poland shall ensure freedom for the creation and functioning of trade unions, socio-occupational organizations of farmers, societies, citizens' movements, other voluntary associations and foundations (The Constitution of the Republic of Poland 1997).

This is just what people seem to have done. The sector has expanded rapidly and now spans a vast field of interests. USAID's 2004 NGO Sustainability Index for post-communist Europe gives Poland the second highest overall score,²³ and the new Public Benefit and Volunteer Work Act of 24 April 2003 widens the possibility for civil society organisations (CSOs) to take part in implementing public policy, and receive financial support (USAID 2005). One of these new financial benefits is the law that allows citizens to donate 1% of their income tax to a favourite CSO, as long as this organisation is registered with the government as a public benefit organisation. The initial lack of awareness about this new act when it first was implemented in 2003 meant that CSOs have been slow in applying for the public benefit status, while the taxpayers have generally not registered their 1 % contributions with such organisations. Public awareness of this tax assignment is spreading as 3340 organisations were registered as public benefit organisations in 2004 receiving over € 10 million from this source. Still, this only represents the contributions from less than 4 % of the eligible taxpayers in Poland, so there is

²³ Polish NGO sustainability was given an overall score of 2.3, while the most consolidated country Estonia was ranked at 2.1. In the USAID study scores from 1-3 represent consolidation, 3-5 mid-transition and 5-7 early transition. The lowest Polish score, 2.9, was for "financial viability" (USAID 2005).

massive room for improvement regarding this fundraising. On the other hand, a legal act on value-added tax passed in 2004 in order to harmonise with EU tax regulations, was detrimental to CSO-activity as these organisations had to start paying more tax on payments received (The Percentage Philanthropy Project 2006).

Financial sustainability is the largest problem for civil society in Poland, and European funding has therefore become an important issue for CSOs. The organisations regard European financing as a way of extending their funding base from local and national government, which covered 30 % of CSO expenses in 2004. The 1 % tax rule should also improve matters in the long run, but the danger is that the public authorities reduce their support to this sector by arguing that civil society now enjoys this tax income. The large and professional CSOs, especially NGOs, seem to be able to benefit well from this new situation, taking part in pan-European networks and applying for project funding through all the new channels that have opened up as a result of EU accession. Smaller organisations are prone to disappointment about the new situation, not having the resources to take part in EU networks or funding (Śmigrowska interview; USAID 2005). This is one of the main reasons why the EEA countries, in setting up separate NGO-funds in the beneficiary States, made € 41.5 million available for strengthening civil society in Poland until 2009. A separate SOP for civil society in the NDP for 2007–2013 was also proposed, but finally rejected.

As for the statistics, there were 53,101 registered CSOs in Poland in 2004, a figure that must be doubled if all trade unions, voluntary fire brigades, political parties, self-government organisations and church related activities are included. 45,891 of the registered CSOs are associations while 7,210 are foundations (Klon/Jawor Association 2004).

A reason for the increase in the number of organisations is also a result of the reduction in public services since the end of communism, and a significant number of these social and educational organisations are affiliated to the Catholic Church. The largest of these new organisations is the Great Orchestra of Christmas Charity. It is

not connected to the Catholic Church but rather set up by an eccentric TV celebrity. On the first Sunday of every new year a nationwide televised fundraising event is held, for expensive medical equipment needed in children's hospital wards (Bartkowski 2003:189–192; Leś et al. 2000; USAID 2005).

The CSOs cluster more around the big cities and in western Poland, than in rural and eastern areas. About half of all the organisations define their activity as within the sphere of recreation, sport, tourism and culture, while only 3.6 % of the organisations state environmental protection as their most important work. Half of the organisations are less than 5 years old, and many of them are small, only a quarter of them having more than 100 members and revenues larger than € 25,000. As for paid staff, only a third of the organisations have employees on their payroll (Klon/Jawor Association 2004; USAID 2005).

3.3.2 Polish civil society at an individual citizen level

The statistics presented above show that a lively and broad civil society is being created at an organisational level. This is now also true for civil society at an individual citizen level, with increasing levels of trust and participation, after these figures dropped to low levels with post-communist hardship in the 1990s. The worry is that the level of political trust is still very low, as was shown in chapter 2, and that this form of trust does not seem likely to improve in the near future.

As for the level of civic participation, 8 million Poles were members of organisations and 18 % of the population took part in some form of voluntary work in 2004, up from 10 % in 2001! This clearly shows that the trend of the previous decade, when participation sank from around 30 % in 1990, has reversed. The reasons for this can be that economic hardship in the 1990s meant that Poles had less time and energy to spare for civil society work, but just as important is the fact that people left the Solidarity movement and other CSOs because these had lost their relevance in a new post-communist era. The recent surge in voluntary work can be due to a growth in “civic spirit” and new organisations forming as post-communist hardship is

regressing, as well as the opportunities these organisations are giving students who need internships to gain work experience (Klon/Jawor Association 2004).

The trend is similar for levels of general interpersonal trust, a common way of measuring the civic spirit of a population.²⁴ While 35 % of Poles were generally trustful of other people in 1990, the level dropped to 18 % by the end of the decade, but had crept up to 23 % by 2004. These figures are much lower than the Western European level of general trust at 40–50 % in the large countries, and over 80 % in Scandinavia. It is comparable to the other EU-8 Member States however, with Hungary and the Czech Republic enjoying 30–35 % trust in 2004. The main difference is that these two countries overall have strengthened their level of interpersonal trust since the end of communism, while it has dropped by 12 % in Poland between 1990 and 2004. Although one should be wary of letting such simplistic statistics prove too many points, the low level of interpersonal trust in Poland does seem to point to the same trend as the low political trust discussed above, that the 1990s have been difficult for post-communist democratic consolidation in Poland (ESS 2004; ZUMA 2006).

3.4 Environmentalism in Poland

Building and construction is something that the business people and politicians see as a driving force to achieve a better position in the EU, based on only one indicator, GDP. This is a tragedy (Kassenberg interview).

Environmentalism was never nonexistent in the EU-8 during communism, and as in Western Europe one would find many people who cared about ecology and who therefore took part in civic activity promoting this. The links between the civil society and the sphere of environmentalism were cemented in Poland with the establishment of the Polish Ecological Club (PKE) in 1980. This was however not the

²⁴ Interpersonal trust is often measured by the percentage of respondent answering: “*most people can be trusted*”, with the remaining answer category being: “*you can not be too careful*” (ESS 2004).

beginning of attempts to secure the protection of the natural environment, which go back to pre-communist times and especially the founding of the Polish League for Nature Protection (LOP) in 1928. During communism however, the LOP and other ecological organisations were often supported financially by the communist regime, as a way of controlling these organisations or at least keeping them apolitical. PKE had between 2000–4000 members in the 1980s, 16 regional chapters and was the biggest independent ENGO in Poland. It had strong ties to the Solidarity movement, not the government, and brought together environmental experts, academics, lawyers, physicians who all shared the view that radical change in policy away from communist industrialisation, had to take place in order to prevent an ecological disaster in Poland. Placing PKE in the Solidarity camp meant merging anti-communism with environmentalism, and resulted in PKE members being persecuted during Martial Law and environmental issues being discussed in an Ecology Subcommittee during the roundtable negotiations in 1989. The linking of PKE to the democratisation movement strengthened environmental ideology, often perceived as mainly urban middleclass values, in the whole of Polish society. In surveys prior to the local elections in 1990, ecological slogans were second to Solidarity themed ones in terms of attractiveness to the electorate (Ferry & Rüdiger 2002:5; Kabala 1993; Kozakiewicz 1996).

With the renaissance of civil society at the end of communism, ENGOs have blossomed too, as there were roughly 2000 organisations by 2004 (Klon/Jawor Association 2004). Like many other CSOs in Poland, these are mostly small organisations with a local focus that can not afford to hire staff and work full time for the cause. Although not very financially sustainable, these small organisations are important for strengthening local civil society. At the top end of this ENGO milieu one can find well-organised and professional ENGOs that create and take part in national and international networks, financially sustained by an array of sources including international donations from the EU and American foundations, and by selling their consulting services to the public and private sectors. Although the extent to which these organisations are involved with local civil society varies, it is

generally these “professional” organisations that have the most capacity and interest in taking part in the programming of EU funds, and some of them have organised themselves in national and international networks and coalitions like the *Coalition of Polish Environmental NGOs on EU Funds*, *CEE Bankwatch Network* and the pan-European *Coalition for Sustainable EU Funds*, in order to strengthen their common cause. The Polish coalition consists of the *Institute for Sustainable Development* and the *Institute of Environmental Economics*, two smallish think tanks based in Warsaw and Kraków, the *Polish Green Network* with its local level activism in the nine member organisations, and the national branch of the *World Wildlife Fund* (WWF). These organisations are actively taking part in EU planning and monitoring of EU Funds and are naturally also the employees of my interviewees.

Before proceeding to the case study of such ENGO participation in EU Funds, it is important to contemplate the general situation regarding environmentalism in Poland, as a living ideology or a short lived fad that died out with Solidarity in the 1990s.

3.4.1 Polish attitudes towards environmentalism

Apart from the financial sustainability of these organisations, the biggest threat to this sector is found at an individual citizen level, where statistics are showing growing apathy and disinterest in environmentalism. In one survey the number of Poles claiming to be “pro-ecological” shrank from 34 % in 1992 to 16 % in 2004. In the same survey a similar drop took place for the number of Poles who could name one or more national environmental organisations, from 64 % in 1992 to 40 % in 2004. The most obvious reason for this is that the modernisation of infrastructure and the closing of the polluting factories has diminished the environmental problems and thereby reduced citizens’ worries. When the respondents were asked in 1992 to rank the greatest threats to civilisation, “pollution” took first place together with “crime”. By 2004 pollution was beaten by crime, drugs and cancer, and was ranked fourth together with alcoholism, just ahead of terrorism. The number of respondents who

replied that they lived in a polluted place showed the same trend, with approximately half the respondents stating this in 1992, and less than a third in 2004 (Burger 2005).

Another important reason can be that the horrific unemployment level created by the modernisation of Poland makes people more pragmatically interested in economic development, often regarded as a trade off with environmentalism. In 1992 58 % thought it worth closing a very polluting factory even if it would cause unemployment. By 2004 this figure had sunk to 46 % of the respondents. The drop is similar for respondents who agree with the statement that it is important to prioritise environmental safety even if it harms economic development, from 32 % in 1992 to 20 % in 2004. On the other hand an issue such as recycling seems to be increasingly popular in 2004, with only 12 % responding that they never segregate any of their garbage, down from 25 % in 2000 (Burger 2005).

The lack of knowledge about environmentalism is an issue in Poland with 25 % of the population stating that they know nothing or little about ecology and only 11 % replying that they know a lot. What people know is usually learned through the media, and as many as 77 % of the respondents can not remember having seen, heard or read about any important environmental issues during the last month (Burger 2005). Reasons for this can be that journalists are equally ignorant of environmental issues or do not feel they are as important as issues like economic development. In addition, media are not focused on using environmentalists as commentators, possibly because they do not take them seriously. A result is thus that a fruitful and broad public debate about environmental issues is not stimulated (Guła and Cyglicki interview).

All these trends can be seen as part of a phenomenon that Poland has to live with as a post-communist consumer society with a strong demand for economic development. A common understanding of environmentalism is often as a value-driven social movement that started at the end of the 1960s with a post-war generation of students in Western Europe and North America realising that the industrial societies, materialist lifestyles and nuclear bombs inherited from their parents, were serious

threats to the sustainability of “Mother Earth”. The movement was able to grow strong in the west because freedom of speech allowed the discussions to take place and environmental catastrophes to be revealed.²⁵ It was strengthened by the pervasive and exciting hippie culture, itself a result of technological and economic development and a growing middle class. The culture also spread to Poland as post-war industrialisation began to take its toll on the environment there as well, but the authoritarian regime did not allow for real ecological awareness or debates to take hold. Adding to this the needle never tipped in favour of environmentalism rather than economic growth during communism, since Poland did not — and has not yet — attained the western level of development, with a large middle class and post-industrial economy. This means that although Poles during communism and afterwards have worried about the effect of daily pollution or ecological disasters such as the 1986 Chernobyl incident in neighbouring Ukraine, there has never been a broad base for a real discussion about environmental activism in Poland (Szacki et al. 1993).

Secondly, it is hard for environmentalism which is often defined as a leftwing ideology in a western sense, to find its place and be taken seriously in a political landscape where the left is still very much identified with communism. In several of my interviews Polish environmentalists mentioned that it is sometimes difficult to be met with respect and be taken seriously, as one is the victim of a stereotype of the ecological movement as being a group of tree hugging nature lovers who care more about animals than people. Although this “humorous” stereotype is often found in Western Europe too, the danger is that Polish conservatism and the post-communist reality makes for more severe consequences (Gula and Cyglicki interview).

A worse label given to the ENGO movement was that of this movement being corrupt, after an undercover reporter from TVN showed how an NGO promoting

²⁵ Rachel Carson’s book *Silent Spring* has been important for the founding of environmental movement. Released in 1962 it made people aware of how a pesticide, namely DDT, used to destroy one organism, is taken up into the food chain for other organism, including humans.

sustainable city planning was prepared to take bribes from private contractors in order to drop its complaints about the Golden Terraces project (Złote Tarasy), that could delay the construction of a new mall and office complex in downtown Warsaw (Gazeta Wyborcza 2005).

4. Method of Analysis

4.1 The case study approach

The study of how democratic consolidation affects ENGO participation in the programming of EU Funds is best addressed through a case qualitative *case study* approach, as I am trying to answer explanatory “how” and “why” questions that deal with the vibrancy or weakness of the interactions between the arenas of democratic consolidation traced over time. ENGO participation is a long-term procedure of ever-changing perceptions and conduct that is neither linear nor quantifiable, and although some statistics appear in my study, I am more historian than quantitative social scientist in the sense that I am solely using these figures to contextualise historical and political aspects of democratic consolidation in Poland. My case study approach differs from a historian’s by being contemporary rather than historical, and I can therefore include direct observation and systematic interviewing to the historian’s traditional scrutiny of source material. *Experiments* also asks “how” and “why” questions, but unlike case studies, the investigator must have direct and precise control over the behavioural events during an experiment, in order to isolate and thereby understand the different results. The main resemblance of a case study to an experiment is what Yin calls making “analytical generalisations”, where one like a physicist testing the theory of gravity can use developed (democratisation) theory to systematise and compare the results of the case study, and thereby make certain generalisations (Mendelson & Glenn 2002; Yin 1994).

Flyvbjerg uses this argumentation to the fullest when fighting back against the conventional wisdom that case studies are less scientific than other methods since one cannot make generalisations on the basis of a single case. Human learning and knowledge can be perceived as “cases” in their own right having created a theory in the head of the scientist that can be tested through one final case study. Flyvbjerg uses Galileo’s simple rejection of Aristotle’s view of weight as a determinant for

gravity as an example. He reasons that Galileo must have found the Aristotelian idea of two objects falling faster if stuck together rather than falling individually counter-intuitive to his understanding of gravity, and by choosing the extremes of metal and feather he was able to prove his point in one single case study. The main part of Galileo's famous exercise is an intellectual one and the actual mythical testing of his theory from the Leaning Tower is beside the point and goes to show that a "good idea" can be worth as much as extensive multiple-case testing. This simple example shows that the case study with its complete, in-depth approach can be ideal for falsification, a rigorous scientific test that scraps the whole proposition, or what has been common knowledge for millennia, just one observation opposes it (Flyvbjerg 2004). The hypotheses posed in chapter 1.7 take this logic of falsification into account, as they define this research as a study to reject the H_0 hypothesis stating that there is no link between the lack of democratic consolidation and ENGO participation in EU Funds, rather than confirming the H_a hypothesis, that there is such a connection.

4.2 Validity and reliability

The possibility of making generalisations as discussed above is known as the *external validity* of the study. *Internal validity*, on the other hand, is the consistency between what one wants to discover and what one is actually studying, in other words the causal relationship (Ringdal 2001). A central question for my thesis regarding internal validity is the role of ENGOs in civil society. Civil society is a popular concept in contemporary democratisation theory, giving me reason for wanting it to play a central role in my thesis. The environmental sector is only a small part of the entire civil society in Poland, and the professional ENGOs that actively take part in EU funding are better organised than the average Polish CSO (Śmigrowska interview). I can therefore not make generalisations about how all groups in civil society will experience participation in EU-funds on the basis of studying ENGOs, which is not what I am trying to do anyway. Because they are professional and well-

organised, certain ENGOs are actively taking part in EU financing and trying to represent the interests of many groups in the Polish civil society at the same time. They are spearheading exponents of civil society that are helping create the pattern of post-communist interaction between the government and this society without necessarily being its average representatives, and I therefore regard the internal validity of my case study as sufficient.

This study has potential for external validity as well, identifying general problems of democratic consolidation between different societal arenas in a state, as many of the institutional circumstances for the interactions I am studying in Poland are common many places, also where there has never been communism. This does not in any way free me from making critical assessments of my own material as I go along. On the contrary, the broadness of the concept of democratic consolidation is in itself an incentive for a precise and tidy analysis.

Questions concerning the *reliability* of a study ask whether you can easily repeat the study and expect the same answers over again. Human behaviour is unfortunately less reliable than forces of gravity, and whereas the speed of the stone or feather dropped from an Italian medieval tower can be calculated, the answers given by my interviewees are less consistent and prone to different interpretation, which makes listening and conversing all the more important in such a qualitative case study. Poles and Norwegians are culturally dissimilar and institutions in our democracies are set up differently. Nor do all Poles share a single understanding of what civil society and democratic consolidation is. The reliability of the study is then on the one hand a *phenomenological* question of how differently my interviewees and I perceive reality and the studied phenomenon. On the other hand it is a question of how well I do my job as a neutral interviewer, and how exact and honest my interviewees are (Thagaard 1998). I try to overcome these challenges by being well prepared in advance and by always following up unclear answers. Since I record my interviews, I am able to conduct them more like “guided conversations” making it possible to go in depth on different issues and ask for explanations when needed (Rubin & Rubin 1995). It is

more difficult to counter an interviewee's political agenda in the interview situation, so this must be taken into consideration in advance, when planning the interview, and later when analysing the data. Not a great problem here, but naturally enough ENGOs will have different perceptions about their participation in EU Fund programming than the bureaucrats in the government, and will want to make me aware of this.

4.3 Sources of information

The interviews I conducted in Poland in the beginning of 2006 are my main sources of data. 10 of the in all 12 interviews conducted in Warsaw between 17 January and 23 February were recorded and notes were later taken from these, allowing for easy access to quotes and further analysis of the interviews. The interviews were conducted as informal, but structured conversations using an open interview guide. On two different occasions I met with two people at the same time, bringing the total number of interviewees up to 14, in addition to email correspondence (see appendix). The ENGOs were the easiest to reach, as they had posted clear information on the internet concerning "who's who" in EU Fund programming and were inviting when I contacted them for a meeting. Eight of my interviewees were connected to EU funding as social partners, most of these from ENGOs. Two of my informants were representing economic partners, while the last four represented Ministries and the National Fund for Environmental Protection and Water Management (NFEP&WM). In addition to the interviews, I found on the internet or was given, reports and minutes of meetings describing the participation of ENGOs in EU Fund programming in Poland.

4.4 A national or regional focus?

My admittedly limited working knowledge of the Polish language has none the less been important for the case selection as I realised that studying EU funding, and the dialogue with civil society at a national level is language wise much easier than at

regional *voivodship* level.²⁶ At lower administrative levels one is bound to have more problems with interviewees who do not speak English, while politically appointees, civil servants, and social and economic partners working with these issues at a national level use English frequently for communicating with contacts abroad. It is also easier to find documents and reports in English at a national level, as these have been produced for monitoring agents in Brussels or foreign partners, and are easily available on the internet. The slightest caution is in order when reading such English language reports, e.g. produced by ENGOs, as they can represent simplified versions of the truth, furtively presenting politicised arguments to foreigners about the situation in Poland.

Studying ENGO participation at a regional level can give more exciting results as the feedback from environmentalists involved in programming EU Funds at this level is of a somewhat more pessimistic character concerning democratic consolidation, than at the more “professional” national level (Śmigrowska 2004). My study is therefore one of “best practice” rather than corruption and undemocratic behaviour.

²⁶ Poland is divided into 16 administrative regions known as *voivodships*, these comprise *powiats* and *gminas* (counties and communes).

5. EU Funds in Poland

5.1 The Cohesion Fund as EU structural policy

5.1.1 Setting up camp

Apart from free access to the common European market, a major incentive for EU membership is the internal structural policy, meant to strengthen the economic and social cohesion and solidarity among Member States. This cohesion is one of the main goals of the whole European project, stated in the Treaty Establishing the European Community, last amended in Nice in 2003, and is a strong incentive for poorer European countries to democratise and modernise their states enough as to begin accession talks with Brussels and fulfil the Copenhagen Criteria for EU membership. The financial aid that is promised to begin flowing with EU membership has also been a strong encouragement for democratic transition and consolidation in the EU-8 countries since 1989, and the post-accession implementation of Cohesion and Structural Funds in Poland in a democratic consolidation perspective is an interesting study as it is the place where the donkey at last gets its reward, the big juicy carrot.

Though there are various pre-accession financing schemes,²⁷ the possibilities and sums of money increase with EU accession. Fully fledged Member States can harvest everything from farming subsidies within the Common Agricultural Policy (CAP) to funding for new bridges or even human resource projects from the Cohesion Fund (CF) and Structural Funds (SFs).²⁸ These funds are complementary tools for aiding

²⁷ There are three main pre-accession funds. PHARE is meant to directly aid the implementation of the Acquis by creating new institutions and good practices for these. SAPPARD is a pre-accession Structural Fund with as special focus on rural and agricultural development, while ISPA is similar to the Cohesion Fund, focusing only on infrastructural projects for environment and transport (NDP 2003).

²⁸ What is often referred to as the Structural Funds in this EU budget period until the end of 2006 consists of four different funds with their different spheres of intervention: European Regional Development Fund (ERDF), European Social Fund

economic and social cohesion in the EU but set up in a slightly different fashion. CF financing is obtainable only for poorer Member States with a per capita gross national product (GNP) at less than 90 % of the EU average, and is implemented for individual projects from a national level. SFs on the other hand are found in all Member States, have a more regional structure, and are mainly implemented through nationally defined SOPs in addition to European Commission administered initiatives like Interreg and Equal.

CF assistance cannot exceed 85 % of the total expenditure, and all the projects supported by this fund must coincide with EU environmental and transport policy. All of the ten new Member States are eligible for CF financing, in addition to Spain, Portugal and Greece. As the largest new member, Poland is entitled to the most funding after Spain, and will receive € 4.2 billion from the EU for CF projects planned in the 2004–2006 period. Some national and private funding will be added to this CF aid, which will be spent solely on large infrastructural projects costing more than € 10 million. Approximately half the money will be spent on environmental projects within the fields of sewage management and water supply, waste management and improving air quality. The other half is to be spent on transport infrastructure, improving Polish road and rail facilities within the Trans-European Transport Network (TEN-T) (European Commission 2004a; NDP 2003).

Based on a European Commission proposal for EU Funds in the new budget period for 2007–2013, the cohesion policy will change from a project-based support to a programme-based support. This means attaching the CF to the SFs, which are already programme-based, and thus giving the Member States more power over the whole funding process, as a Commission approval will only be required for major projects over € 25 million for environmental and € 50 million for transport projects. Today all CF projects are sent to Brussels for final time-consuming approval. The new system

(ESF), Financial Instruments for Fisheries Guidance (FIFG) and European Agricultural Guidance and Guarantee Fund (EAGGF) (NDP 2003).

aims to increase efficiency in terms of planning, implementation and monitoring of funds, without it affecting transparency or quality of the cohesion policy (NDP 2003).

The projects that are prepared for CF and SF financing in the beneficiary countries must be related to the needs drawn up in the programming documents for the allocation of the funding. The NDP is the main programming document, and is both a description of the economic and social situation in the country and a strategy for achieving the necessary development. The plan should be elaborated in compliance with guidelines from the European Commission and must be approved by the same executive body. The Polish NDP for 2004–2006 has created the main framework for planning, implementing and monitoring CF and SFs until the next budget period in 2007. For SFs, the NDP has formed the basis for a Community Support Framework (CSF) for Poland, with € 8.3 billion of EU funding to be implemented together with government- and private money in drawn up SOPs for economic and societal modernisation, infrastructure and regional development (European Commission 2004a).

5.1.2 The management and control system for the Cohesion Fund

Changes are currently being made to how EU Funds will be implemented in the 2007–2013 budget period, but below I mainly relate to the old system that has been in place for 2004–2006, since it is the project selection process in this period that I am studying. One must however bear in mind that the Polish Ministry of Regional Development was created after the Parliamentary elections in 2005. One of the main tasks of this ministry will be to coordinate all the different financing schemes and make the EU Funds less complicated and bureaucratic. The programming documents are being amended in order to fit this new organisation, with consultations taking place in 2006, so it is still not entirely clear which ministries and departments will do what in the future, or how the management and control systems for these funds will operate.

According to the Council regulation (EC) No 1164/94 of 16 May 1994 that established the CF, the Member States must set up an effective management and control system for these finances. Other Council and Commission legislation on how to set up and manage the Fund have later followed suit and these have been adopted by a series of Polish legal acts and programming documents. One of the main documents, of utmost importance for the 2004–2006 period, is the Polish NDP Act of 20 April 2004. The result is the management structure presented in the diagram below (Ministry of Economy and Labour 2004).

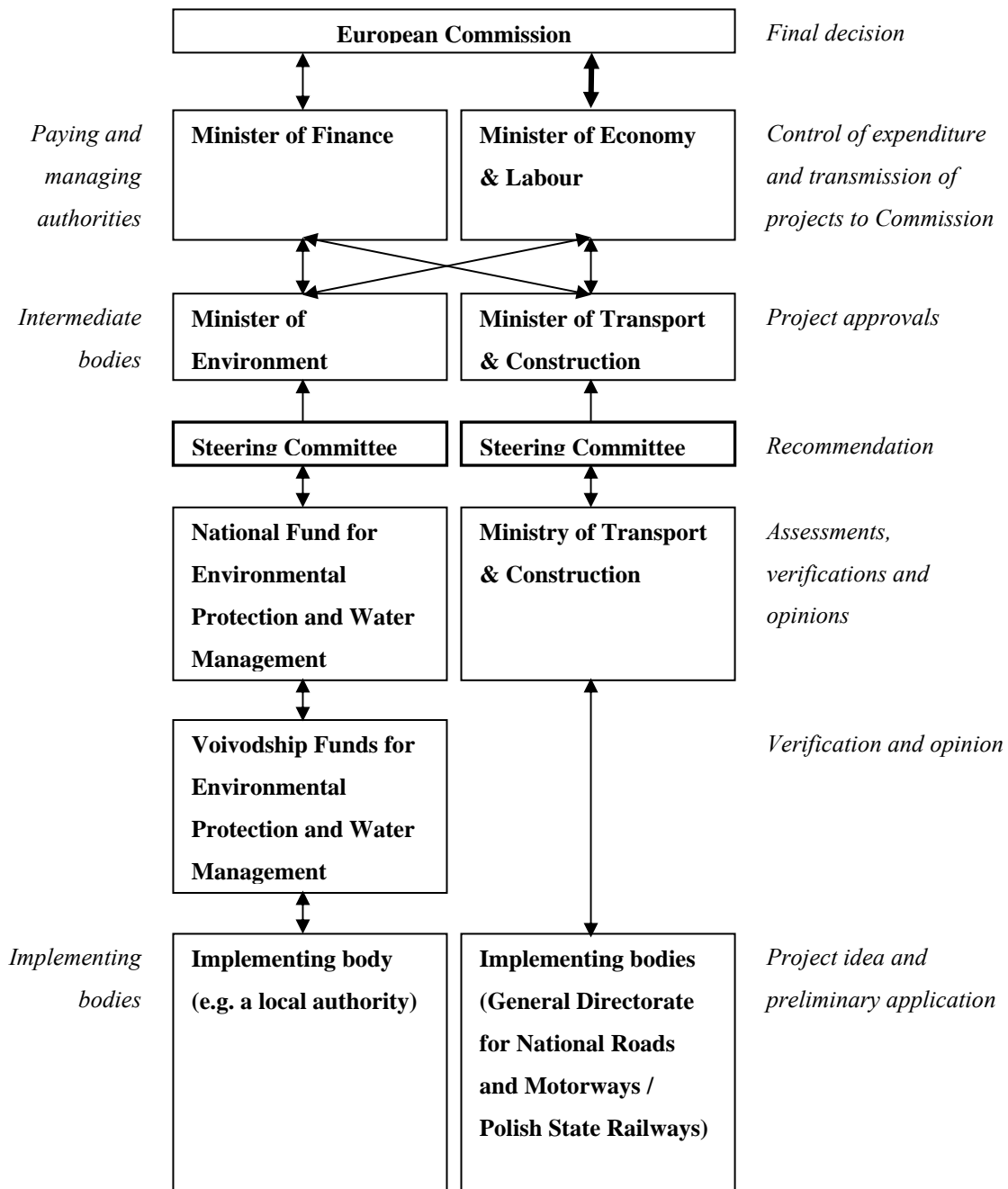


Figure 5.1 The Cohesion Fund's management and control system for 2004–2006 in Poland (Ministry of Economy and Labour 2004:14).

Paying and managing authorities

The Paying Authority is a separate department in the Ministry of Finance, supervised by the Under Secretary of State. The task of this department involves the handling and monitoring of all the financial transfers, payments and accounts that are needed for cohesion funding (ibid.).

According to the programming documents the role of Managing Authority for the 2004–2006 period should be carried out by the Department for Coordination of the Cohesion Fund in the Ministry of Economy and Labour. The Ministry's Under Secretary of State supervises the Managing Authority, which is responsible for all official contact with the European Commission regarding the CF, such as handing over the formal applications and informing Brussels about the organisation of the CF system in Poland. The department is also responsible for drafting the Manual of Cohesion Fund Management and Control, ensuring widespread information about the fund and appointing the Monitoring committee (ibid.).

Intermediate bodies

It is within the intermediate bodies that the practical work of selecting and developing projects is done. The two intermediate bodies, the Ministry of Environment (MoE) and the Ministry of Transport and Construction (MoTC) have departments working with the CF, supervising local bids and tenders, giving opinions to the implementing bodies, setting up SCs and having contact with the Managing and Paying Authorities. For environmental projects the CF structure has intermediate bodies at several levels with the Voivodship Funds for Environmental Protection and Water Management (VFEP&WM) being important for regional knowledge and contact with the public, and the NFEP&WM coordinating the work between these Voivodship Funds (ibid.).

Implementing bodies

The implementing bodies are usually also the final beneficiaries, be it the Polish State Railways (PKP), the General Directorate for National Roads and Motorways (GDDKiA), local authorities, communal associations or municipal companies. The project ideas and preliminary applications start here, and this is the level with the most local knowledge. These bodies are responsible for designing feasible projects in line with rules and regulations, preparing and issuing tenders, consulting the public, carrying out investments and paying the contractors (ibid.).

5.1.3 The project selection process

Coordinating the selection of environmental CF projects in 2004–2006 has been the responsibility of the Department of European Integration in the MoE. Transport projects are coordinated in the MoTC by the Department of Investment and Economic Analysis with help from the Department of Programming and Strategy.

Selecting environmental projects

After all the relevant laws and EU regulations are in place, the project application and selection can commence. The potential beneficiaries submit their project proposals to the appropriate regional VFEP&WM. This body is also responsible for informing partners in the Voivodships about the Cohesion Fund, and supplying them with all the necessary forms and documents. The 16 VFEP&WM assess the proposals with regards to formality and substantiality. Applications that do not meet formal requirements are returned to applicants for corrections. The VFEP&WM then prepare lists of all the potential projects in their regions and these lists are sent to the Voivodship Marshals for comments and verification that the projects are not also being submitted for SF funding. Having received the opinions from the Marshals, the lists are then sent to the NFEP&WM where substantial environmental, financial and technical assessments of the proposed projects are made on the basis of criteria set out in the Framework Reference Document for Cohesion Fund Assistance. The National Fund also prepares a joint list of all the projects that have been received, which is sent to the MoE for a final project selection on the basis of the discussion in the steering committee (*ibid.*).

The steering committee is set up by the Minister of Environment in accordance with the Polish NDP Act, and should include representatives from the Managing Authority, the Intermediate Bodies, Voivodship authorities and social and economic partners, including ENGOS. In the committee the projects are then discussed and a list of projects recommended for further preparation is submitted to the Minister of Environment for approval. The approved projects are then sent back down through

the system for the final preparation of the application for CF assistance and all the other preparations that are involved before the projects can commence. Feasibility studies and Environmental Impact Assessments (EIAs) are important analyses that are performed at this preliminary stage. Complete applications are sent to the Managing Authority in the Ministry of Economy and Labour, and on to the European Commission (ibid.).

Selecting transport projects

For transport projects the process is simpler since the Framework Reference Document for Cohesion Fund Assistance makes it clear that the nature and scale of the projects are such that only two beneficiaries are needed, PKP and GDDKiA. These bodies give their recommendations to the MoTC where the preliminary list of prioritised projects is drafted after formal, financial, and technical assessments have been made by the relevant departments in the Ministry. A working group of bureaucrats and external experts make a final assessment, which is passed on to the steering committee for discussion and recommendation of projects for which to prepare CF applications. The necessary consent is given by the Minister of Transport and Construction, before a project is sent to the Managing Authority and on to Brussels for final approval (ibid.).

The steering committee for transport is appointed by the Minister of Transport and Construction in accordance with article 23 in the NDP Act of 2004, and consists of representatives from the Managing Authority, the MoTC, regional and local authorities, and social and economic partners, including one ENGO. By invitation of the President of the committee, representatives from the implementing bodies and other institutions may take part in the committee sessions. The committee will suggest the sequence of preparation and submission of projects to the European Commission, and is free to ask the implementing bodies for explanations and justifications, or even appoint an additional expert assessment if this should be necessary (ibid.).

5.2 Civil society and Cohesion Fund programming

Civil society has an ambivalent role in CF programming as is the case for SFs. On the one hand public participation is recognised by the European Commission and the Members States as important for the programming, implementation and monitoring of the Funds, promoting transparency and projects of high quality that are in the best interest of all affected parts of society, rather than rushed, unsustainable projects that may be regretted at a later stage. On the other hand, the fear of obstruction and delay seems to have led to a pragmatic stance of not voicing the need for public participation in a too loud a way, neither in Brussels nor in the Member States. For the EU Funds this slightly schizophrenic scenario has created rules of play that are general and vague and frequently changing. There is a lack of information about the correct procedures regarding public participation, which often in any case allow for broad interpretation. The role that civil society ends up playing is therefore often a somewhat random result of the individuals and bureaucratic cultures involved in EU Funds at a local, regional and national level (Guła et al. 2004; Stoczkiewicz 2004).

5.2.1 The Partnership Principle

A changing paradigm?

The partnership principle is one of these vague concepts that can be interpreted broadly. It is implemented in two ways, vertical partnership between the European Commission and the Member State, and a more horizontal partnership between the Member State and the institutions and organisations within Linz and Stepan's 5 arenas. The Council regulation setting up the Structural Funds makes it clear that it is the responsibility of the Member State to designate the most representative partnership at all levels; national, regional and local, and that the partnership shall cover preparation, financing, monitoring and evaluation. The partnership should take place within the framework of national rules and current practices and involve public authorities, economic and social partners and: "*any other relevant competent bodies within this framework*" (Council of the EU 1999). In the proposal for new Council

regulation laying down the provisions for EU Funds in the 2007–2013 period, the European Commission suggests that the last part be substituted by: “*any other appropriate body representing civil society, environmental partners, non-governmental organisations, and bodies responsible for promoting equality between men and women*” (European Commission 2004c:article 10). This change of wording has not been taken into consideration in the Council’s compromise text of 21 December 2005, and although the Council has until 31 October 2006 to review the Commission’s proposal, it does not seem likely that civil society will be given special attention in the final Council regulation. This upsets many CSOs since they would like to see firm, concrete legislation from the EU regarding partnership (Friends of the Earth 2006).

Partnership is a popular idea in Brussels, on paper at least, and is also mentioned as a core principle for management of EU funds. A reason for this focus on partnership is that the EU has signed and ratified the Aarhus Convention,²⁹ forcing public authorities to enhance the information and public participation in environmental matters. Article 1 of the Convention states that:

In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention (UNECE 1998).

This UN Convention is closely related to principle 10 of the 1992 Rio Declaration on Environment and Development, that environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Moreover it focuses on interactions between the civil society and the public authorities regarding environmental questions, by claiming that it is a human right to have a say in how one’s local environment is affected by policy implementation. The Aarhus

²⁹ The full name is the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. The convention, set up by the United Nations Economic Commission for Europe was signed in Aarhus on 25 June 1998 (UNECE 1998).

Convention is therefore not only an environmental agreement, but also deals more generally with government accountability, transparency and responsiveness (UNECE 1998).

Another important reason for focusing on partnership is that it is a cheap way of ensuring high-quality policy implementation of for example EU Funds. Social and economic partners stimulate project ideas, provide important scientific and regional information and help identify solutions for the best implementation, while monitoring the whole process. Decentralisation down to, and within the Member States can be a way of improving the funding efficiency, and from 2007 more national verification of Cohesion Fund projects will take place. Where the EU apparatus loses control with decentralisation, social and economic partners can step in as consultants and watchdogs. On the other hand, too much partnership can easily become time consuming and inefficient. These two conflicting views create a somewhat vague EU position on horizontal partnership in the new programming documents for EU Funds, leaving this up to the Member States to consider and implement (European Commission 2004b; Stoczkiewicz 2004: 56).

Polish partnership

The Polish NDP Act of 20 April 2004 clearly ensures that the implementation of EU Funds must take place through partnership with social and economic partners that are:

Organisations of entrepreneurs and employers, trade unions, professional self-government, NGOs and academic units, whose activity is related to the issues covered by the NDP and by the Operational Programmes or the Reference Framework for the Cohesion Fund (cited in Stoczkiewicz 2004).

Further, the Act on Public Benefit Activity and Voluntary Assistance defines NGOs as:

Corporate and non-corporate entities not forming part of the public finance sector as described in the Public Finances Act, not operating for profit, and formed on the basis of relevant legislative provisions, including foundations and associations (cited in Stoczkiewicz 2004).

Although these legal definitions are clear enough, they give a rather broad understanding of partnership, meaning that virtually anyone could qualify for such a status, and thus endanger “real” civil society’s chance of influencing EU Funds. This can cause neutrality problems, as exemplified by voluntary fire brigades that are legally defined as NGOs, and want to take part in programming EU funding. These brigades share long and popular traditions in parts of Poland, but they are clearly quasi-autonomous non-governmental organisations (QUANGOS) who perform services for local authorities and are therefore not fully independent third sector actors (Gula and Cyglicki interview).

In general, Poland can be seen as successfully catching up with older Member States and even overtaking some of them. Public participation in environmental assessments has been ranked as better off in Poland than in Spain, Portugal and Greece (Bolshakova et al. 1998),³⁰ and the fact that the Polish NDP Act from 2004 introduced steering committees that were not strictly required, nor the norm in many western Member States, shows that public participation all in all is quite strong for environmental policy in Poland. This may change with the new NDP Act expected to be less embracive of civil society.

5.2.2 Steering Committees

A broad definition of partnership was included in the 2004 NDP Act, allowing for the creation of consultancy bodies known as *steering committees* for both Cohesion and Structural Funds. Partnership was not strictly necessary for the implementation of the CF in 2004–2006, as it wasn’t mentioned in the specific regulations for this fund.³¹ It

³⁰ Namely the public partaking in EIA and SEA assessment (Bolshakova et al. 1998).

³¹ Council Regulation (EC) No 1164/1994 (Stoczkiewicz 2004).

will be from 2007 though, since the same basic regulations for the SFs will also be adopted by the CF. The irony is that it has been suggested to drop steering committees altogether from 2007, and focus on partnership in mainly monitoring committees, assessing the implementation of the EU Funds, rather than the programming of them. The two “voluntary” steering committees for the CF in 2004–2006 are therefore interesting, but possibly “dying” cases. In addition, these committees have already finished their work as all the funding is already assigned, and projects sent to the Commission for approval (Stoczkiewicz 2004).

The steering committee for the environment

Since 17 July 2003 steering committee meetings were held by the MoE, in order to assess and accept projects that should be sent to the European Commission for CF financing. Originally 12 members, the committee was extended to 18 members with the NDP Act in 2004 stating that regional and local government, and the social and economic partners must each have a third of the members. In the 18 member-strong committee, 6 members were from the MoE, the Ministry of Economy and Labour and NFEP&WM, another 6 represented self-government at regional and local level, while the rest were social and economic partners. Of these 6 it was decided that one third should be ENGO representatives. Initially, the MoE planned to pick environmental partners for this committee itself, as was the case for the other steering committee members. The ENGOS strongly wanted to democratically select their own representatives and an arrangement was made so that environmental activists would run for election on the Ministry’s website, and the ENGOS would vote for their favourite candidates. There were some initial discussions about who should be able to put forward their candidature and vote, since many voluntary fire brigades have environmentalism in their statutes but do not have a real ENGO mandate. In the end Andrzej Guła from the Institute of Environmental Economics in Kraków and Andrzej Kassenberg from the Institute for Sustainable Development in Warsaw were chosen.

The other four social and economic partners, from trade unions and labour organisations, were picked by the MoE after an invitation to submit candidates. A

representative from each was picked from the rightwing Solidarity trade union and the left-wing and SLD-friendly All-Polish Alliance of Trade Unions (OPZZ). The last two partners were from the Confederation of Polish Employers and the The Association of Polish Foresters.

The steering committee would meet 4 times pr. year as a minimum and the MoE would call for extra meetings when projects needed approving. Of the 143 projects discussed by the committee, 85 were recommended for funding from the CF. 66 of these projects concerned water and wastewater while 16 dealt with waste management and rehabilitation. The last three projects were for air and flood protection. With the sending of these 85 projects to the European Commission, the MoE has spent all the cohesion funding made available for environmental issues in the 2004–2006 period (Książek email; Malarz and Czeczko interview).

Decisions were made in this committee by majority voting, but ideally it tried to reach consensus. Andrzej Kassenberg has suggested a system of “one time constructive veto” instead of majority voting, where one can block a proposal once by having a constructive alternative. If this fails the proposal is voted upon as normal. This system would strengthen the environmental minority cause in the committee, but would take more time, and has not been tested out in this committee (Kassenberg interview).

The information about the different projects was usually sent to the committee members a week before the meeting, which the ENGO representatives generally felt was early enough, but from time to time the project information was sent too late. It was even experienced that the information wasn't sent at all, but rather found lying on the table at the start of the meeting (ibid.). Although project information improved in the course of the funding process, the quality of this information was never supreme. It was often seen by ENGOs as imprecise, erroneous and contradictory, bearing witness to a somewhat rushed process. It seemed that the MoE and NFEP&WM were both overworked and afraid of the selection process coming to a halt, and were therefore not prepared to spend much time discussing the projects or

the faults of them. The pressure of quick allocation of funds, without clear selection criteria or information on how EIAs had been conducted was the single most frustrating experience the social partners had from the committee work. There just did not seem to be enough time for a proper discussion on how allocation best could meet the requirements set out in EU environmental legislation (Gula and Cyglicki interview; Kassenberg interview).

Apart from this frustration with the whole system of committees, being “voting machines” rather than arenas for finding constructive solutions, the ENGOs were positive about taking part in this committee. Main reasons for this are that they were allowed to select their own representatives through voting and that they generally find their contributions are increasingly being valued and listened to by a MoE that is steadily improving its organisational role (ibid.).

The steering committee for transport

The steering committee for transport was also initially set up with two democratically elected ENGO representatives of a total of 10 committee members. Robert Cyglicki from the Polish Green Network and Zbigniew Karaczun from the Polish Ecological Club were elected by the environmental groups after it was agreed that the successful ENGO-voting scheme from the MoE committee should be adopted by this steering committee. The committee was disbanded in June 2004 with the implementation of the NDP Act. The Act changed the composition of the steering committee stating that a third of the committee members must represent regional and local government and another third represent social and economic partners. A new committee was formed in August the same year, but this time the election procedure was ignored and Robert Cyglicki was picked as the only ENGO representative of 9 committee members in total, 3 of whom were social and economic partners. The additional partners were also selected by the MoTC, after proposing their candidatures. The other social and economic partners represented the transport section of the Polish Chamber of Commerce and the Railway Scientific and Technical Centre. The other 6 members

represented the MoTC, the Managing Authority³² and different levels of self-government (Guła et al. 2004; Pulikowski email; Śmigrowska 2004).

As in the steering committee for environment, there was majority voting and all representatives had one vote each. Voting would mainly take place for selecting projects for proposed CF financing, but would occasionally also cover voting over committee regulations would take place too. Since 2003 7 meetings were held in all and 15 projects sent to Brussels for CF funding, 9 road projects, 5 rail projects and 1 technical assistance (TA) project for the MoTC. Apart from voting, the social and economic partners were seen by the MoTC as helpful consultants regarding technical issues and EIA procedures (Pulikowski email).

Cyglicki's experience as a social partner in this committee seemed to be less affirmative than Guła and Kassenberg's experience in the steering committee for the environment. Cyglicki was the only environmentalist in his committee and felt that the partnership was largely "pro-forma", merely as required by the NDP. It was felt that little environmental interest was taken here, except regarding technical issues like EIAs. Naturally, the MoTC and other committee members dealing with transport infrastructure can not be expected to be as interested in environmental issues as the members of a steering committee set up for improving the environment. A main problem seemed to be the amount of old-fashioned "communist concrete" working with rail and road issues in Poland, especially amongst the beneficiaries in PKP and the GDDKiA. Road and rail projects take a long time to plan, and these beneficiaries are typically interested in using EU funding for financing projects that have already been planned, without a clear understanding of, or interest in environmental consequences. The ENGOs realise that roads must be built in Poland, but want to make sure they are built in a way that is best for the environment, in accordance with EU environmental regulations (Guła and Cyglicki interview).

³² Ministry of Economy and Labour.

5.2.3 Public consultations

Another way of fulfilling the partnership principle and the Aarhus Convention is by making sure the process of consultations with the public is optimal. Consultations should take place for both the setting up of main programming documents like the NDP, and for the individual projects for which EU funding is proposed.

National Development Plan consultation

NDPs are set up in EU Member States in order to present a long term and common focus on all the major developmental issues that the country faces, and a suggestion of how EU structural policy can aid this development. In Poland preparation of the NDP for 2004–2006 was begun in 2000 by an inter-ministerial working group with help from academics and other experts in the fields relevant to the NDP. The drafting was done, from the end of 2000, in dialogue with the European Commission. Between July and November 2002 the draft NDP was consulted at conferences, seminars and meetings all across Poland in accordance with the Partnership Principle, and ENGOs were also able to take part. In the same period, “ex-ante evaluations”³³ of the draft NDP were done through a joint Polish and French project, and a Strategic Environmental Assessment (SEA)³⁴ of the same document was made by the Regional Environmental Centre for Central and Eastern Europe, financed by the Italian and Norwegian governments. Polish ENGO participation in this SEA was the main and most constructive way for this sector to take part in the programming of the NDP as comments from the SEA were mentioned in the final NDP. The SEA criticised the NDP for not having clear enough measures for environmental protection, and proposed amongst other things 23 environmental “mega-criteria” that should be

³³ Ex-ante evaluation refers to forward-looking assessment of the likely future social, economic and environmental effects of new policies or proposals, and must be conducted in accordance with Council Regulation (EC) No 1260/1999 and the Polish NDP Act of 20 April 2004 (NDP 2003:161).

³⁴ The purpose of SEAs is to ensure that environmental consequences of plans and programmes are identified and assessed during their preparation and before their adoption, like the EIAs done for individual projects. The public and environmental authorities can give their opinions that should be taken into account in the creation of programming documents like the NDP (The Council of the EU 2001).

implemented for the “greening” of the NDP. The final version of the Polish NDP for 2004–2006 was adopted by the Polish Cabinet on 14 January 2003 and meant that the detailed planning of implementing EU Funds could commence (NDP 2003).

The process was similar for the 2007–2013 budget period. The Preliminary Draft NDP for 2007–2013 was passed by the Polish government on 11 January 2005 based on expert opinions on the development of Poland, inter-ministerial discussions and consultations with the European Commission. The draft was then offered for ex-ante evaluation and broad nationwide consultation until the end of May 2005, and over 130 conferences and many more meetings were held across Poland. The environmental sector in Poland held a two-day consultation workshop in Warsaw in March 2005, with over 50 ENGO representatives present to discuss the environmental implications of the NDP for 2007–2013. The result was a 70 page document that was presented to all ministries and regional authorities, but nothing much came out of it as none of their suggestions were taken into consideration in further NDP programming. The ENGOs therefore see this whole consultation process, and their own barely ad-hoc role, as a way of satisfying formal requirements, rather than instigating real partnership with civil society. This makes the ENGOs disillusioned and disappointed (Dworakowska 2005; Smigrowska Interview).

One of these disappointments concerns the lack of clarity at both national and European level regarding SEAs and ex-ante evaluations of how proposed plans and programmes will affect the environment in the next budget period. Thorough assessments were made for the 2004–2006 NDP with foreign help from France, Italy and Norway, but whereas the government claims all is well for the 2007–2013 evaluations, ENGOs remain unconvinced. They trust neither the “independence” of the evaluation group set up by the government, nor that the results of rushed evaluations and SEAs will take environmentalism into thorough consideration. ENGOs see the 2007–2013 NDP as delegating the environmental responsibility down to the level of the individual SOP as a part of the decentralisation trend for EU fund

management, and are worried that this will hinder the EU Funds from having a green profile.

The new PiS government, set up in the autumn of 2005 and broadened in May 2006, is trying to impose smoother, more efficient implementation of EU funds. The *National Strategic Reference Framework* (NSRF) for 2007–2013 has therefore been drafted and was consulted during the spring of 2006. This document aims at amending the draft 2007–2013 NDP, and corresponds to a new legal act that is to replace the 2004 NDP Act. One of the suggestions is to replace the 11 SOPs planned in the NDP with six new programmes, since experience from SFs in 2004–2006 has shown that the individual SOPs have not reached their goals regarding the amount of financing they had planned to implement in this period. The simple idea is that it will be easier to implement a few, broad SOPs that are all coordinated by the same well-oiled machine, the newfound Ministry of Regional Development. The planned SOP for environment will in this case be closed down and its projects transferred to the SOP for Infrastructure. ENGOs worry that funding made available for environmental projects can instead be spent on road building, as it is possible to redefine spending within the individual SOPs (CEE Bankwatch Network 2006; Pulikowski email, Wójcik 2005).

Project consultation

Measures planned improved by the draft NDP for 2007–2013 include the routines for public consultation of the proposed projects, and the control from the Ministries regarding this. For the 2004–2006 period most projects were consulted without strict rules, with the beneficiaries themselves being responsible for informing the Ministries about their consultation process. The quality of consultations in this period is mildly put quite unconvincing. The projects that have started can go ahead as planned, but for the next period things should be stricter, with the Ministries taking more responsibility to ensure that the public has actually been consulted thoroughly (Gliniecka interview; Malarz and Czczeko interview).

Poor quality public consultation is one of those issues that can be related to bureaucratic path-dependency from authoritarian times. There is no real tradition for such consultation in Poland, and since there are not sufficient regulations from the EU concerning this, superior democratic practice is not implemented overnight. Consultation has been treated lightly by the beneficiaries, as a way of merely informing the public about what's going on, rather than creating an arena for feedback and constructive dialogue. My environmental interviewees have experienced consultations that are more like press-conferences, taking place late in the programming phase, just weeks before construction is supposed to start, and after all permissions have been given. When a beneficiary has not even assigned a person to take down the minutes of the meetings in order register the feedback, it is regarded by the environmentalists as more for show than a serious consultation (Guła and Cyglicki interview; Rytel interview). Nor is the quality of project information given by the beneficiaries for consultation always sufficient. An example is the building of a road viaduct in Warsaw's North Praga district, where the project was presented on a website with a very imprecise indication of this viaduct on a large scale city map (Rytel interview).

As with the issue of SEAs of the NDP and its SOPs, EIAs must be made for individual projects in agreement with the amended Council directive 97/11/EC. This assessment is supposed to ensure that environmental consequences of projects are identified and assessed before authorisation is given. Civil society must be aware of this and give its opinions before all results are taken into account in the authorisation procedure for the project (Council of the EU 1997). As was commented on by ENGOs regarding steering committee work, these EIAs are often being carelessly done at a very late stage. Whether the quality of project consultation or EIAs will improve in the new programming period is hard to say. A simplification of procedures can on the one hand make this consultation easier for all parties involved, while the decentralisation and possible worsening of the partnership principle regarding ENGO participation in steering committees can reduce the transparency surrounding the funding procedures and civil society's influence on EU Funds.

5.3 Summing up

This chapter has described the structure of the Cohesion Fund in Poland, and the role of ENGOs in the two steering committees that existed for this fund in 2004–2006. The general functioning of the partnership principle has also been discussed, concerning how civil society is taking part in the consultations of programming documents and individual projects related to EU Funds. The voluntary initiative to set up steering committees in the MoE and MoTC shows that the government and the state apparatus is willing to include different societal arenas in the planning of large infrastructural projects. The value of this partnership and general public consultations is less clear as it has been suggested to do away with steering committees in the next budget period. It seems that the presence of ENGOs is appreciated for their competence on environmental legislation and technical issues, and that this broad participation “looks good” from a Brussels perspective. Nevertheless the environmental partners feel that the interest in making green choices and giving priority to environmental issues at the end of the day is secondary since there are just too many other issues to deal with. In the next chapter I return to the theoretical framework and historical characteristics developed in chapters 2 and 3, and discuss to what degree ENGO participation can be perceived as path dependent of democratic consolidation.

6. EU Fund Programming and Democratic Consolidation

6.1 Political society

Implementing EU Funds is very much a political process at the programming level, as political society is naturally involved in designing the legislation and the programming documents in the Polish government and later debating these in the Sejm. In order to keep my H0 hypothesis this programming must happen in a democratically consolidated political society in dialogue with the other societal arenas, also the ENGOs in civil society. A consolidated political society is free and inclusive, offering open electoral competition of political alternatives for the tasks of managing the state apparatus, and controlling the other arenas of democratic consolidation. In order to be successful at this the political society needs attitudinal legitimacy in the eyes of the civil society as well as legal guarantees from rule of law that are maintained by an impartial state apparatus (Linz & Stepan 1996:14).

6.1.1 A distrusted political society

A main problem with democratic consolidation in this arena is the lack of attitudinal legitimacy it has, path dependent of Poland's long history of oppression, the "us" and "them" dichotomy created between the political society and the civil society during communism and continued in Polish politics after 1989, affecting communists and anti-communists alike (Ost 2005:24–25). Poles strongly distrust politics as shown by the statistics presented in chapter 2.2.1 (CBOS 2004). This strong distrust affects the programming of EU Funds too as it hinders cooperation and dialogue between the political society, that manages the state apparatus and thus also the EU funds, and civil society close to the receiving end of these funds.

Most of my interviewees from civil society expressed distrust with Polish politics in general, and more specifically the politicians involved in steering committee meetings for EU Funds. An example is found in the environmental steering committee for the Cohesion Fund where the NGOs had great problems cooperating with the Under Secretary from the MoE that initially chaired the committee, neither accepting his leadership style nor trusting his motives behind only presenting some of the projects prepared by the NFEP&WM to the steering committee. This led to much arguing, affected the committee's work, and finally the Secretary of State was brought in to chair the committee instead (Kassenberg interview; Kędzierski interview). The NGOs' dislike of a chairperson is partly related to the general competence and charisma of the individual who is in this position, but political distrust is also part of the problem as the environmentalists specifically claim that a chairperson's political affiliations can be threatening to the quality of the debate and the voting in the steering committee. Since the voting is open, NGOs believe that high level civil servants in these committees find it hard voting against and thus conflicting the views of nominated political officials from their ministries, as they can feel that their positions are in danger if they do (Guła and Cyglicki interview).

6.1.2 Lacking green party politics

Another result of this political distrust that affects EU Fund programming, is the absence of a strong green movement in party politics, both as consistent ideological streaks in the main political parties and as separate ecological parties. The presence of environmentalism in national politics would help keep a steady focus on such issues amongst politicians, the media and down to the voters, and would thereby also strengthen the environmental arguments for implementing EU Funds. The Ecological Forum of the liberal, centrist Freedom Union (UW)³⁵ was an exception in the 1990s, and had several members in the Sejm.³⁶ The Forum's leader Radosław Gawlik was

³⁵ UW is now known as the Democratic Party.

³⁶ 8 UW members of the Sejm between 1993 and 1997 were members of the Ecological Forum (Ferry & Rüdiger 2002: 10).

also chosen as deputy Minister for the Environment when UW entered government as a junior coalition partner after the 1997 elections. Similar bonds were forged to the left of politics, with the Polish Green Party (PPZ) teaming up with the ex-communists from SLD (Ferry & Rüdig 2002).

Although this shows that environmental interests have been present in national politics in the decade and a half since the end of communism, it can be argued that their influence has been rather trivial as they are a small minority in this political sphere, dominated by “bread and butter” concerns to increase economic growth and reduce unemployment. Additionally, it is bound to be hard to consolidate environmentalism in national politics when environmental politicians, neither manage to cooperate between themselves because of different party allegiances, nor have the backing from the largely apolitical environmental movement (ibid.). With a 5 % threshold for entry into the Sejm, and the right-hand turn of the new PiS government in the last general elections in 2005, the possibility of strengthening the environmental focus in Polish politics looks pretty slim.

The ray of light is the new green party called Zieloni 2004, loosely connected to the milieu from the old Ecological Forum through initiative taker Radosław Gawlik. In the 2005 presidential elections Zieloni 2004 broadened its political base by signing an agreement supporting Marek Borowski, the presidential candidate from the newly founded Social Democratic Party of Poland (SDPL), a splinter group from SLD, for left-wing voters disenchanted with corruption and nepotism amongst ex-communist politicians. Zieloni 2004 only got 20,000 votes in the 2005 parliamentary elections, far below the entry threshold, but might do better in the local elections in October 2006, since it can generally be easier to front environmental issues locally than nationally. Zieloni 2004 has broad support from “alternative” groups in civil society like ENGOS, feminists, and human rights activists, and enjoys a strong European network through its membership in the European Green Party (European Greens 2006). If the party survives it might come to play a small but important role representing Polish civil society activism in a left-wing coalition with SLD and

SDPL, and again bring environmentalism onto the main stage of Polish political society. Until then ENGOs in civil society and environmental EU legislation will play the principal roles as watchdogs and enforcers of environmental policy in Poland, also regarding EU Funds.

6.1.3 Politicised state apparatus

This absence of environmentalism in party politics and civil society's distrust of political society join force and affect ENGO participation in EU Fund programming negatively because of the politicised state apparatus. Although political leadership of the state apparatus is normal and even necessary, this leadership reaches too far in Poland and violates the impartiality of the civil service. The result is that the new elected governments make many changes to the set up of the Ministries and personnel working for them, disrupting the EU Fund programming and other important policy implementation taking place, as well as the dialogue between the state apparatus and the already suspicious civil society.

Since the first non-communist government was elected in June 1989, there have been 10 different governments that have not shared a common vision about how the public administration and civil service should be developed. With the new constitution in 1997 and other important legislation like the Civil Service Act introduced in 1999 things have moved along, albeit slowly. The reduction of politicisation and increase of professionalism in the civil service is one of the most important developments that the 1999 Act was supposed to aid, but it is still regarded more as an objective rather than a clear existing structure. Reports from the Polish Ombudsmen have been very critical of public administration in recent years, and a joint EU/OECD report from 2002 assesses that even if the new legislation exists, there has not been any political will to resolutely implement the new system. Regarding the politicisation problem the report concludes that:

The political impartiality of the civil service is not guaranteed, and the mechanisms to foster integrity are neither sufficiently developed nor enforced. The situation seems worse in local government and districts where politically biased recruitment practices lead to low levels of professionalism and make the delivery of de-centralised public services problematic (EU/OECD 2002:10).

These beliefs are also common amongst my interviewees, especially regarding the unprofessional practices at local government level where transparency is absent and the roles of, and connections between, politicians, businessmen and “social partners” are diffuse. The Ministry of Environment on the other hand is evaluated positively as being interested in dialogue with ENGOs. This is naturally enough also the ministry where environmentalists feel most at home and best know who to contact to be heard (Gula and Cyglicki interview).

6.1.4 Change of government — looking ahead

Politically appointed personnel in the state apparatus working with EU Funds and enjoying wide autonomy to design policy without much concern for social and economic partnership can be a worry regarding the new right-wing government sworn in on the 31 October 2005. They have already amended the suggested SOPs and the NDP Act from 2004, and made changes to governmental offices regarding departmental structures and the civil servants working there.³⁷ The creation of the Ministry of Regional Development is one of these changes that affect EU funding greatly. This new ministry will administer most of the future EU Funds in Poland, the new government arguing that a new, more effective institution is needed since Structural Fund implementation has not been optimal in the 2004–2006 period. There are naturally enough different opinions about this, but some suspicious social and economic partners see this as the new government redistributing EU Funds for regional development in rural, eastern areas populated by their own voters, rather

³⁷ Jerzy Kędzierski, vice-president of the NFEP&WM was the only civil servant I met who was heading for early retirement as a direct result of the new government. He was dismissed in January 2006, while two board members of the National Fund had to step down in the autumn of 2005 (Kędzierski interview).

than implementing the funding through the 11 SOPs, including one for the environment, as originally planned (Andrzejewicz interview).

The changes within the political society after the 2005 elections have also led to guessing about how the dialogue between the political society and other arenas of democratic consolidation will change. On the one hand PiS' strong connection to the Solidarity movement and the fact that their political platform is partly created on the retribution against the shadiness and corruption within the ex-communist SLD government, could hint at the PiS government trying to be transparent and tidy while creating a broad dialogue with civil society. Additionally it can be argued that PiS probably does not have as large a network of technocrats and scholars as the liberals and the left-wing, and that they will therefore be humble at implementing EU Funds, listening to experts from civil society. On the other hand the Polish right-wing criticism of SLD is perceived by many as mostly a political ploy to make disenchanted voters with low electoral volatility "swing back" to the right after disappointment with SLD. There is neither any ground for believing that PiS' policy is more democratically inclusive, as they are economically protectionist and even somewhat inclined to anti-liberal governance through their cooperation with the League of Polish Families and especially Self Defence.

6.2 Rule of law

Rule of law is an important feature of a consolidated democracy as it: "*establishes a hierarchy of norms that make actions by, and upon, other arenas legitimate and predictable*" (Linz & Stepan 1996:14). The norms must be strongly rooted in civil society and be respected by all the arenas of a consolidated democracy. For EU Funds in Poland, these norms take the form of the Polish NDP Act from 2004, stating how the implementation of Cohesion and Structural Funds must take place. The NDP Act provides the basis for guidelines and other programming documents concerning EU Fund implementation as well as the legal grounds for the partnership principle demanded by the Council regulation (EC) No 1260/1999. Any clear indications about

rule of law not being followed regarding such partnership in programming EU Funds lets me reject the H0 hypothesis of there not being any relationship between democratic consolidation and ENGO participation in such funding (NDP 2003).

6.2.1 A vague legal framework

Just as “legal vagueness” was discussed as a general problem in chapter 2.2.2 with a EU/OECD report pointing to how inconsistent rule of law is detrimental for Polish public administration (EU/OECD 2002), some of my environmental interviewees feel that too much leeway is given to rule of law with regard to the partnership principle and other aspects of implementing EU Funds. This allows interpretation in any way one might see fit, and even if the legislation exists and is clear enough, it is not always taken into account by the authorities and beneficiaries. The NDP Act states that steering and monitoring committees for EU Funds should have one third social and economic partners, but it gives no legal grounds for how these partners should be selected, and in most cases they are therefore handpicked by a Minister or a Voivodship Marshal. Environmentalists claim that this causes dubious nominations of social partners for steering and monitoring committees that might not have the best competence to take part in the committee work, but whose interests are aligned with those of the governing authorities or the project beneficiaries (Guła and Cyglicki interview).

Polish environmentalists see the vague legislation on social and economic partnership as a problem that could partly be solved in Brussels with stricter guidelines in the programming documents from the EU. National governments would then be pressured to implement their own clear legislation, and the social and economic partners would easily be able to make a case if they felt mistreated (Śmigrowska interview).

6.2.2 A pragmatic approach to partnership

The vagueness in today's programming documents can be perceived as deliberately and pragmatically sustained by the Polish government and the EU as it suits their hierarchical systems of power well. At the end of the day the main objection of most EU funding is social and economic cohesion, e.g. increasing GDP and building roads and water treatment plants. The partnership principle and elements concerning democratic consolidation are important, but not the main priority (Malarz and Czezko interview). The Council of the EU's narrowing down of article 10 concerning the partnership principle in a proposed regulation from the European Commission is an example of such pragmatism, mentioned above in chapter 5.2.1 (European Commission 2004c).

It can also be argued that the lack of very specific legislation on partnership means that this is confronted and debated between the Polish partners, in itself important for the consolidation of democracy, instead of a completed recipe for dialogue being delivered on a silver platter from Brussels. If all else fails and the government rushes on in an oblivious and environmentally unfriendly but effective fashion, the ENGOS have already shown that they are able to approach the Commission directly and stop financing from being passed for Cohesion Fund projects, on the grounds of the preparations and EIA not being satisfactory (Gula and Cyglicki interview). This might be more difficult in the 2007–2013 period as less of the decision making requires European Commission consent, unlike all Cohesion Fund projects today.

6.3 State apparatus

The role of the democratically consolidated state apparatus is to enforce the laws and procedures established by the political society on the grounds of support from the civil, political and economic societies, and to structure many of the relationships between these societies (Linz & Stepan 1996:14). One of these structuring tasks is the programming of EU Funds. In order to keep the H0 hypothesis of my study, the

democratically consolidated state apparatus must make sure that the funds are implemented in accordance with the rules and procedures decided by the political society, e.g. the legislation on partnership discussed above, involving dialogue and cooperation with the civil society. Public participation in the state domain can be harder in practice than in theory since the bureaucratic nature of this domain with its sometimes chaotic division of power between the state's many hierarchies can expand but also easily reduce the number of "access points" for actors from outside the state. In addition, the form that public participation in this domain eventually takes is dependent on the previous history of the state apparatus and the individual civil servants who work in it and their political flavouring and common "esprit de corps" (Ekiert & Kubik 1999:81).

6.3.1 Dialogue and cooperation in practice

My interviewees from civil society express mixed feelings when discussing dialogue and cooperation with the state apparatus, and the general feeling I get is that ENGO representatives have many positive experiences from taking part in the programming of EU funds, but also negative ones. The dialogue is regarded as more transparent and professional at a national level than regionally, and many environmentalists seem to feel that the ministries are generally interested in their competence and somewhat alternative perceptions on EU funding. The MoE is better evaluated than the other ministries and the closest contact has developed with this ministry, as they have the same field of interests and it is felt that they are willing to listen to the ENGOs, e.g. let them nominate their own representatives for steering committees. ENGOs are therefore sad to see the MoE playing a smaller role in the 2007–2013 funding, and retrospectively realise that the dialogue they have had with this ministry was really quite constructive and that influencing EU Funds might be harder in the future, with the Ministry of Regional Development taking over much of the control over the funds (Śmigrowska interview).

6.3.2 Communist concrete

While it might be natural for the MoE to cooperate relatively well with ENGOs because of their common interest in the environment, the functioning of the state apparatus must also be perceived as historically path dependent of authoritarian times, when the state enjoyed a monopolistic role, deciding all political outcomes. Change takes time and the heritage from the days of communism in Poland can be perceived as having affected the institutional design of the whole state apparatus, the minds of those working within it and the relationships to the other societal arenas of democratic consolidation (Ekiert & Kubik 1999:86–94).

In a practical sense when discussing the inclusion of social partners in the programming of EU Funds with my interviewees, the communist heritage is seen as detrimental to this inclusion in several ways. “Communist concrete” is a slang expression used when describing the old-fashioned, resistant and uncooperative ex-communist culture within the state, perceived as common further down in the unreformed parts of the state apparatus, directorates and in the regional government. This is typically the level of administration that the EU/OECD report criticised for not fully implementing the new Civil Service Act, as was mentioned in chapter 2.2.3 (EU/OECD 2002). Professionalism is too weak while politicisation is too strong in some areas, and one of the main ENGO criticisms of the state apparatus at this level is that it is often not capable of implementing EU Funds properly as a result of this.

The implementing bodies for transport projects within the CF are portrayed by the environmental interviewees as institutions full of communist concrete — inefficient and out of touch with the new EU reality. The ENGOs are irritated with PKP for not creating more rail projects and spending their share of the transport budget in the 2004–2006 funding, and they are thus partly blamed for the reduction in the amount of EU Funds for rail projects in 2007–2013 (Śmigrowska interview).

The GDDKiA is criticised for not taking proper consideration of environmental legislation from Brussels, e.g. the Natura 2000 directive, establishing special

protection areas for threatened habitats and species. Via Baltica, a road project from Helsinki to Warsaw that is part of the Trans-European Transport Networks is such an example. The road project has been stopped by the Bern Convention³⁸ and is now awaiting new environmental assessments, after much criticism of its controversial route through forests and wetlands in North Eastern Poland (Reinvang 2005). The ENGOs argue that had the road planners cooperated with them all along, they could have foreseen the environmental concerns that were bound to arise with such controversial routes, and with the help of ENGO expertise develop alternative schemes earlier (Rytel interview).

6.3.3 Transparency

Transparency in the programming of EU Funds is another important factor to judge the state apparatus by regarding democratic consolidation, as it reduces the possibility of corruption and eases the participation of other societal arenas. The environmental interviewees feel that transparency is readily achieved regarding practical information and technical data about the projects voted upon in the steering committees for the CF. The information is usually sent a week in advance, and if not thorough enough the committee members can always contact the ministry for more information. However, the exact criteria for selecting the projects that have ended on the lists presented to the committees, and the exact roles of politicians and the intermediate bodies regarding this selection process, is less clear and seen as a problem by environmentalists. A common ENGO opinion is that the table is already set when they take part in steering committee meetings and that they are primarily “voting machines” used to give legitimacy to the (possibly corrupt) positions that have already been taken by civil servants, politicians, consultants and beneficiaries (Gula and Cyglicki interview; Metera interview).

³⁸ *The Convention on the Conservation of European Wildlife and Natural Habitats* known as the *Bern Convention* is a binding international legal instrument created by the Council of Europe that aims to conserve wild flora and fauna and their natural habitats throughout the European continent.

This brings us back to the question of pragmatism regarding EU Fund implementation discussed in chapter 6.2.2. Since steering committees are strictly not required by the EU, and most other EU members use only monitoring committees for the required assessment of EU funding it is hard to argue that democratic consolidation requires completely horizontal implementation at all levels. A government position is that it is inefficient to discuss the implementation of every single Euro at the project preparation stage, and that expanding the role of steering committees is unrealistic when the alternative is not having such committees at all (Gliniecka interview; Malarz and Czezko interview). Without steering committees from 2007 it will be even more important to ensure that the beneficiaries conduct proper consultations with social and economic partners when developing projects, an exercise that is often weak today.

6.4 Economic society

In a liberal western tradition democratic consolidation is perceived as linked not only to the state, the political arena or civil society, but also to the market economy, and as assumed by Linz and Stepan:

A nontrivial degree of market autonomy and ownership diversity in the economy is necessary to produce the independence and liveliness of civil society so that it can make its contribution to a democracy (1996:11).

Alternatively, aspects of such market thinking and ownership diversity can from a Marxist or communitarian point of view be perceived as slightly detrimental to civil society liveliness, and the green values and the environmental causes that Polish ENGOs are fighting for (Fauks 1999:34). This arena has fuelled consumption and rapid economic growth in Poland, causing pollution and increased social inequality between rich and poor, and must therefore also be seen as forming values, norms and actions that finally can affect the quality of ENGO participation in the programming of EU Funds. Regarding my hypotheses from chapter 1.7 the H0 hypothesis can be rejected if the economic society in post-communist Poland is not sufficiently

consolidated, lacking the legal and regulatory framework produced by the political society and widely respected by other arenas, giving market mechanisms the necessary support but also limiting their influence when harmful for democratic consolidation, e.g. isolating civil society. Except for casual talk about bad practices and possible corruption regarding the lack of transparency, it seems to be the latter rather than the former task of the economic society that needs strengthening.

6.4.1 Green values

As was discussed in chapter 3.4, there just does not seem to be much focus on green values in Poland at the moment. There are many reasons for this, but one main explanation is the process of social and economic cohesion that the Polish society is going through in order to modernise, a process fuelled by economic growth and market liberalism. With its low wage level, and central geographical position, Poland can and should use the common European market for what it is worth in order to reduce unemployment and strengthen the Polish economy. This growth argument takes all focus away from more post-materialist values, like the sustainability of Polish nature. My environmental interviewees are all very explicit about not wanting to hinder economic growth in Poland, but believe that the choices made now should be well thought through so as not to be regretted in the future. Thanks to uneven urbanisation and industrialisation, especially in the east, a unique and large natural environment has managed to survive in Poland. 29 % of the country consists of woodland and forests, which is one of the highest levels in Europe, and the central position on the continent means that major European geological regions overlap here, contributing to a high biological and landscape diversity. Poland's nature is therefore perceived as important for European natural heritage (Chief Inspectorate for Environmental Protection 2003:177).

6.4.2 Economic growth versus environmental sustainability

Road building is an area which is important for economic growth since it eases the transportation of labour and goods within, and out of a country, and financing road projects is therefore recognised by the EU as important for social and economic cohesion. The Polish road network is generally in a poor state, and rapid economic growth has doubled number of passenger cars from 5 to 10 million between 1990–2001, causing major traffic problems and accidents (ibid.:15, 226).

As the aforementioned Via Baltica problems showed, there are often conflicting interests between a projected road and the natural habitat that lies in its way. Many of the road interests are of an economic character, and ENGOs experience that there is little will to compromise on possible economic growth and employment that the road scheme might create. The environmentally controversial Via Baltica route passes by the city of Białystok, and is important for local residents, politicians and the Polish government who all expect the road to bring new jobs and trade to this regional capital of 300.000 people. The main alternative route passing the town of Łomża 70 kilometres away will not give the same beneficial effect on the regional economy, but is much more environmentally sustainable as it is the route that the existing road takes (Reinvang 2005). The will to find compromises seems to be lacking in many of these road projects and they lead to frustrating stand offs between the parts of civil society promoting environmental sustainability, and the rest of civil society, politicians and the business sector, wanting economic growth and the creation of new jobs. People get upset and some even receive death threats, as was the case for an NGO activist in Białystok (Gula and Cyglicki interview; Rytel interview).

One of the hot potatoes from the environmental steering committee, a waste incinerator planned in Kraków, is another example of where economic growth comes up against the environment. The incinerator is supposed to be built in place of an old steelworks, on a site that is only regulated for industrial projects. In addition to efficiently dealing with the city's waste problems, the project has been presented as a way of generating new jobs in the area. It was therefore perceived as a sensible

project by all steering committee members except the two ENGO representatives who are afraid that it will reduce the recycling initiatives in the city (Malarz and Czezko interview).

The ENGO representatives are also upset about how this incinerator project was handled in the steering committee, and believe the MoE stepped out of line when the project beneficiary from Kraków was invited to present the controversial incinerator project at a steering committee meeting. The ENGOs see this as favouritism and an undemocratic practice since all beneficiaries did not get similar chances to present their projects (Guła and Cyglicki interview; Kassenberg interview). Although a minor case, it exemplifies the high expectations of the ENGOs taking part, and the importance of economic growth for Poland today.

6.5 Civil society

Finally, the democratic arena of civil society must be taken into account when discussing the implications that democratic consolidation has for the programming of EU Funds. Civil society helps monitor the other democratic arenas and generates ideas, interests and values that these arenas feed on. A democratically consolidated civil society is lively and strong, and exists with legal guarantees from rule of law, enforced by the state apparatus if violated. Economic society is also important for the consolidated civil society as it supports this arena financially and helps generate the societal pluralism so important for civil society (Linz & Stepan 1996: 14). My H0 hypothesis can therefore be rejected if weaknesses in civil society or its relationship with the other democratic arenas end up being disadvantageous for civil society's own participation in EU Fund programming, in the form of ENGOs.

6.5.1 Financial sustainability

All in all the ENGOs taking part in the programming of EU Funds at a national level in Poland are perceived as rather resourceful. They have set up the Coalition of Polish

Environmental NGOs on EU Funds and thereby created a common bargaining position in order to effectively pull together and draw on each others resources when taking part in EU funding. They also keep in contact with colleagues around Europe, and take part in international networks addressing the matters at hand.

For the ENGO representatives I met with, environmentalism is a profession, a fulltime job with a salary and an office to go to every morning. A general feeling among my interviewees is that EU membership has offered many new funding possibilities as long as one has good project ideas, and that it is more often a question of having too few staff to realise the good ideas, than the funding not being attainable. Where there are funding difficulties, creative ways are found to solve these, such as Green Mazovia in Warsaw that runs a youth hostel on its premises after office hours (Rytel interview; Śmigrowska interview).

Even if the professional ENGOs taking part in EU funding at a national level are relatively financially sustainable, they complain about lacking the means to spend a sufficient amount of time assessing the various projects. In addition they feel that the government should pay for travel costs of attending steering committee meetings both of principle and as this can be quite expensive for small ENGOs. These issues vary in practice, and whereas the voluntary steering committees for EU Funds, including the two CF committees, generally do not cover the travel expenses of social and economic partners, the obligatory monitoring committees generally do pay for this, and can even in some cases decide to spend extra money from the technical assistance budget to enhance the assessment of a project, e.g. hiring additional consultants (Gula and Cyglicki interview; Rytel interview). Although it was never a big issue in my interviews, reimbursing travel costs shows that the ENGOs have clear, expectant ideas of what their own participation in EU Funds should entail, and are consequently easily disappointed with how their participation works out in reality.

Disappointment can cause CSOs to somewhat lose interest in EU Funds as they realise that their own roles in planning and implementing these funding schemes are lesser than they were led to believe before joining the EU. This disappointment was

also mentioned as a possible reason for why environmentalists did not know more about the EEA-grants, or had lost interest in these. They perceive the government as wanting to take control of this funding scheme too, marginalising their own participation (Gula and Cyglicki interview; Śmigrowska interview).

6.5.2 ENGO partnership

As well as financial sustainability, the role of civil society in EU Fund programming is inevitably also linked to how well organised this sector is. From a government point of view the ENGOs taking part in the programming of Cohesion Funds are always well-prepared for steering committee meetings, often more so than many other committee members. Their expertise on ecology and EU environmental policy is valued and their participation even seen as increasing the legitimacy of the decisions made in the committee. Naturally, irritation is also felt with the environmentalists, as they are often vociferously complaining, without necessarily offering constructive alternatives (Kędzierski interview; Malarz and Czechko interview).

The Polish ENGOs feel well-organised too, and think of themselves as playing lead roles regarding civil society interaction in EU Funds. They have been quick to organise and orientate themselves in post-communist Poland, and perceive their own environmental struggles as having door opening effects on Polish civil society and democratisation as a whole, as exemplified by the fact that the legal act providing access to environmental information entered into force in 2001, while the act allowing the access to general public information followed suit a year later (Gula and Cyglicki interview).

The Coalition of Polish Environmental NGOs on EU Funds is a strengthening factor for the Polish ENGOs taking part in EU funding, since it eases coordination and the spread of information on the internet³⁹ and at seminars that are arranged, so that

³⁹ <http://www.koalicjafs.org.pl>.

positive and negative experiences can be shared, strategies laid and programming documents consulted. The Coalition feels it has a broad base and people it can contact in every corner of Poland for local, expert information about a proposed project should this be necessary. The Polish Green Network plays an important role in this sense since it consists of 9 different environmental organisations that are more grassroots oriented than the scientific think tanks also taking part (ibid.).

6.5.3 Eco freaks

Even if the ENGO milieu is well organised and seems to have the financial means to take actively part in the programming of EU Funds, there is a great lack of environmental awareness in Poland, and the environmentalists feel stereotyped as “eco freaks” who can not be taken seriously. This serves as a reminder that democratic consolidation is also about values, not only formal structures. The experience of my interviewees was that respect was won over time, after the ENGOs had accomplished getting the European Commission to put CF projects on hold for breaching EIA regulations. Such “victories” show the government and other partners involved in EU Funds that the ENGOs know what they are talking about and that one should listen more carefully to them in future consultations and steering committee meetings, and not only brush them aside or outvote them (ibid.). This conviction would possibly be even clearer if the European Commission took a firmer stance against projects that breach EU legislation rather than solely placing them on hold as is often the case today. This is difficult as many different interests are also found within the European Commission. My interviewees from the MoE expect for example that the controversial waste incineration project in Kraków will eventually be built as the Regional Directorate-General in Brussels is positive, while the Environment DG can be pragmatically won over since the incinerator is planned built on an existing industrial estate (Malarz and Czczko interview).

6.6 Summing up

In this chapter the experiences and perceptions of those taking part in steering committees for EU Funds have been discussed in the context of Linz & Stepan's five democratic arenas. Just as these arenas interact in the consolidation theory, the programming of EU Funds in Poland is taking place in and between these different arenas resulting in good and bad practices concerning civil society integration. The main interaction is between ENGOs, the state apparatus and the political society in steering committees and during consultations of EU funded programmes and projects. As the state apparatus is widely responsible for implementing EU funds, this arena with its politicised and partly old-fashioned bureaucracy can be criticised for not promoting more pluralism and dialogue with ENGOs and other groups in civil society when implementing policy. The blame should however be spread much broader, including Brussels for not promoting the partnership principle more strongly in the Member States, ENGOs for expecting too much of these EU Funds and the Polish people and its elected political representatives for not being more environmentally conscious. On the basis of the discussion in this chapter I find it natural to reject the H0 hypothesis and conclude that the lack of consolidation within or between the five arenas of democracy can be regarded as a hindrance for ENGO participation in EU Funds.

7. Conclusions and Reflections

7.1 The research question revisited

The research question posed at the beginning of this thesis was how democratic consolidation can effect the participation of ENGOs in EU Funds. My objective has been to show that notions of democratic development can help to explain the societal power structures and institutional practices that eventually affect policy implementation. Democratisation theory and Polish history has thus been used as a backdrop for a contemporary discussion on civil society involvement in policy implementation, namely EU Funds in Poland. This approach stems from a liberal, western governance tradition promoting pluralism and horizontal implementation as a good practice that can provide results in touch with what society wants, strengthening the dialogue and cooperation within and between the different societal arenas taking part.

7.1.1 Dialogue and cooperation

The underlying notion of dialogue and cooperation between different actors in society as strengthening democracy is the basis for the research question in chapter 1.3, and this thesis is thus a study of the practical implications of such a notion. Initial democratic transition and consolidation allows for the horizontal implementation of EU funding, which is enhanced by the higher level of consolidation creating more communication within and between Linz and Stepan's five arenas (1996). Within Polish civil society EU Funds have clearly had a strengthening effect on the ENGO milieu as they have created incentives for setting up national and international coalitions dealing with funding issues. These coalitions have become the platforms for dialogue between civil society, political society and state apparatus both at a national level and in Brussels.

The steering committees set up by the Polish government have been important domains for this dialogue between civil society and the government and political society, and although it is questionable how much influence an environmentalist member has, representing a minority interest in a committee with majority voting, participation is itself a bonding contact between the different arenas. The contact clearly developed as a result of the steering committee participation, e.g. between the ENGO milieu and the MoE that were cooperating on setting up an online process for democratically electing ENGO representatives for Structural Funds' steering and monitoring committees after this had been a success for the Cohesion Fund steering committee. Developing contact was also the case after ENGOs managed to block funding from Brussels on the basis of the projects breaching EU environmental legislation, and were as a result consulted more seriously concerning EIA assessments (Gula and Cyglicki interview).

An obvious conclusion must therefore be that the dialogue and cooperation that after all exists between all five arenas makes it clear that the concept of these different autonomous spheres "talking together" in the programming of EU funds is partly implemented, while the observed bad practices and frustrations discussed in the chapter above indicates that work still remains improving this dialogue, allowing me to reject the H0 hypothesis. Such a conclusion corresponds to the formal democratic requirements for EU Member States, in the Copenhagen Criteria and the Acquis. Poland has formally democratised and thus earned its EU membership, but there is still "fine-tuning" to be done.

7.1.2 Polish fine-tuning — changing the whole engine?

Linz and Stepan (1996), Kaldor and Vejvoda (1999) and other supporters of democratic consolidation theory perceive democratisation as a fine-tuning process to make democracy "the old game in town" and a deeply habitual, even psychological part of human life. Poland has been consolidating its democracy for almost two decades, but when will this consolidation end? The new right-wing government has

portrayed itself as the clean break with the past that Poland needs in order to clean up the corruption and communist concrete in the state apparatus. Is this solely cheap election rhetoric, unachievable with the authoritarian elements in the new government, or is it the chance that Poland needs in order to finally lose its post-communist identification tag and start looking more optimistically towards the future? What is clear is that one can not change the engine and expect everything to start functioning smoothly in 2005 as in 1989. The democratic institutions and ideas created must be constantly nurtured and developed, in Poland as everywhere else (Linz & Stepan 1996:457).

The engine for implementing EU Funds is also being changed before the new EU budget period commences in 2007, with new programming documents, operational programmes and the Ministry of Regional Development to administer it all. What the exact changes will mean for ENGO participation is hard to say at this point, but the partnership principle is still in place, as is Poland's obligation to follow the Aarhus Convention and conduct broad consultations with civil society. However, there is a chance that steering committees will disappear from 2007 as this solution is not optimal today. ENGOs feel like "voting machines" and would like more influence or at least transparency regarding selection of the projects voted on, while the government feels that the steering committee is an inefficient and unnecessary process as it is strictly not required by the EU (Gula and Cyglicki interview; Malarz and Czezko interview).

7.2 Methodological reservations and future research

According to Yin (1994) and Flyvbjerg (2004), using theory together with case studies and thus creating "analytical generalisations" can be a constructive way of conducting research since it can improve the theory and thus the external validity of the case studies. In this study I've put the programming of EU Funds in Poland to such a test in the form of democratic consolidation theory. Although it is difficult to use my findings to generalise about democratic consolidation, the positive and

negative experiences from EU Fund programming in Poland add to the existing literature on democratic consolidation in Poland that is slowly letting a particular pattern of Polish democracy emerge. Much more research is nevertheless needed, especially concerning the “softer”, social capital related areas of this consolidation, important for the inclusion of civil society in the democratic fine-tuning.

A slight reservation can be made concerning the internal validity of my study by asking to what extent democratic consolidation theory is the best way of discussing partnership in Polish EU Funds (Ringdal 2001). The fact that many western democracies don't have steering committees while Poland does, suggests that it might be time to treat the EU-8 countries as fully-consolidated “post-postcommunist” Member States and analyse policy implementation there as one would in Western Europe, e.g. an institutional governance perspective. Focusing less on democratic consolidation and more on the general problems of governance would also make it easier to conduct comparative studies of how EU policy is affected and affects society differently in Member States in different parts of Europe. As a master thesis has its obvious limitations regarding time and resources I chose to leave all other doors shut and concentrate on democratic consolidation in Poland, the largest new EU Member State.

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Appendix

List of interviewees

All the interviewees listed below were interviewed in Warsaw during the beginning of 2006, except where stated that that the interviews were conducted by email. In addition to these, conversations were had with other actors in Norway and Poland on an informal basis.

Name	Position	Date
Anna Koziel	Warsaw Liaison Officer, Polish NGO Office in Brussels	17 Jan
Andrzej Kassenberg	President of Institute for Sustainable Development, ENGO representative in Environmental Steering Committee for Cohesion Fund 2004–2006	18 Jan.
Artur Bartoszewicz	EU Funds Expert , Polish Confederation of Private Employers Lewiatan	26 Jan
Andrzej Guła	ENGO representative in Environmental Steering Committee for Cohesion Fund 2004–2006, Polish Institute of Environmental	30 Jan

and Robert Cyglicki	Economics ENGO representative in two Transport Steering Committees, for Cohesion Fund 2004–2006 and Structural Funds (SOPT), Polish Green Network	
Jakub Majewski	“ENGO” representative in Structural Funds’ Steering Committee for Transport, Institute for Railway Development and Promotion	1 Feb
Jerzy Kędzierski	Ex vice-president of the National Fund for Environmental Protection and Water Management, and Member of Environmental Steering Committee for Cohesion Fund 2004–2006	7 Feb
Marta Śmigrowska	Coordinator of the Coalition of Polish Environmental NGOs on EU Funds	8 Feb
Dorota Metera	Board Member of the World Conservation	13 Feb

	Union (IUCN Poland), Member of Steering Committee of Rural Development Programme (Technical Assistance)	
Justyna Andrzejewicz	EU Funds Expert, Bank Millennium, Warsaw Research Student, London School of Economics	14 Feb
Krzysztof Rytel	ENGO representative in Structural Funds' Monitoring Committee for Transport, Green Mazovia	15 Feb
Aleksandra Malarz and Malgorzata Czezko	Deputy Director, Dept. of European Integration, Ministry of Environment (MoE) and Secretary of Cohesion Fund Steering Committee for Environment Cohesion Fund specialist, Dept. of European Integration, Ministry of Environment (MoE)	20 Feb
Agnieszka Gliniecka	In charge of logistics for Structural Funds' Steering Committee for Transport,	23 Feb

	Dept. of Investment and Economic Analysis, Ministry of Transport and Construction (MoTC)	
Mariusz Pulikowski	Cohesion Fund specialist. Dept. of Investment and Economic Analysis, Ministry of Transport and Construction (MoTC)	23, 28 March, Email
Joanna Książek	Cohesion Fund specialist, Dept. of European Integration, Ministry of Environment (MoE)	7 April, Email

Interview guide

This conversation is conducted as a part of my master thesis in political science at the University of Oslo. I am interested in the role that civil society may play in times of rapid economic growth and democratic development, such as now in post-accession Poland. The environmental sector is an important part of Polish civil society, especially important in times of modernisation, and I am therefore focusing on the roles that ENGOs play for the planning and implementation of EU Funds (namely Cohesion and Structural Funds). I've understood that there are both positive and negative experiences with EU funds since accession in 2004, and I would like to discuss some of these with you, and more specifically how civil society fits into it all. I wish to record this interview since it will ease my later work and hinder misunderstandings in this complex field of EU funding. I hope this is fine by you, but please tell me if you feel uncomfortable with being recorded as we go along, and I will stop the tape. On another note It not a problem for me to make you anonymous

when I later refer to this interview in my thesis, so let me know if there is anything that you would like “sensitised”. I wish to discuss the following with you:

7.2.1 EU Funds

- Your background and work in general (in the gov. department, NGO).
- Your general perception on EU funds and Poland’s development (what works, what does not? Which funds do you know and what are they for?).
- Tell me about your experience with EU Funds (+/- experiences, how partnership came about, how committees are set up, which lessons were learnt?).
- Cooperation with ENGOs/government/other committee members. Who do you communicate with regarding EU funds, how do you communicate? Regionally, nationally, internationally? (share some stories if you can?)
- Time and money pressure? Does this influence participation in EU funding? Is there any money to be had? Technical assistance?
- Complexity of EU funding. What about ”know-how” and information on how EU funding works? Is this at an adequate level in your organisation? To what extent is this a problem, that you don’t have the knowledge to take part in EU funding. How should it be, ideally?

7.2.2 Environmentalism in Poland

- General perception of environmental issues in Poland and the environmentalists fronting them or how is your ENGO surviving, financial sustainable? How do you perceive the current government in relationship to environmental issues?

7.2.3 Post-communist democracy

- Polish bureaucrats and politicians? Slow, corrupt and politicised bureaucracy or efficient, independent, transparent and professional? How does national level vary from regional level?
- Political culture in steering committees or consultation process. Is Poland “post-postcommunist” yet?
- Brussels as a political entity. Do they care about HOW things are done, or are they mostly interested in just getting the money off their hands, without really considering how it is spent
- Do you think there are differences in the way gov. treats different parts of civil society? That EU funding is somewhat politicized? Is it easier for some to take part? Catholic, conservative NGOs?
- The future. New budget period from 2007–2013. New Polish gov from 2005. They have promised to make changes in how EU Funds are implemented. What do you think the future has in store?

Thank you ever so much for finding the time to meet me. If there are topics you feel we've not touched upon, please say so now, or contact me later. I hope you don't mind me emailing you if I have any further questions. I would also like to get in touch with others, who might have interesting stories etc, so don't hesitate to let me know if there's anyone you recommend me to talk to.