

Sławomir Kamosiński

Institute of Law, Administration and Management,
 Department of Administration and Social Sciences,
 Ph. D., professor at Kazimierz Wielki University
 in Bydgoszcz (Poland)

THE VILLAGE FUND AS A FORM OF INHABITANTS' PARTICIPATION IN MANAGING SUBSIDIARY UNITS OF THE COMMUNE

© Sławomir K., 2017

The paper discusses significance of subsidiary units within communes (in Polish: solectwo) in strengthening the process of social commitment in local management. Provisions of the Act on the Village Fund of 21st February 2014 that gave the local authorities a tool enhancing active citizenship have been dealt with. It is worth mentioning that in 2016 the Village Fund covered the population of 11 million. This was a significant share of Polish citizens that decided to participate voluntarily in local management.

Key words: local self-government; commune; subsidiary unit; solectwo (administrative unit in Poland; a subdivision of a commune, a village); social participation

Славомір Камосінський

Інститут права, адміністрації та управління,
 Відділ управління і соціальних наук,
 доктор філософії, професор університету
 Kazimierz Wielki in Bydgoszcz (Poland)
 yarmol.lilia@gmail.com

ФОНД СЕЛИЩА ЯК ФОРМА УЧАСТІ НАСЕЛЕННЯ В УПРАВЛІННІ ДОПОМІЖНИХ ПІДРОЗДІЛІВ КОМУНИ

Розглядається значущість допоміжних підрозділів у комунах (по-польськи: solectwo) у посиленні процесу виконання соціальних зобов'язань у місцевому управлінні. Розглядаються положення Закону про фонди селища від 21-го лютого 2014 року, згідно з яким місцеві органи влади наділені інструментом підвищення громадянської активності. У 2016 році у фондах селища охоплено 11 мільйонів осіб. У цьому була значна частка польських громадян, які вирішили добровільно брати участь у місцевому управлінні.

Ключові слова: місцеве самоврядування; громада; допоміжний блок; solectwo (адміністративна одиниця у Польщі, підрозділ комуна, село); соціальна активність.

Славомір Камосинский

ФОНД ДЕРЕВНИ КАК ФОРМА УЧАСТИЯ НАСЕЛЕНИЯ В УПРАВЛЕНИИ ВСПОМОГАТЕЛЬНЫХ ПОДРАЗДЕЛЕНИЙ КОММУНЫ

Рассматривается значимость вспомогательных подразделений у коммунах (по-польски: solectwo) в усилении процесса выполнения социальных обязательств у местном управлении. Рассматриваются положения Закона о фондах поселка от 21-го февраля 2014 года, согласно которому местные органы власти наделены инструментом

повышения гражданской активности. В 2016 году в фондах поселка охвачено 11 миллионов населения. В этом была значительная доля польских граждан, которые решили добровольно участвовать в местном управлении.

Ключевые слова: местное самоуправление; община; вспомогательный блок; *sołectwo* (административная единица в Польше, подразделение коммуна, село); социальная активность.

Introduction. Social engagement characterized by active participation in local management gives great opportunity to depoliticize the communal self-government and subject it under the citizens' supervision. Own tasks carried out by local authorities (self-government) are designed to satisfy social needs of inhabitants that is why their realization should not become a part of political turmoil or a "hostage" of politics. Active participation of inhabitants of basic territorial units convinces them that a vote and involvement of each person are important in solving problems on the local level. It reveals significance of the people's voice in deciding on public matters. Active participation of inhabitants plays a significant role in constructing the civil society and strengthening democratic institutions.

Social commitment as a form of inhabitants' voluntary participation in local management.

Pursuant to the Constitution of the Republic of Poland of 2 April 1997 the commune is the basic unit of local government. It is inhabited by a self-governing community that is formed on the basis of social, cultural and economic bonds, established on local grounds. In making the commune the basic unit of territorial self-government [6], according to the Act on Local Government of 8 March 1990, the legislator conferred on its inhabitants the authority in this unit [16]. The said Act states that the inhabitants of the commune take decisions in common voting (by elections and referenda) or through communal authorities. The inhabitants participate in exercising power at local level also by means of public consultation. In case subsidiary units are established in the commune, the inhabitants manage some communal tasks directly. The right to decide, vested in inhabitants of a local community, is for many of them a perfect school of democracy. So is the right of local community to participate in local management based on these grounds. According to Giovanni Sartori, in participation theory it is significant that it is based on the "concept of engagement" perceived as "properly and reasonably understood participation". In his opinion, the said commitment "consists in personal participation and active and eager involvement". Moreover, Giovanni Sartori claims: "Engagement is not a prosaic being a part of something, or unwanted, compulsory consolidation with something" [11, p.148]. Sartori is convinced that voluntary participation, including active engagement, constitutes the sense of democracy and thus is a foundation for establishing the "infrastructure for the whole superstructure that is for the democratic system" [11, p. 148].

Social engagement in local management, according to many researchers, to a larger extent favors making rational decisions and solutions. It strengthens condition of local community by way of integration, thus limiting the probability of exclusion of individuals from the local community. The engaged local community is a natural basis for shaping and strengthening the social capital. Voluntary participation, involvement of the local community in managing the basic territorial unit, contributes to optimization of use of creative resources. It was rightly considered that application of various forms of social engagement at the local level constitutes the innovative solution within the social field. The advantage of such form of management is also a fact, pointed out by professor Elżbieta Mączyńska that it enables to minimize or even to eliminate from the social realm the argument culture, permanent aggression, society of deception, passiveness and increasing sense of anxiety, hostile provocativeness and destructive criticism towards others [8, p. 132–134].

In recent years the discussion on strengthening social engagement on the local level has intensified. It results from the fact that inhabitants of communes have become indifferent to problems the local governments must deal with. Decision-making that in fact is managing public matters related directly to inhabitants of a certain settlement unit was left in the hands of representations. Such step weakened emotional bonds between inhabitants of the commune. Basic territorial unit became only a place where they live, pay taxes and in return they expect to have their needs provided for by the elected representatives organs. Giving the authority to decide on local society exclusively in the hands of representative bodies resulted in limiting

the number of citizens participating in local elections. Most of inhabitants of communes have withdrawn from public life. As a result, observing a low turnout in local elections, we may note that minority electing local authorities, often decides on the way the needs of majority, who is passive and uninvolved, shall be provided for. This was confirmed by the voter turnout in the local government elections in Poland within 1998–2014. The turnout did not exceed 50 % of eligible voters, and fluctuated between the maximum 47.68 % in 2014 and the minimum 44.23 % in 2002. In 1998 it reached 45.45 % and in 2006 45.99 %. In the year 2010 it was 47.32 % and in 2014 it was estimated at 47.68 % [1, p. 18]. Analysis of that phenomenon allows to draw several conclusions. Inhabitants of the basic territorial units are “convinced that their actions have no meaning and real influence on the decision-making process (low level of political effectiveness), and that favorable actions (or election results) meeting their expectations will take place anyway without their involvement; their knowledge is too narrow to allow their involvement, they lack mobilization to engage in politics better” [5, p. 86]. On such basis a low level of trust in local authorities arouse among citizens on the local level. Following the so called state theory of territorial government, the very existence of local government should increase management effectiveness and contributes to formation of local community involved in solving their own problems. However, the observed phenomenon of withdrawal of citizens from active managing the basic territorial unit contradicts the theory.

Subsidiary units as a form of intra-communal decentralization. Being the basic territorial unit, the commune, pursuant to the Act of 8 March 1990 is entitled to establish subsidiary units. Decision of the municipal council on formation or liquidation of the subsidiary unit depends on the consultations carried out with the inhabitants. Professor Pawel Swianiewicz points out the fact that subsidiary units in the commune are a form of intra-communal decentralization [13, p. 56]. Within town municipalities the subsidiary units are usually called districts, residential quarters or housing estates; within rural communes they are called “solectwo” or village units. The authority in “solectwo” is held by the “solectwo assemblies”, as the legislative body, and “soltys” (Medieval Latin “sculdasius”, often translated into English as the “village leader”, “head of a village” or “village governor”), as the executive body. Activities of “soltys” are supported by the “solectwo council” (“village leaders’ council”). In districts/quarters and housing estates the legislative power lies in the hands of the district/quarter (estate) council, whilst the executive power is exercised by the estate management headed by the president.

In spite of the fact that subsidiary units of the commune are not endowed with legal personality, they have a great potential of emancipation and empowerment of the smallest local communities of citizens that live together and integrate [13, p. 56]. Potentially, giving the power of subsidiary units into the hands of unquestionable local leaders may result in increasing the activeness of local societies and increase of level of their participation in local management. It must be emphasized that inhabitants of subsidiary units sometimes define their needs better, so there is a chance their needs shall be better provided for. Not unimportant in this context is the fact that passing a part of decisions concerning provision for social needs onto the subsidiary units results in an increase of quality of local democracy. Thus, local knowledge is better applied. Subsidiary units allow to perform tasks allocated to them by the commune more effectively. Reason for this includes their better adaptation to local (site related) conditions [13, p. 57].

However, accounts on the influence of subsidiary units within communes on strengthening participatory democracy of citizens are not always put in practice of everyday life. It should be noted that *solectwo* is a particularly interesting research subject as far as the context of participatory democracy is concerned. According to surveys concerning the attendance of inhabitants of a village at village assemblies within 2010-2013 conducted by Arkadiusz Ptak, the average attendance fluctuated between 5.26 % and 8.28 % [10, p. 145]. It may slightly increase, according to Arkadiusz Ptak on occasion of elections of *soltys* and *solectwo* council. However, additional factor must be occur here; social community must be dissatisfied with the work of *soltys* or the *solectwo* council. Arkadiusz Ptak also points out that higher attendance rate may be observed at annual reporting meetings when the mayor or head of the rural commune arrive. In case of other assemblies, attendance does not deviate from the one mentioned above. It is in a way explained by the fact that a large amount of inhabitants thinks there is no need to participate in the meetings since a good *soltys* and *solecki* council were elected so “let them decide” [10, p. 145].

Act on Village Fund as the factor strengthening social involvement. The legislator assumed that the village fund was to increase voluntary participation of inhabitants in managing their subsidiary unit. The village fund has operated in Poland since 2009 on the basis of the Act on Village Fund of 20 February 2009 [14]. On 21 February 2014 the Polish Parliament adopted another Act on Village Fund [15] thus replacing the previous statute of 2009. In the Act on Village Fund of 2014 the legislator states that the fund shall mean the financial means for the village subsidiary units allocated from the commune budget upon the resolution of the municipal council. The resources are to be spent on realization of undertakings that were applied for by *solectwo* interested in obtaining the funds. The legislator adds, however, that undertakings to be realized by *solectwo* should belong to the catalogue of the so called own tasks of the commune and should serve the improvement of the quality of life of inhabitants of subsidiary units. They must be consistent with the strategy of commune development. It is emphasized that the village fund was prepared as a certain “start-up”, to commence the process of development of villages and changing of their space. [17, p. 10].

In the mentioned Act on Village Fund of 21 February 2014 the legislator decides that the municipal council obtains a complete freedom with regard to allocating or non-allocating the resources for the village fund from the commune budget. The municipal council is, however, encouraged to take a positive decision on allocating the finances by the statutory guarantee of return to the commune of 40 %, 30 % or 20 % of the allocated resources from the state budget. In comparison to the Act on Village fund that was in force within 2009–2013 the amount of return from the state budget has been increased by 10 %; according to the previous statute the respective return sums amounted to 10 %, 20 % and 30 %. Such change was justified by the Ministry of Administration and Digitization in the following way: “the purpose of the new Act on Village Fund is to increase the rate of communes where the village fund is to be established by 15 %, that is up to the level of 70 % of the general amount of communes in the state. In order to achieve such result the return of commune expenses related to the village fund from state budget was increased by 10 percentage points, i. e. to the level of 20, 30 and 40 %” [7]. The legislator introduced additional provision to the new Act establishing the limit of expenses from the state budget on the set purpose. For the year 2015 the expenditure threshold was 98,000,000 PLN, in 2016 – 129,000,000 PLN. For the year 2017 the limit was determined as 132,000,000 PLN and for 2018 – 135,500,000 PLN. Application of this provision consists in introducing the so-called “correcting mechanism” that is used when the expenditure threshold is exceeded. It was applied in 2017. The minister competent for public administration, basing on the information collected from voivodes (the heads of the region or province called in Polish “województwo” and commonly translated into English as “voivodeship”), estimated that the total amount of expenditure from the state budget on the village fund should reach 148,088,417 PLN. After application of the correcting mechanism the amount was limited to 132,000,000 PLN. As a result, instead of the return of 20 %, 30 % and 40 % there will be a return of 17.827 %, 26.741 % and 35.654 % [4]. The state as of 2015 was different, though. The total amount of return from the state budget on realization of the village fund in 2014 was 90,266,762 PLN and the determined threshold- 98,000,000 PLN.

Thus, saving was achieved, as only 92.1 % of the allocated amount was used.

The said Act of 21st February 2014 introduced several practical solutions that are to facilitate realization of tasks related to the village funds in the subsidiary units. A good solution is the decision that a few villages may realize one task together, provided that the commonly realized tasks will be financed by the village funds with means allocated to each village on the bases of a separate application submitted by it to the commune council. Another practical solution is a provision that states that during the budget year, but not earlier than the budget for a particular year is adopted, and not later than until 31st October of a particular budget year, the *solectwo* may submit to the executive body (mayor, head of the city council or city president) an application for changing of the previously accepted tasks, provided that the changes are within the expenditure limits. The said provision was justified by the Ministry of Administration and Digitization with the practical argument that *solectwo* could have achieved saving at realization of the previously approved tasks. Thus, unused resources may be effectively spent by widening the scope of realized tasks.

The Act on Village Fund of 21 February 2014 obligates local governments to meet the legally binding deadlines for tasks realization. The first deadline is 31st July of the year preceding the budget year. Before this date the mayor provides Soltys with the information on the amount of resources allocated for a particular *solectwo*. On the same day the information is passed by the mayor to the province governor (the

voivode), who, having verified the necessary data, submits the information to the Minister for Public Affairs by 15th August. In the next phase *Soltys*, *solectwo* council or a group of at least 15 adult inhabitants of a village convenes the *solectwo* assembly in order to make decision concerning the purpose on which the village fund is to be spent. It is important to estimate costs of the proposed tasks. Moreover, it is significant to prepare justification of proposed tasks and submit it to the mayor. The application prepared in the manner as described above is submitted to the mayor's office before 30th September of the year preceding the budget year. The application is subject to verification and within 7 days is either approved or rejected. If it is rejected, *soltys* has 7 days to convene the *solectwo* assembly and may correct the application and submit it to the mayor's office. The municipal council may then within 30 days approve or reject this new application. The last decision of the municipal council is binding.

According to the legislator's intentions, the village fund is to be the tool for reconstruction of micro-democracy at the level of the smallest local communities, i. e. the subsidiary units of the commune. Participation of inhabitants of the subsidiary unit in the local management is to be carried out by the village community which prepares and realizes the approved task. Participation of young people in village assemblies is highly recommended, although they do not have the voting right. However, their opinion and advice is important as well. Thus, the *solectwo* assembly may also fulfill the educational function [2].

Ryszard Wilczyński, an initiator of the Polish village recovery program, points out that the resources from the village fund ought to contribute to the development and renewal of the Polish village. The village renewal he understood as "immense transformation firstly of inhabitants whose participation in an increasing number of undertakings instills respect for their village as an important values and stimulates the sense of responsibility for its future. The intended renewal of the village: renaissance of social life and an offer of events, attractiveness of public space and acquired public utility facilities, are somehow secondary. In a village this is people who count. It is their will and determination that shape quality of life, whilst achievements enrich them with new civic identity [17, p. 7]. To explain the concept of village renewal we need to point out that the main aim of this process is to comprehensively create the conditions of life of village inhabitants through preservation of "what is good and characteristic for the village". This refers particularly to the landscape, spatial planning, architecture, and social interactions, natural and cultural heritage". [3, p. 10] When implementing village renewal programs one must focus on the fact that "village has its own character which must be preserved". [3, p. 10].

It is believed that inhabitants of *solectwo*, observing transformations taking place in their subsidiary unit owing to the application of the resources from village fund, will engage themselves in the life of micro-community and, as a result, mechanisms of civic society will be strengthened. However, this much desired effect may be achieved by application of the village funds, and, at relatively low cost may improve the state of democracy at the level of local micro-community. According to the data from the monitoring conducted by the Citizens Network Watchdog Poland, the amounts allocated to the village fund depending on the number of inhabitants and wealth of the village fluctuate between 5 thousand and 25 thousand PLN per one *solectwo*. As a result, they constitute approx. 0.5 % of total expenses of village communes [12]. At the same time, it is estimated that inhabitants of *solectwo*, deciding to perform the tasks within the village fund, shall multiply the acquired resources by contribution of their own work and equipment. We cannot disregard the importance of acquiring external sponsors. Thus, the adopted principle is implemented that says "establishing the village fund aimed at propagation of the effect, according to the rule that creation of the conditions of life should be delegated to the inhabitants and the commune and state should just provide tools necessary to stimulating and maintaining activeness of *solectwo*". [17, p. 7]

On the basis of data of 2016 published by the Ministry of Internal Affairs and Administration, the Act on Village Fund introduced the standardized system of supporting local initiatives that was highly appreciated by inhabitants of communes. It was noted that within 2009-2013 55 % of communes where village units (*solectwo*) were located benefited from the village fund. In 2010 financial resources for the village fund were allocated in budgets of 1178 communes. In 2015 this number increased to 1419. The amount constituted 65.27 % of all communes where village units (*solectwo*) were located. The fund covered 9,861,225 inhabitants in 25,063 villages. In 2016 the fund was approved in 1498 communes where *solectwa* were located, which constituted 68.87 % communes having the subsidiary units [4]. Estimated data shows that in 2016 the village fund covered

about 27,432 villages and 11 million of their inhabitants. The total amount of resources allocated as part of the village fund as for 2016 was estimated at 428,565,712 PLN.

In the report on control of the operation of village funds of 2013 published by the Polish Supreme Chamber of Control we read that owing to the funds the inhabitants' engagement in the solectwo matters has increased, despite the fact that sometimes only minor, however important for local communes, undertakings were realized. It is observed that the largest amount of tasks was related to culture, infrastructure, including roads and sidewalks, and municipal engineering. [9] In details: inhabitants of villages spent the resources acquired from the fund to organize and improve the quality of local roads, to construct sidewalks, cycle paths, playgrounds and related to them outdoor gyms and playfields. Squares were constructed, village ponds and parks were revitalized, wooden architecture was erected- arbors, sheds and other facilities. The funds were spent on redecoration or construction of village community rooms, on equipment for these facilities. The developing Farm Housewives Circles were equipped with domestic appliances.

Despite the increasing popularity of the village fund, still not all communes decide to benefit from it. Reasons for resignation from this tool that indeed helps to increase the inhabitants' participation in managing the subsidiary unit are quoted by the Supreme Chamber of Control: avoiding dispersion of financial resources (justification given by 23 % of mayors), lack of interest on the part of heads of the village (soltys) and inhabitants of the village to create the fund (17 %), lack of financial resources that could be allocated (16 %), unclear regulations and limitations related to expenditures (9 %). [9]

Concluding remarks. According to experts' opinions, the village fund has become a good tool that increases voluntary involvement and participation of subsidiary units in local management. Owing to the obtained resources the village space is shaped by the interested parties themselves. The participants, when noting that their opinions and suggestions are taken into consideration in the decision-making process are emotionally more involved in preparation of the following projects. Thus, together with the material value in the form of development of local infrastructure and, consequently, the village transformation, the non-material value was gained, that is the ongoing process of integration of village inhabitants sharing the same values based on strong emotional bonds. On such basis little homelands - the micro-communities that may define their needs and choose the way of their fulfillment – arise.

REFERENCES

1. Bukowski Z., Kamosiński S. *Wybory samorządowe 2014*, [w:] *Samorząd terytorialny: wybory, partycypacja społeczna, gospodarka lokalna*, pod red. Z. Bukowskiego i S. Kamosińskiego, Bydgoszcz 2015.
2. Cyrankiewicz M., *Fundusz sołecki na 2016 r. a jego przeznaczenie*, „Rzeczpospolita” z dnia 25.08.2015.
3. Idziak W., *Jak zachęcać mieszkańców wsi do większej aktywności? Fundusz sołecki – poradnik*.
4. Komisja Samorządu Terytorialnego i Polityki Regionalnej, *Zapis przebiegu posiedzenia komisji z dnia 27 kwietnia 2016 roku*, <http://www.sejm.gov.pl/Sejm8.nsf/biuletyn.xsp?documentId=D0F0484A9B0B041DC1257FAA00285C15>, (dostęp: 9.10.2015 r).
5. Konopielko A., *Demokracja partycypacyjna w samorządzie lokalnym*, „Samorząd Terytorialny” 2011, nr 12.
6. Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 roku, Dz. U. 1997, nr 78, poz. 483.
7. List Ministerstwa Administracji i Cyfryzacji z dnia 19 marca 2014 roku adresowany do wojewodów oraz Krajowej Rady Regionalnych Izb Obrachunkowych.
8. Mączyńska E., *Inkluzywność jako cecha przyszłego ładu społeczno-gospodarczego*, [w:] *Ekonomia przyszłości. Wokół nowego paradygmatu* Grzegorza W. Kołodko, red. naukowa M. Bałtowski, Warszawa 2016.
9. Najwyższa Izba Kontroli, *Informacja o wynikach kontroli funkcjonowania funduszy sołeckich w 2013 roku*.
10. Ptak A., *Lokalna społeczność w procesie tworzenia funduszu sołeckiego*, „Studia Regionalne i Lokalne” 2015, nr 1 (59).
11. Sartori G., *Teoria demokracji*, Warszawa 1994.
12. Sobiesiak-Penszko P., Pazderski F., *Wiejskie budżety obywatelskie. Analiza*, Instytut Obywatelski 2014, nr 4, www.niewiarowski.pl/dopobrania/wiejskie-budzety-analiza.pdf, (dostęp: 9.10.2015r).
13. Swianiewicz P., *Jednostki pomocnicze w dużych miastach: błędne rondo marginalizacji czy ślepa uliczka?*, „Samorząd Terytorialny” 2014, nr 1-2.
14. Ustawa z dnia 20 lutego 2009 roku o funduszu sołeckim, Dz. U. 2009, nr 52, poz. 420.
15. Ustawa z dnia 21 lutego 2014 roku o funduszu sołeckim, Dz. U. 2014, poz. 301.
16. Ustawa z dnia 8 marca 1990 roku o samorządzie gminnym, Dz. U. 2016, poz. 446, nr 1579.
17. Wilczyński R., *Fundusz sołecki – owoc i droga odnowy wsi*, [w:] *Fundusz sołecki – poradnik*.

Дата надходження: 21.03.2017 р.