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PARTICIPATORY BUDGETING IN POLAND

Quasi-referendum instead of deliberation

Abstract:

Participatory budgeting (PB) is a global phenomenon exemplifying a shift towards collaborative and participatory governance. This umbrella term embraces a huge variety of mechanisms of public participation in the budgetary process: from advanced consultation to a specific type of direct democracy. This article presents the results of extensive analysis of the Polish model of PB applied in nine municipalities of different size. It demonstrates that the model disseminated in Poland is based on quasi-referendum that guarantees the citizens direct impact on local budgets. However, participation is limited to minor part of local budgets and it is not accompanied with public deliberation over strategic issues. Therefore, the Polish model of PB does not offer genuine shift towards participatory local governance.

Keywords:

participatory budgeting, governance, New Public Governance, Poland, local government

1. INTRODUCTION

The expansion of participatory budgeting (PB) appears to be the most remarkable phenomenon in local governance in Poland in recent years. Increasing popularity of this method of the formulation of local budgets is a result of its global dissemination and specific trends in Polish local government. Internationally, PB might be perceived as one of the practical consequences of the paradigm shift from new public management (NPM) towards New Public Governance (Osborne 2006, 2009), New Public Service (Denhardt and Denhardt 2011), good governance (Commission of the European Communities 2001; Rondinelli 2007) or collaborative governance (Ansell and Gash 2007; Emerson et al. 2012). NPM as a hybrid of neoliberal economy and managerialism (Christensen and Laegreid 2002) revealed in practice numerous adverse effects in terms of access and quality of public services, addressing the challenges of social welfare or environmental protection. The rhetoric of privatization, deregulation and “rolling back the state” also ignored democratic values such as citizens’ participation in policy planning and implementation. In the NPM world, “we are all customers

now” (Pierre 2009), not partners of public administration or co-producers of public services. Focusing solely on outcomes and efficiency in public management collided with extensive public participation that creates transaction costs and delays the decision-making process. Citizens as customers should let public administration serve them properly, without direct impact on how to do this.

New Public Governance (NPG) and related concepts discover the significance of processes leading to policy decisions and emphasize the pluralist nature of the modern state, where policy issues are addressed by networks of governmental and non-governmental actors. PB exemplifies this new approach in the process of performing one of the core functions of governments – planning public expenditure. For Löffler (2005), broader and active participation of community representatives in resource management is one of the pillars of transformation from hierarchical local government towards local governance based on networking. Other factors fostering the expansion of PB and other forms of citizens’ participation in governance are in particular: crisis of representative democracy, declining trust in its mechanisms and its failure in translating public wishes into action (Peters 2010; Krenjova and Raudla 2013) as well as the dissemination of the concept of deliberative democracy (Sintomer, Herzberg and Röcke 2008; Bassoli 2012). Promotion of PB is also a consequence of the global movement towards enhancing community engagement and strengthening connections between governments and citizens, both individuals and organized interests groups (Demediuk 2010; Demediuk, Solli and Adolfsson 2012). It is not questioned that community participation is one of the conditions for developing effective policy responses to social justice and social inclusion issues (Mannarini and Taló 2013).

In Poland, growing interest in public participation in the budgetary process is also motivated by the consolidation of the local self-government restored in 1990 (first wave of local government reform), reshaped and strengthened in 1998 (second wave of local

government reform). The third wave of reforms is expected, primarily with the aim to develop tools for public participation in decision-making and public services delivery at local level (Kulesza and Sześciło 2012). This approach is not only inspired by the global paradigm shift towards NPG, but also expresses the need for change in citizens' perception of local self-government. At the initial stage of its development, local government was primarily perceived as a public authority and an extension of central government, not the self-governing community of citizens (Piasecki 2009).

The 'invasion' of PB is one of the first symptoms of the growing need for evolution towards greater community engagement in local governance and increasing willingness of formal and informal groups of citizens to participate in formulation and implementation of local policies. It should be noted that the first PB in Poland was implemented only in 2011 in Sopot (Sześciło 2012). Previously, in the Polish municipalities there were no experiences with direct participation of citizens in decision-making on local budgets.

This article is a result of critical review of the model of PB disseminated in Poland. It considers that the dominant approach applied in Polish municipalities fails to fulfil the major promises of PB – meaningful citizens' participation in budget formulation and the unique opportunity for enhancing community engagement. This hypothesis is verified by analysis of PB procedures in nine Polish municipalities representing three groups: (i) municipalities below 50,000 inhabitants; (ii) municipalities between 50,000 and 100,000 inhabitants; and (iii) municipalities over 100,000 inhabitants. This sample represents more than 10% of municipalities that implemented some form of PB so far (September 2014).¹

¹ There is no institution gathering detailed information on the number of municipalities applying PB. According to data collected by the Author, more than eighty municipalities used this method in the budget process for 2014. What is particularly interesting and demonstrates the scale of progress, is that in 2012 (formulating budgets for 2013) only five municipalities developed and applied PB (Kęślowski 2013).

2. FORMS OF PARTICIPATORY BUDGETING

There is no single and widely accepted definition of PB. For Wampler (2007) it is ‘a decision-making process through which citizens deliberate and negotiate over the distribution of public resources’. Similarly, Cabannes (2004) identifies this mechanism as an opportunity for the population to ‘decide on, or contribute to decisions made on, the destination of all or part of the available public resources’. More detailed and technical approaches represent Allegretti and Herzberg (2004) for whom PBs are:

‘(...) experiments to involve citizens in the construction of spending priorities for the local administrations through the organisation of annual cycles of public meetings (open but regulated) and the predisposition of other tools for supporting the gradual improvement of co-shared choices to be officially inserted in planning documents.’

All above-cited definitions are broad enough to cover a wide variety of institutional and technical measures aimed at public participation in the budgetary process, including public hearings, citizen surveys, advisory boards, forums, workshops, voting (budget referenda), citizen panels and focus groups (Zhang and Liao 2011; Kim and Schachter 2013). Tools of PB might be applicable at three levels (stages) of the process of determination and distribution of public funds:

- Budget formulation – planning the public expenditure for appropriate budgeting period
- Expenditure monitoring – ‘citizens’ audit’ of consistency between allocation and expenditure
- Monitoring public service delivery – evaluating the quality of publicly funded services (Department of Economic and Social Affairs 2008)

PB is not *ex definitione* reserved only to local (municipal) budgets. However, both theoretical discourse and the practice of PB implementation focus on local government,

including cities of all sizes, from small municipalities (below 20,000 inhabitants) to megacities (Cabannes 2004). There are only few examples from higher level of government considered in the literature, including the state of Rio Grande do Sul, Brazil (Goldfrank and Schneider 2006) or in the provinces of Chucampas, Celendín or Moropon Chulucanas, Peru (Cabannes 2004).

Sintomer *et al.* (2008), based upon extensive comparative research, distinguished six models of PB, reflecting a great variety of concepts and approaches:

- Porto Alegre model adapted for Europe - citizens have de facto (co)decision-making powers, discussion focuses on concrete projects and investments rather than strategic priorities;
- Participation of organized interests – NGOs, unions and other organized groups are the main actors and discussion is more oriented on general political guidelines rather than specific projects;
- Community funds at local and city level – small fund for investment projects is distributed by citizens;
- The public/private negotiating table – it is similar to community fund, yet business may play major role in funding and subsequently deciding on distribution of the fund;
- Proximity participation and consultation on public finances – they are both merely consultative processes differing only in terms of origins.

The above-listed models differ in terms of design of the budgetary process, type of instruments of participation applied and powers granted to citizens. From this perspective the Porto Alegre model can be perceived as an example of the most direct impact of citizens on final decisions. Although their recommendations are not formally binding, there is strong pressure to include them, without modifications, into budgets adopted by appropriate local

government bodies (Souza 2001; Novy and Leubolt 2005). In contrast, proximity participation or consultation on public finances, keep the full, unrestricted decision-making capacity of local authorities. Citizens' participation is limited to advanced and in-depth consultation (Sintomer, Herzberg and Röcke 2008).

The lack of consistent and homogenous international theory and practice of PB makes it extremely challenging to explore national models and compare them with the experiences of other countries. Forms of PB vary from the upgraded model of traditional consultation (have your say) with strong steering and decision-making responsibilities of elected representatives, to a less formalized version of direct democracy. All models aim at enabling citizens to influence the allocation of public resources and educating them, enhancing transparency and accountability (Shah 2007). However, only in the case of Porto Alegre and related models can we announce a significant shift towards collaborative governance as they provide for direct citizens' participation in decision-making, not merely consultation (Ansell and Gash 2007). For the purposes of further research, the notion of PB will be restricted to process of municipal budget formulation, where citizens and their groups enjoy the right to influence public spending via extensive and multi-form consultation or direct (co)decision-making.

3. POLISH MODEL OF PARTICIPATORY BUDGETING

Statutory legislation in Poland does not impose a participatory model of local budget formulation. The mayor (executive) has exclusive responsibility for setting up the budgetary proposal whereas the legislature has the final power to adopt it. Details of the budgetary process are regulated in Municipal Self-Government Act 1990 and Public Finance Act 2009 that do not require any public participation in planning public spending, both in a one-year perspective (annual budgets) and long-term planning (multi-year financial prognosis). The lack of statutory regulation might be compensated by local legislation. According to the

Municipal Self-Government Act, public consultation may be carried out among inhabitants in ‘all matters of importance for municipality’. Legislature of each municipality is obliged to establish the list of issues requiring consultation and specify its rules and forms. It has to be noted that municipal councils enjoy extensive autonomy in determining the scope and forms of consultation. The Supreme Administrative Court underlined only that participation in consultation is restricted solely to inhabitants of the municipality, where this process is conducted.² Another recommendation is that this process cannot be perceived as a ‘substitute of local referendum’. Therefore, results of the consultation are by definition non-binding: do not interfere with statutory powers of the executive and legislature and do not limit their decision-making capacity.³

It should be noted that a binding decision on the allocation of budgetary resources might be taken by citizens in a local referendum held in accordance with the Local Referendum Act 2000. Such referendum may concern previously specified investment projects. Voting in a referendum on the whole budget is not allowed, as the exclusive power to adopt it is restricted to the municipal council. This tool of direct democracy only has a theoretical significance in the Polish local government, as budget referenda are not practiced. The basic reason for absence of budget referenda is the highly formalized procedure for initiating and conducting referenda. What is more, the turnover must reach 30% of inhabitants of the municipality to make its result binding. Considering the generally low level of citizens’ participation in elections, this requirement effectively discourages using this instrument of direct participation in budget formulation.

Taking into account the above-presented legislative framework, all the procedures for PB applied in Polish municipalities are interpreted as a specific form of public consultation mentioned in the Municipal Self-Government Act. Therefore, the results of the PB process

² Judgment of 8 December 2011, case no. II OSK 1562/11.

³ Judgment of 1 February 2001, case no. II SA 2817/00.

cannot be formally binding, even if local authorities declare that they will follow citizens' recommendations on the allocation of public resources. In other aspects of the process, i.e. scope and forms of participation, each municipality may develop its own model, deriving from the wide palette of international practices. Details of the procedure applied have to be described in the local legislation – the appropriate resolution of municipal council and/or additional implementing acts adopted by the executive.

In the table below the models of PB applied in nine Polish municipalities are presented. Selection is based on a preliminary review of all municipalities developing PB procedures and aims at including municipalities differentiated in size (small, medium, large) and situated in various regions (every municipality described represents other voivodeship⁴). For each municipality two aspects of the PB procedure were considered:

- Scope of participatory budgeting, i.e. what part of the planned spending is distributed under public participation. This issue is not considered in most of the studies on PB. However, preliminary research on the Polish model have proved that its *differentia specifica* is guaranteeing participation only with respect to a very minor part of the budget.
- Forms of participation. This includes three major methods: (i) consultation (debates, citizens' panels, public hearings, workshops, forums), (ii) the right to submit proposals for projects to be included into PB; and (iii) the right to participate in not binding vote for shortlisted proposals (quasi-referendum).

Information presented in the table was collected via doctrinal research of the local legislation regulating budget process in each municipality involved. The legal approach is justified in this matter, as all procedures for participation in the budget process need to be set up in local legislative acts. The presented data refer to budgets for 2014. However, the share of the

⁴ Sixteen voivodeships (regions, provinces) represent the regional level of self-government in Poland since the administrative reform of 1999.

budget subject to the PB mechanism was calculated with reference to budgets for 2013. This approach results from the fact that in all cases the overall amount designated for PB had been established before the budget proposal for 2014 was announced.

Size of municipal ity	Name of municipality	SCOPE OF PARTICIPATION		FORMS OF PARTICIPATION		
		Share of the budget allocated in PB mechanism (%)	Participation in distribution of the remainder of the budget	Consultation	Submitting projects	Vote (quasi- referenc um)
< 50,000	Sopot	1.29	Not mandatory	-	+	+
	Krosno Odrzańskie	0.7	Not mandatory	-	+	+
	Milicz	1.25	Not mandatory / at the discretion of the mayor or municipal council	-	+	+
50,000 – 100.000	Puławy	0.55	Not mandatory	-	+	+
	Jaworzno	0.53	Not mandatory	-	+	+
	Stargard Szczeciński	0.52	Not mandatory	-	+	+
> 100,000	Łódź	0.05	Mandatory consultation in	+	+	+

forms selected by the mayor					
Białystok	0.6	Not mandatory	-	+	+
Olsztyn	0.2	Not mandatory / at the discretion of the mayor	+	+	+

Comparative analysis of PB mechanisms applied in selected municipalities illustrates clear and uniformed model for public participation in budget formulation in the Polish municipalities. It is characterized by four major features:

1. Direct participation in distribution of a very minor part of planned expenditure. Special procedures explicitly named as ‘civic budget’⁵ in all cases considered (also in municipalities not presented in the table above), appears to be a symbolic gesture towards citizens, deprived of meaningful impact on the allocation of public resources. This approach might be justified by the experimental character of PB processes conducted in 2013. Among municipalities included into this study, only Sopot was not a ‘greenhorn’ at PB. Sopot pioneered civic budgeting in Poland and in 2013 carried out this process for the third time. This may explain why the share of expenditure allocated within PB is highest in this municipality, although still very minor. It should also be emphasized that no municipality has a long-term strategy that would envisage extending the scope of PB in the coming years, in particular the systematic increase of budgetary resources allocated in this procedure. On the other hand, selected municipalities provided for a mechanism of review of the 2013 experiment. In Łódź continuous monitoring and annual evaluation of PB is mandatory, according to the Regulation

⁵ In Polish practice the notion of ‘participatory budgeting’ is replaced with ‘civic budget’, primarily to underline the democratic character of the process and avoid the complicated jargon of participation and participatory decision-making.

of the Mayor on the rules for the civic budget. However, the Regulation does not specify the methods and expected results of this evaluation. We may only presume that it should also concern the need for increasing the share of the budget distributed within PB.

2. Public participation in the allocation of the overwhelming majority of local expenditure is not mandatory. Although the Local Self-Government Act obliges the municipal council to establish the list of issues subject to mandatory consultation, only Łódź's municipal council included the budget proposal into this catalogue. Regulations on public consultation adopted by the Municipal Council of Łódź require the Mayor to carry out consultation at the stage of formulation of the budget proposal. Three forms of consultation are specified: (i) open meetings with citizens allowing them to express their views and expectations in oral and written form; (ii) workshops for citizens aimed at raising citizens' awareness and knowledge about the issue considered; (iii) collecting written opinions and proposals, including online consultation. According to these regulations, in 2013 consultation on the budget proposal was carried out within two parallel schemes. Consultation on the whole budget had the form of an open meeting and gathering written proposals and remarks, particularly via the online form. Proposals considered within the civic budget process were explicitly excluded from consultation in this process. Public participation in allocation of the PB was regulated by a separate document and included the right to submit projects and ideas, open meetings regarding the procedure of PB and subsequently the debate on the projects submitted, and finally, the vote on shortlisted proposals.

In other municipalities, the local legislation does not impose explicit obligations to guarantee public participation and deliberation on the full budget proposal. Consultation is allowed, yet there is no guarantee that it is actually carried out. Local legislation in selected cases leaves the decision in this matter to the mayor who may initiate consultation. However, the mayor's decision is not determined by any criteria specified in the municipal council's act

and it is fully discretionary. Citizens or their organized groups are not legitimated to effectively demand for consultation, even if such motion is submitted or supported by a meaningful number of inhabitants.

3. The range of methods applied in PB procedures is limited and uniformed among the municipalities analysed. The procedural framework for the civic budget is based on a template developed in Sopot in 2011. The process is initiated with resolution of the municipal council or mayor specifying the amount to be allocated within the PB mechanism, key phases of the process and timetable. At the first stage citizens may submit their proposals and ideas using special forms. The applicant has to describe the project briefly, justify the need for its inclusion into the budget proposal and estimate the cost of its implementation. In the next step, the projects are reviewed by a special committee and the legal and budgetary services of the municipality. Their major task is a formal review of the projects submitted and shortlisting proposals for the vote. Reducing the number of projects for the purposes of the vote is necessary as their number may reach hundreds or even around 1,000. In Łódź more than 900 projects were proposed at the first stage, in Białystok – around 200 and in Olsztyn – 160. In Łódź more than 750 proposals went through verification, in Olsztyn – half of projects submitted, and in Białystok only a quarter of them. The differentiated approach to this stage of the PB process also related to the composition of the bodies responsible for the review of the projects. Three models can be distinguished:

- *Ad hoc* committee of the municipal council consisting of the members of the council (Sopot, Łódź, Puławy). The work of the committee is supported on the technical side by legal and budgetary services of the municipality.
- Committee of mixed composition appointed by the mayor guaranteeing participation of the representatives of civil society, e.g. local NGOs (Jaworzno).

- Internal services of the municipality (Krosno Odrzańskie, Milicz, Stargard Szczeciński, Olsztyn, Białystok). Their work might be subject to review or the assistance of an additional body ensuring representation of various stakeholders. In Olsztyn the municipal services are obliged to collaborate with a special coordination committee for the civic budget, also including representatives of civil society organisations.

The vast majority of municipalities skipped the phase of open deliberation on the individual projects. Great emphasis in all municipalities is placed on providing citizens with information on the procedural aspects of PB, i.e. how to submit projects and how to vote. Information campaigns include open meetings to present the details of the procedure, special websites, infomercials, press and billboard advertising. However, the need for an organized and carefully moderated public debate at least on selected projects or funding priorities appears to be ignored by PB designers. Only regulations adopted in Łódź and Olsztyn require open meetings to discuss feasibility and the need for realization of the projects submitted for vote.

4. The construction of the PB procedures creates an impression of direct and binding impact of citizens on the allocation of local expenditure. In all municipalities examined within this study the culmination of the civic budget process is a popular vote on selection of the projects from the list prepared upon citizens' proposals. The voting procedure is less formalized compared to a local referendum, e.g. postal and online voting is available (via email or interactive form), minimum voting age is lower than in referendum (16 instead of 18). The most important difference from the voters' perspective is withdrawal from the principle of secret ballot. Each inhabitant has to provide personal data, include name and family name, place of residence and their unique identification number PESEL. Thanks to this information it is possible to mitigate the risk of multiple voting or participation of persons who do not reside in the given municipality.

The resolutions and other acts regulating PB procedures do not contain any information about the non-binding and merely consultative character of the vote. What is more, a review of the provisions regarding the effects of the vote illustrates various attempts to present the suggestions of citizens as binding to some extent. For instance, in Puławy and Jaworzno the municipal council's resolution on PB, despite ambiguous wording, seems to oblige the mayor to include into the budget proposal the projects recommended in the popular vote. On the other hand, such interpretation violates the mayor's exclusive legislative right with respect to the budget proposal. The municipal council cannot limit this right via its resolutions. In Milicz, the PB process was designed in the ordinance of the mayor. In this document, the mayor *expressis verbis* has committed to include into budget proposals the projects selected in the PB process. This approach might be more effective on the legal side. However, the municipal council is not bound by the budget proposal and may reject or modify the proposed allocation. Resolutions of the municipal councils of Białystok and Sopot state generally that proposals that have received the highest number of votes shall be included until the limit of funding for the civic budget is reached. This is an extremely confusing formula, as it does not specify what body (executive or legislature) must introduce projects indicated by voters to the budget proposal. Łódź's regulations use the phrase about 'projects recommended for implementation'. It is not clear, however, what is the procedure for transforming those 'recommendations' into elements of the budget.

Generally, the approach illustrated in the documents regulating the PB process in all municipalities focuses on concealing or at least not expressing its merely consultative character. On the one hand this is a rational strategy, as the underlying non-binding nature of the PB process would certainly discourage citizens from engagement. On the other hand, local authorities creating a climate of co-deciding and direct participation around PB should be aware of the consequences of this approach. As LeDuc (2003: 37) noticed: 'Governments in a

modern democracy will generally hesitate to ignore a formal vote of their citizens on an important public issue, whether that vote is considered binding on them in a legal sense or not.’ Therefore, withdrawal from the projects chosen in a formally non-binding vote or even introducing slight modifications might trigger strong civic resistance.

5. CONCLUDING REMARKS

Global movement towards more participatory methods of budget formulation found fertile ground in Poland. After two decades of territorial and institutional consolidation, there is an increasing interest in transforming local government into local governance, where classic representative democracy is complemented with the ‘new experiments’ (John 2001). Parallel with PB introduction we can observe the expansion of popular legislative initiatives, developing innovative tools of public consultation (online consultations, deliberative surveys, citizens panels) or the creation of consultative bodies composed of local authorities and representatives of civil society. PB appears to be particularly significant innovation as it refers to the most meaningful decision-making process – allocation of local government’s expenditure.

In her famous ‘Ladder of participation’ Arnstein (1969) argued that ‘participation without redistribution of power is an empty and frustrating process for the powerless. It allows the powerholders to claim that all sides were considered, but makes it possible for only some of those sides to benefit.’ Expansion of PB in Polish municipalities is accompanied with rhetoric on the breakthrough towards empowering citizens to directly decide on public resources allocation. This study showed that the true look of the Polish PB model is much trickier. Participation was restricted to a very minor part of the local budget (less than 2% of planned expenditure). Illusion of decision-making powers of citizens was created by making the PB procedures resemble local referendum. Finally, very poor range of deliberation tools was

developed to engage citizens in a dialogue on local budget. All those factors seriously undermine PB's potential for enhancing collaborative governance. In the long-term perspective this approach may also result in growing frustration and disappointment among citizens realizing how their impact on budget formulation is limited compared to the climate of revolution in public governance created around PB.

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