

NOTES ON HIGHER-LEVEL TERRITORIAL LOCAL GOVERNMENT IN CZECH REPUBLIC AND POLAND

MARTIN ŠMÍD

Fakulta ekonomicko-správní, Univerzita Pardubice

KAREL LACINA

Key words

Public administration, local government, regions, Poland

Constitutional basis

Legal basis of local government in Czech Republic and Poland is similar. In Czech Republic the local government of local units is guaranteed by Constitution, Art. 8. Polish Constitution is more concrete in its Art. 15 and 16. Decentralization of public power is engaged by territorial division in Poland.

Local government is provided concretely in Chapter VII of Polish Constitution (*Samorząd terytorialny*) like in Czech Constitution. Higher-level units of local government were expected by Czech Constitution and realized by Constitutional Act. No. 347/1997 Coll. Only basic units of local government – municipality (*gmina*) is directly provided by Constitution. Keep in mind that municipalities in Poland are much larger than in Czech Republic. Higher-level units of local government are not set by the Constitution specifically in Poland.

Polish reform of public administration

The biggest distinction between Czech Republic and Poland is that there are two levels of Czech local government whereas Poland has three levels – municipalities (*gminy*), districts (*powiaty*) and voivodships (*wójewództwa*).

Polish administrative reform could be divided into 3 periods. Gminas were created in the first period in 1990, powiats reestablished and number of voivodships reduced in 1998 (second period), local-governmental institutions of powiats and voivodships were established in 1999 (third period).

New Polish Constitution in April 1997 was the starting impulse for realization of the reform of higher-level local government although the preparations started in 1993. Local government is strongly guaranteed by this Constitution.

Powiats

Creation of about 300 powiats was expected during the preparations of the reform since the first proposal in 1993. This number results from existence of ca. 300 historical local centers. Other proposals were not successful. However, Poland has 379 powiats (including 65 gminas with powiat status).

Existence of powiats is legally regulated by Act on Powiat Local government, published 5th June 1998 (Dz.U. z 1998 r., Nr 91, poz. 578 z późm. zm.).

Voivodships

Number of voivodships was more discussed. There were 49 small voivodships till the administrative reform. To reduce the number of voivodships and create large, strong regions was one of the main aims of the reforms. The proposal supposed to create 12 regions.

But other big centers wanted to keep the status of the centre of the voivodship. Therefore there were many counter-proposals drafting creation of 14-17 voivodships. Creation of more voivodships was supported by the opposition in the Parliament. Finally, Parliament passed a bill creating 15 regions. But Alexander Kwaśniewski, Polish President in that time, refused to sign the bill.

In the end, 16 voivodships were established by the Act on Voivodships Local government (Dz.U. z 1998 r., Nr 91, poz. 576 z późm. zm.).

Comparison with Czech Republic

Interesting thing is that the large of powiats in Poland is very similar to the large of Czech districts (okresy). These units in Czech Republic have neither local government nor state administration (with some exception). But we can say, the districts towns are also local

economical and cultural centers like in Poland. My opinion is that execution of administration on this level would be applicable. Czech reform of public administration as realized was not successful in my opinion. On the other hand we have to take into consideration that the main purpose of the territorial division from 1960 was to direct the economy. Therefore it is also not ideal solution for today.

Comparing Czech (14 regions) and Polish (16 regions) situation we can see that the Polish voivodships are larger and therefore more operational. 16 regions in Poland correspond to ca. 4-5 regions in Czech Republic. Such number is probably not realizable. Both Czech Republic and Poland have disparities in the number of citizens of particular regions.

In my opinion, the reform of public administration in Czech Republic was a lost opportunity. The smallest units – microregions with the natural attraction center (mostly town) – had to be created first. These units could be integrated to larger units after that. Two levels of higher-level local government (districts and regions) like in Poland would be acceptable from my point of view.

Contact – email:

JUDr. Martin Šmíd

Faculty of Economics and Administration, Institute of Public Administration and Law

University of Pardubice, Studentská 95, 532 10 Pardubice, Czech Republic

[*martin.smid@upce.cz*](mailto:martin.smid@upce.cz)