



# Intergovernmental relations during the COVID-19 crisis in Poland

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## Abstract

The article studies the Polish response to COVID-19 from an intergovernmental relations (IGR) perspective. The main focus is on how the Central and Local Government Common Commission worked during this period. The author uses the analytical taxonomy of three types of contrasting IGR processes: (1) a predominantly multi-layer policy process, involving limited conflict, (2) a centralised policy process as the central government attempts to suppress conflict and (3) a conflicted policy process, where such attempts are contested and tend to contribute to poor policy outcomes. In conclusion, it is shown that the Polish government preferred to choose a centralised policy and implement a one-size fits all approach during the first phase of COVID-19.

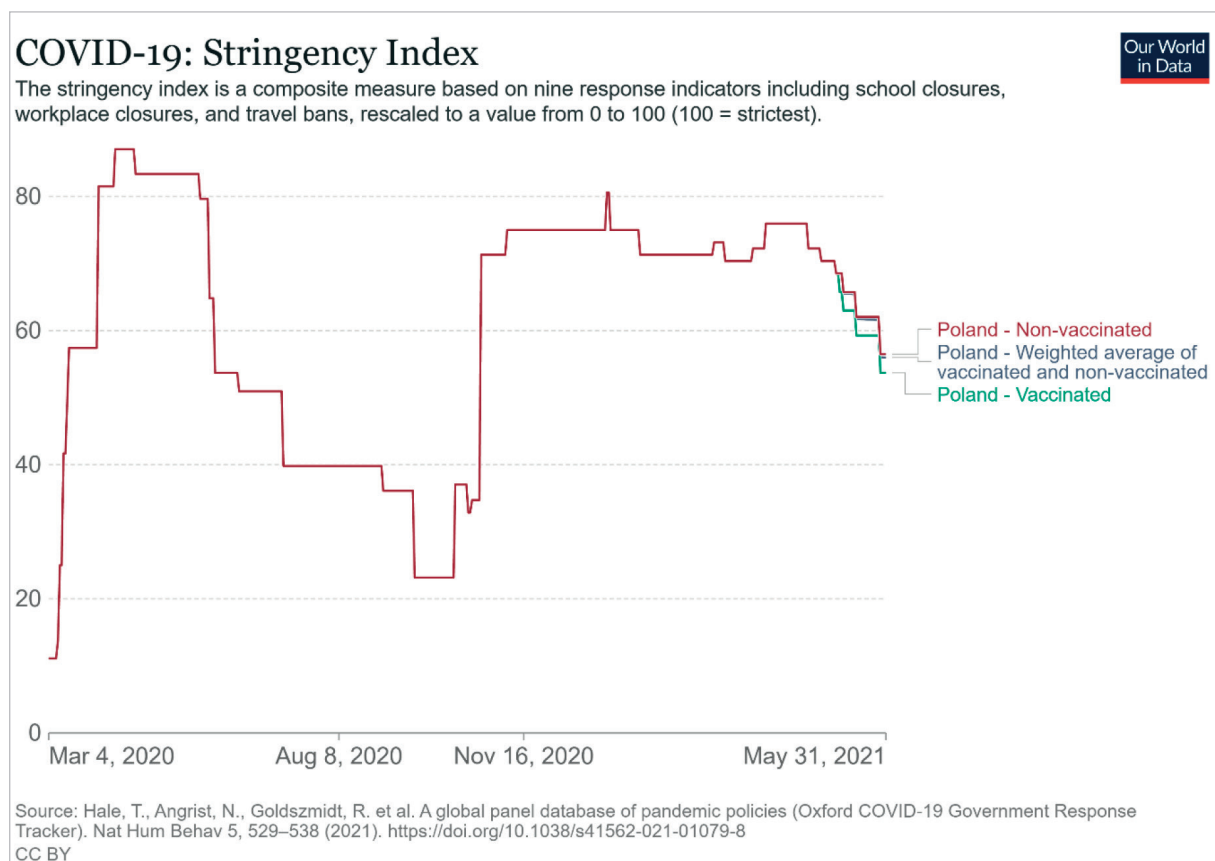
## Keywords

local government, intergovernmental relations, pandemic, public policy.

## Introduction

Crises and ideas are core subjects of study in public policy and administration. There are an increasing number of crises that the public sector has had to face during the last decades, such as managing economic and environmental crises, natural disasters, public health events and terrorist attacks (Hannah et al., 2022). The outbreak of COVID-19 was not only a huge challenge for public health, including many early deaths, but also for public administration (Dunlop et al., 2020). For some researchers, the pandemic reveals that the public sector was not only facing simple and complex problems, but also turbulent challenges, characterised by the surprising emergence of inconsistent, unpredictable and uncertain events (Ansell et al., 2021). For others, there are still many questions that we have to put to public managers and governments in order to prepare ourselves better for the next turbulent challenges that may occur and need more prompt answers (Nemec et al., 2020). Taking this into consideration, it is suggested that the Covid-19 pandemic was a game-changer for public administration and, more importantly, for the leadership competencies required during and post times of crises (Dirani et al, 2020; O'Flynn, 2020; Fay & Ghadimi, 2020). However, crisis management during such events as Covid-19 is not only a matter for leaders in the public sector. After a few waves of the pandemic, it is more than certain that a crucial part of resilience is based on essential workers, who had to face enormous challenges and this is why there is a huge need to identify and resolve bottle-

necks (Schuster et al., 2020). It seems to be obvious that Covid-19 has accelerated digital transformation, among institutions of public administration included (Gabryelczyk, 2020). During COVID-19, each European country's government had to face difficult decisions regarding how to deal with this threat. To make things worse, it was a highly unexpected event for all managers in public administration and, as a result, there were no procedures and measures in place to fight against it. Furthermore, after a few weeks, it was obvious that international cooperation mechanisms (such as the European Union and United Nations) were unable to provide decisive leadership and each country had to stand alone to prevent the virus from spreading further. This is why European governments' responses were characterised by "coronationalism" (Bouckaert et al., 2020). On the top of that, COVID-19 very quickly became a very complicated issue, as it was necessary to consider its health, economics, and territorial policy aspects. It is fair to say that the decision-making process clearly became a balancing act that was hard to achieve. In this context, intergovernmental relations between central and local governments seemed to be one of the most important ways that could possibly allow cooperation and coordination to be implemented successfully inside public administration. Chart 1 is a good summary of the composite measure implemented in Poland during the Covid-19 pandemic.



According to the research conducted, it is fair to say that several strategies were implemented across European countries. In Germany, the coordination of pandemic management shifted between a multi-level system – with the sub-national and local authorities as key actors – to the more functional orientation with increased vertical coordination (Kuhlman & Franzke, 2022). In the Czech Republic and Slovakia, the policy of handling Covid-19 was based on self-referential organisational decisions, rather than on strictly coordinated joint inter-organisational decision-making (Jptner & Klimovský, 2022). In France, three phases have been identified, in which two antagonistic types of IGR opposed each other – swinging between presidential hyper-centralism

and more horizontal and informal action at the local level (du Boys et al., 2022). When it comes to Spain, strong centralization was seen as a way of dealing with the crisis (Navarro & Velasco, 2022). In Italy, the policy response has been based on temporary, fast-track procedures. The latter have been regularly applied when Italian governments confront natural disasters and prompt action is ensured by a repertoire of extraordinary measures running in parallel to burdensome ordinary procedures (di Mascio et al., 2020). Moreover, this time was full of conflict and variation within the policy-making and policy-delivery processes, and it is fair to say that the Italian case was a mix of inadequate institutional coordination and insufficient and unclear central guidelines, which ultimately produced uncertainty (Malandrino & Demichelis, 2020). Last but not least, in Belgium and the Netherlands, there was a strong similarity from a functional perspective, which could be characterised as a clear top-down crisis structure, accompanied with power dominance that severely affected mayors' influence in both countries during the first wave of the Covid-19 pandemic (Wayenberg et al., 2022). Looking for exceptional examples of countries' policies during the Covid-19, it is worth mentioning Sweden, because the country chose to take a relatively liberal crisis response to the onset of the pandemic compared to the rest of Europe. As E. Petridou pointed out, the Swedish case showed the intersection of dualism in the model of public administration response and the devolved governance system that bestows operational autonomy on public agencies and local public authorities. The duality that characterises the relationship between politics, policy, and administration in Sweden resulted in a response that was necessarily decentralised. This response, in conjunction with high political trust among the citizenry necessitated, and was conducive to, broad guidelines (Petridou, 2020). However, the reason(s) for countries' different responses in the face of the Covid-19 pandemic is still under consideration (Yan et al., 2020) and needs more case study research.

The aim of this article is to explore how the processes and structures of IGR were exploited during 2020 and 2021 in Poland and how it changed during the first and second wave of the pandemic. Thus, it is not only a static description but also a dynamic analysis of evolution. The main area of interest is the functioning of the Central and Local Government Common Commission, which is a longstanding mechanism through which IGR have been operating. Poland is one of the few countries in Europe where such a coordination and cooperation mechanism has been running over the last two decades. It is not an exaggeration to state that it is a proven and well-known structure that is at the disposal of the central public administration. The lack of analysis of the Polish case is the main reason for the author deciding to conduct this research. As a research tool, the author uses an analytical taxonomy of three types of contrasting IGR process proposed by Bergström, et al. who distinguish such types as the following: (1) a predominantly multi-layered policy process involving limited conflict and in which both central and subnational governments play a significant and coordinated role and exert influence on policy within the centre; (2) a centralised policy process as the central government attempts to suppress conflict and allows subnational governments little discretion and influence at the central level and (3) a conflicted policy process, where such attempts are contested and tend to contribute to policy failures, because of strongly contested rules of the game and serious communication problems between the central and subnational governments (Bergström et al., 2022). It is worth mentioning that the fertile ground that helps to build this taxonomy is a series of papers presented in *Local Government Studies*.

The paper proceeds as follows: first, it discusses the context of the Polish intergovernmental system; second, the research design is presented; and third, the focus is put on the Covid-19 pandemic in the context of the Central and Local Government Common Commission. The conclusions summarise the research findings.

## Context of the Polish intergovernmental system

Despite the huge popularity of the governance paradigm in public administration, IGR is still a rather narrow field of work for researchers covering local and regional governance, so there is still much more of a country-specific approach to analyse IGR rather than a cross-country comparison. The outbreak of the Covid-19 pandemic might be seen as a focal point that draws much more attention to this issue. It is fair to say that the only way to fight successfully against the Covid-19 pandemic was by implementing territorial politics. Flexible policies that took into account regional or county-specific situations demanded robust IGR for several reasons. Some of these could be the need for information exchange, or quick and successful responses on the grand scale.

One of the crucial parts of democratic transformation in Poland after 1989 was the creation of self-government. Local government was introduced in March 1990 and, during the legislative process, one of the most controversial issues was how to organise IGR, as the founding fathers of this reform were aware that this is a key aspect of coordination processes in public administration. Despite the fact that no coordination mechanism at all was introduced, cabinet ministers set up the Central and Local Government Common Commission. In the beginning, it was an informal way of orchestrating mutual relations (Gawłowski, 2015), exchanging information and, in principle, collecting knowledge for the next steps of public administration reform. The tangible outcomes of this cooperation were so useful that, in the following years, the Central and Local Government Commission slowly and consistently became an institution regulated by a legal act (CLGCC Act, 2005). The final act of institutionalisation was that the CLGCC was intertwined with the Polish accession to the EU.

Members of the Central and Local Government Common Commission are appointed from both cabinet ministers and national self-government associations in equal numbers. Twelve of them represent government departments<sup>1</sup> that cover public services delivered by local and regional administration and the same number of representatives are delegated from six associations.<sup>2</sup> Needless to say, such diverse representation from self-government associations causes legitimate questions regarding organisation and mobilisation in their relationship with the central government. Problems associated with collective action are seen by many scholars as a key obstacle to effective IGR (Cigler, 2012; Callanan, 2012; de Widt & Laffin, 2018).

There is no chair of this Commission, in order to avoid a situation in which one of the sides might get a more distinctive position. However, the CLGCC Act allows the appointment of two co-chairs, one each from the central and self-government side. The main goals of the Commission are as follows: (1) developing a common position of the cabinet and local government regarding the scope for addressing economic and social issues; (2) reviewing and assessing the legal and financial conditions for the functioning of local government, including services delivered by counties as well as institutions with supervision and control over self-government; (3) assessment of the self-government position in relation to European integration, including how self-government aligns financial resources with regional policy; (4) analysing information

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<sup>1</sup> Ministry of Public Administration and Interior; Ministry of Health; Ministry of Regional Development; Ministry of Finance; Ministry of Culture and National Heritage; Ministry of Infrastructure; Ministry of Education and Science; Ministry of Sport and Tourism; Ministry of Foreign Affairs.

<sup>2</sup> Association of Rural Governments in Republic of Poland; Union of Towns; Association of Polish Cities; Union of Polish Metropolis; Association of Polish Counties; Association of Region of the Republic of Poland.

related to prepared draft legal acts, government documents and programmes concerning issues of self-government, in particular the financial regulatory assessment; (5) presenting opinions on draft legal acts, programmes and other government documents concerning the issues of self-government, including those defining the relationship between local government and other public administration institutions. In most cases, the goals presented in points 4 and 5 are those most often discussed during the plenary sessions. Given that the CLGCC is an advisory body to the cabinet, representatives from local and regional national associations are allowed to present only their opinion on the draft legislative acts, programmes and other documents mentioned above. In each case, their opinion could be positive or negative. In the event of rejecting the cabinet's legislative intentions presented by self-government representatives, there is however no legal possibility to prevent the cabinet from submitting their proposals to the parliament. Nevertheless, members of the parliament are aware that the draft documents presented to them for further action received a negative opinion in the previous stage.

It is worth mentioning that the mechanism of mutual relations between central and self-governments provided by the CLGCC works on a daily basis. It means that plenary sessions take place each month and between them, several working groups provide a first preliminary assessment. At this level, civil servants from government and self-government administration discuss the merits of the draft acts and documents that are important in practice side. The key issues are financing and the legal requirements for transfer to local and/or regional level, as well as such aspects as assessment and control. If reaching an agreement is not possible, the draft acts or documents, along with identified discrepancies, are moved to the political level at the plenary session. At this time there are 11 working groups that cover such issues as education policy, health policy, public finances, international cooperation and, last but not least, public administration and internal security.

The CLGCC has a stable and important position in the Polish public administration. It ensures a systematic process for mutual relations, as well as for exchanging opinions on draft legal acts and documents so that many potential pitfalls are avoided. However, there is still some room for improvements, such as an extension of the scope of the issues raised during the plenary sessions by additional points regarding the structural position of self-government in public administration, or even a further extension of the consultation mechanism to the regional level, where central government and self-government co-exist (Gawłowski, 2016).

National self-government associations are important actors in IGR in Poland. They play a crucial role in three dimensions, namely (1) exerting influence on central government; (2) collecting and disseminating knowledge on delivering public services among members of the association and, last but not least, (3) building a network inside public administration as well as with external partners (Issac-Henry, 1980; Entwistle & Laffin, 2003). Their importance in both IGR and self-government on a national level has been growing for a long time (Laffin & Entwistle, 2000) and, during Covid-19, it became even bigger. In the Polish case, there are six national self-government associations that play vital roles in terms of IGR.

## **Methodology**

In order to determine what kind of relations dominated during the first wave of COVID-19 in Poland, the author focused his attention on the formal documents of the CLGCC. The special points of interest were the verbal notations and minutes of plenary sessions that presented the merits and outcomes of these meetings. This study analysed the Covid-19 pandemic from the 4th of March 2020, when the first case was registered in Poland, to May 2021, when the last

measures were lifted. However, in order to make comparison possible, 2019 is added as a reference point to illustrate better the change in IGR before and during the Covid-19 pandemic.

Two questions were raised during this research:

*RQ1) How many plenary sessions were there and what was the scope of the agenda during the first wave of COVID?*

*RQ2) What kind of policies were discussed during the plenary sessions?*

In order to find reference points that allow the author to compare and contrast how the CLGCC was working during the first wave of COVID-19, the previous research outcomes in terms of the CLGCC were used (Gawłowski, 2016; Gawłowski, 2020). Methodologically, this research represents a two-case desk research study. In the first step, the author employed an analysis of minutes and verbal notations that presented the merits of plenary sessions. In the second step, the author included an analysis of the adopted legislative acts that were proposed by cabinet ministers.

*Table 1. Timetable of the Covid-19 pandemic*

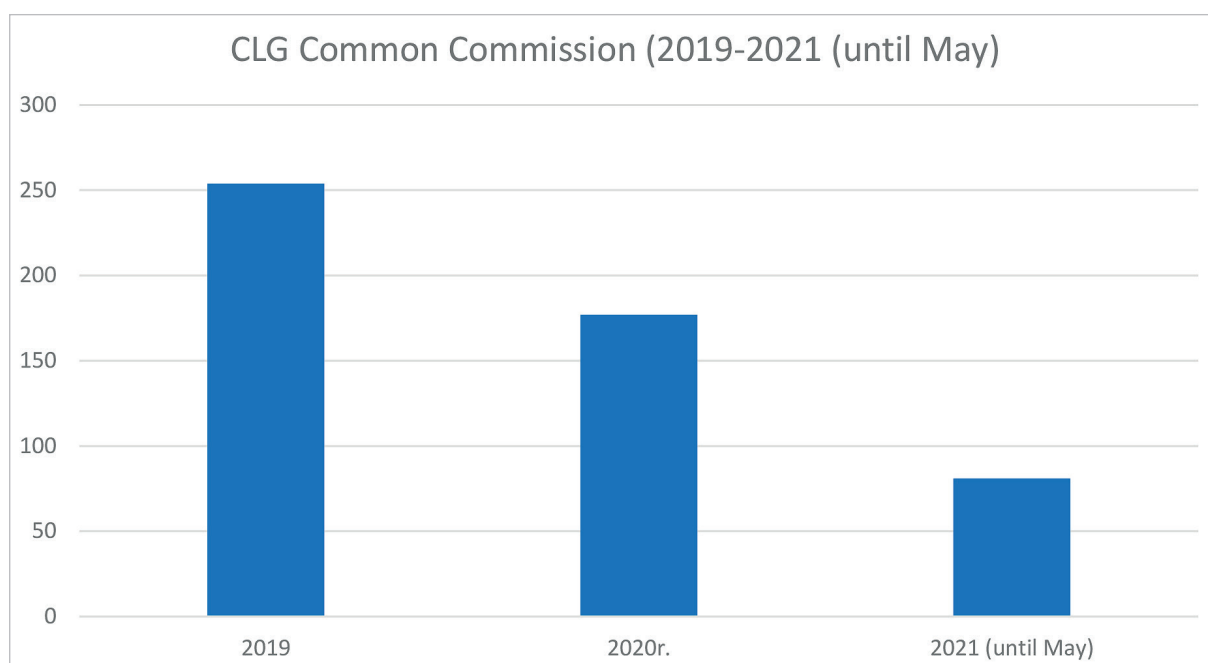
<b>First wave of Covid-19 pandemic (March – August 2020)</b>	
2 March	Polish Sejm (lower chamber) voted on the Covid-19 Act (ustawa o szczególnych rozwiązaniach związanych z zapobieganiem, przeciwdziałaniem i zwalczaniem Covid-19)
4 March	First registered Covid-19 case in Poland
6 March	Polish Senate (second chamber) voted on the Covid-19 Act
9 March	Sanitary control at the Polish-German and Polish-Czech border
10 March	Mass events banned
12 March	Polish government introduced the first wave of restrictions
15 March	Polish border is closed
18 March	Furlough programme announced by the Polish government
31 March	Second wave of restrictions introduced
6 April	Postal Voting Act introduced by the Polish government
16 April	Obligation to cover nose and mouth in public spaces introduced
4 May	Some restrictions lifted
6 May	Nursery and primary schools opened
10 May	Presidential elections postponed
18 May	Second part of restrictions lifted
27 May	Third part of restrictions lifted
30 May	Obligation to cover nose and mouth in public space lifted
<b>Second wave of Covid-19 pandemic (mid-August 2020 – March 2021)</b>	
8 August	New wave of restrictions introduced. The country is divided into three zones: red, yellow, and free from restrictions.
10 August	The whole country is in the yellow zone
23 October	The whole country is in the red zone
4 November	New wave of restrictions
26 November	Government introduced the second edition of the furlough scheme
27 November	Government announced that Christmas Eve events could be attended by small numbers of participants
14 December	New wave of restrictions introduced. Quarantine in the whole country
15 January	School teaching returns
1 February	Galleries, cinemas and theatres opened
12 February	Ski slopes and hotels, with some restrictions, opened

Source: own research

## The intergovernmental response in Poland

COVID-19 was a good chance to check if intergovernmental relations were seen by central policymakers as a tool to coordinate and implement policies that could help to fight the pandemic better or as a formal procedure that is a part of the legislative process. In order to identify which attitude was more frequently recognised during this time, it is worth looking at the statistical summary of the number of plenary sessions during the first wave. Based on that, it seems to be clear that the longer COVID-19 was present, the less frequently plenary sessions of the CLGCC were held and, as a result, fewer drafts of legal acts and documents were presented to self-government representatives. In the year before COVID-19, there were 254 acts and documents altogether; however at the end of 2020 there were 177, and 81 until May 2021. For this reason, it is fair to say that the government decided not to use intergovernmental mechanisms in order to fight against COVID-19.

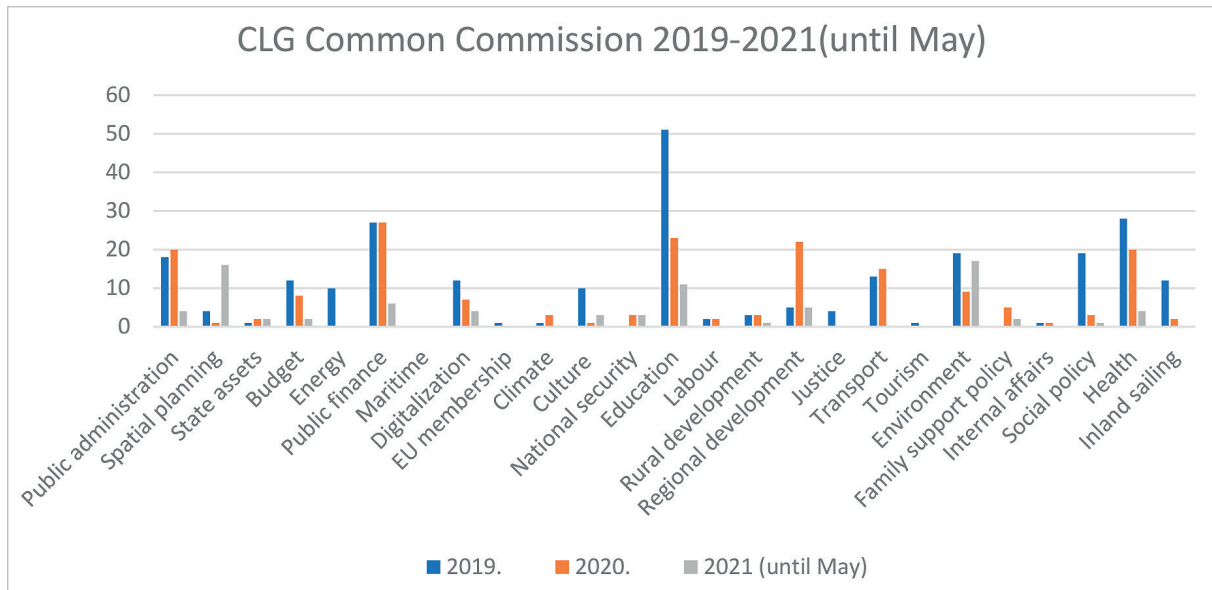
*Chart 1. The number of draft legal acts and documents presented by the government during the plenary sessions at CLGCC.*



Source: Own study.

The next chart presents a statistical summary of the public policies to which draft legal acts and documents presented by the cabinet relate. Draft papers have been grouped into the subjects that relate to the legal division of work introduced by the Division of Governmental Administration Act 2020. Each of the cabinet ministers covers at least one division of governmental administration; however, it is usually a couple of them. Based on that, it is possible to see which governmental division of administration was most exposed to legal amendments, or to be more precise, what kind of legal draft acts and documents were discussed at the plenary session of the CLGCC during the first wave of COVID-19.

Chart 2. Areas of public policy to which draft legal acts and documents relate.



Source: Own study.

According to chart 2, we can say that, in 2020, draft legal acts and documents prepared by the government came from public finance in the first place. It means that the initial cabinet response to COVID-19 was focused on financial support. Interestingly, it was exactly the same number of draft legal acts and documents as it had been a year before. In second position were draft legal acts and documents devoted to education and regional development. Health policy was only in third place, was which could be surprising, given the scale of threat caused by COVID-19.

The best exemplification of growing centralization during the Covid-19 pandemic was the fact that the most important regulation introducing anti-pandemic measures was not presented at the plenary session CLGCC. The Polish government decided to send the bill directly to the Parliament (Sejm) and asked MPs to act immediately.

However, it is worth underlining that the situation changed in the next year. In the first five months of 2021, the biggest number of draft legal acts and documents were prepared by the cabinet with regard to such policies as spatial planning, environment and, in third place, education. As such, health issues were out of the discussion between central and local government administrations through CLGCC mechanisms. Obviously, cabinet ministers prepared and introduced new measures that allowed many governmental institutions and arms-length bodies to fight against COVID-19, but these were not subject to consultation with self-government representatives.

### Conclusions

This conclusion returns to the analytical taxonomy of the three types of contrasting IGR processes described at the beginning of this paper. It is fair to say that the Polish case shows a centralised policy and implementation of a one-size fit all approach during the first phase of COVID-19. The reason supporting this conclusion is that CLGCC were excluded from the decision-making processes during this time. The number of plenary sessions decreased along with drafts of legal acts and documents presented to the self-government representatives. The decision-making process was fully centralised by cabinet ministers who focused mostly on the hierarchical approach of public management rather than cooperation and coordination with different actors across public administration.



The next wave of the Covid-19 pandemic seems to be quite different in terms of intergovernmental relations. The government found it useful to open channels of communication and increase the role of CLGCC, which could be found in the agenda of the Commission. More opportunities for contacts between central and local/ regional administration gave a window of opportunity to prepare the next round of policy actions in a spirit of mutual cooperation. A new approach was needed because the government decided to implement a territorially focused policy, making it impossible to work in a mode of one-size fits all. For this reason, there was a noticeable change in the government's attitude to the government that allows us to say that it was predominantly a multi-layer policy process involving limited conflict. Having said that, it does not mean that intergovernmental relations worked perfectly. Some conflicts still existed during this time.

The multi-layered approach was exercised by national self-government associations, which focused on the dissemination of best practices and practical knowledge of how members of these organisations dealt with COVID-19. These kinds of actions are very vividly described in the annual reports presented by each association. However, it is not the main area of interest in this paper and can be seen as a research agenda for the next steps.

There is no doubt that this kind of centralised policy reduces the possible outcome of access to local perspectives and the quick feedback that representatives from self-government associations might give. It is hard to say why this way of managing public policies was chosen. Whether it was the time of response that outweighed possible advantages gained from consultation and coordination, or maybe it was the previous experience of strained relations between central and local government' that exerted an influence on those who made decisions on these matters. Despite the possible explanation of this, it is fair to say that, during the first wave of COVID-19, network and multi-level governance were prevented from further development. However, the question of whether it is the best way to tackle such turbulent issues as a pandemic still remains. The importance of this question seems to be very topical when we take into consideration further unprecedented and unexpected challenges that public administration has to face. In the Polish case, the next good example of this could be the occurrence of a huge immigration flow of people from Ukraine, which reached more than 3 million people in the first 10 weeks of fighting. The speed of this event showed that it was a task with which local governments had to face in the first place rather than central government.

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