

## ***1. Picture on heritage***

### 1.1. Traditions of civic and charitable work in Poland

In Poland traditions of charitable work date back to 16th century, when numerous big, private subsistence or dowry foundations were found, while the first foundations had been set up in 14th century. It was at that time that the first monastic foundations were established, including the Foundation of the Jasna Góra Monastery. Professional corporations, such as the corporation of salt miners in Wieliczka, were organised as early as under the reign of Kazimierz the Great. Foundations and associations played an extremely important role after 1772, when Poland lost its sovereignty for almost 150 years. During this period civic organisations, both officially registered and working in conspiracy, took upon themselves the role of the non-existing public institutions.

Mass organisations, like in other European countries, started to emerge in the second half of the 19th century. In this period, the legal framework for the Polish organisations was not uniform. Different legal provisions, depending on the part of the country in which they operated regulated their functioning. The provisions of the German Civil Code regulated the legal status of foundations operating on the part of the Polish territory which was ruled by Germany. On the territory governed by Austria, the legal status of foundations was regulated by the Austrian Civil Code, together with the royal decrees, while associations operated under the Law on the Right to Associate which entered into effect in 1867. On the territory governed by Russia the Tsarist law from 1871 regulated the legal status of foundations, while associations worked under the regulations implemented in 1906.

The year 1918, when Poland regained its independence, opened a new chapter in the history of the Polish civic sector. In 1919-1933 the legal status of associations was regulated by the interim Decree on associations from 1919, but the legal framework for the foundations was not uniform. The Polish Constitution of 1921, contained a wide range of citizens' rights, including the right to associate. The Law on Associations entered into effect in 1933. Associations could focus on education, culture, sports, hobbies and provision of care. At that time organisations were registered by the governmental administration - Ministry of Interior Affairs (there were approximately 10 000 associations and 3 000 foundations operating) – and

some of them had a special status of a Supreme Public Utility Association given by the Ministry of Interior Affairs.

## 1.2. Civic sector after WWII

Communist rule was imposed in Poland by Soviet tanks. Later “legitimized” in the forged referendum of 1946 and elections of 1947, it introduced a Stalinist system – with its terror and hypocrisy. During the first post-war years the independence underground was crushed and thousands of “enemies of the people “ were executed or given long prison sentences. Any manifestation of independence was ruthlessly suppressed. The society was divided, intimidated and almost pacified. Due to intentional policy of the communist state civic and charitable traditions were broken off. In spite of the constitutional guarantees, the freedom to associate and the freedom of expression, which constitute the mainstay for non-governmental organisations, were systematically violated. Thus, the civic organisations could not be established based on an autonomous decision of their founders, while the liberty of defining the scope of activities which would not be under governmental control was largely limited. The Decree issued in 1952 banned all foundations which had their seat in Poland and led to the confiscation of their assets (exact number of them is still unknown).

As a result of these the early fifties saw a dramatic reduction of the overall number of both foundations and associations. Those organisations that remained in place were either nationalised or incorporated, entirely or in part, into the State infrastructure. Others were placed under strict administrative control, which limited their autonomy. Although very few persons seem to remember this fact until today, organisations such as the Polish Red Cross or Caritas had provided extensive care services right into the late forties (Caritas performed numerous social tasks in the area of child care, provided care for the elderly and the sick, running nurseries, orphanages, kindergartens, mother and child health centres, boarding houses, sanatoria, preventoria, as well as hospitals, community centres and almshouses – but it’s property was nationalised in 1950). Established in 1919, Polish Red Cross (PCK) created a vast network of institutions - hospitals, schools for nurses, blood transfusion centres - comprising in 1939 of 1,300 entities and volunteer collaborators (about 850,000 people). In 1951, the Congress of PCK was forced to officially recognise the nationalisation of PCK-run institutions. Polish Red Cross was considered a mass organisation in the field of health care

and counted about 3,000,000 members. Also significant was a case of Polish Scouts Union (ZHP). In 1939, ZHP had more than 200,000 members. During the war, several thousand participated in the Resistance movement. In December 1944, the authorities revived ZHP but replaced its pre-war leadership by communist activists. In 1948, another important step was taken: women's and men's sections were unified and a new name was coined for the organization: Scouts' Service for Poland. In 1950, Scouts' Service was dissolved (it numbered about 300,000 at that time) and its members were forced to join ZMP. Old scouts' uniforms and symbols (crosses) were officially forbidden.

In general, after 1950 non-profit organizations operating in Poland were not autonomous entities expressing social initiatives but rather the „transmission belt” for the policy of the communist state. Contrary to the official slogans - during almost half a century of state monopoly and paternalism, the centralized and formalized model of public life defined the scope and directions for grass-roots initiatives in an arbitrary manner and led to a pre-selection of both goals and methods of action. However, after Stalin's death in 1953, the system gradually became less brutal. 1956 brought Poland the “October thaw” – which meant a degree of independence of the Catholic Church that was unique in the bloc, a semblance of autonomy for the intellectual community (including establishment of more independent associations and clubs) and toleration of private farming.

### 1.3. The role of Solidarity

In 1976 fourteen oppositionists published the founding declaration of the Workers' Defense Committee (KOR), included words of key importance for the future: “... *the society has no other method of defense against lawlessness but solidarity and mutual aid*”. And it starts - the number of people actively engaged in opposition activity in the late Seventies is estimated at about 500, with another 1000 sporadically involved in such work. But as the illegal underground publications reached thousands of readers – they changed the attitudes of numerous social groups. In addition, the election of Cardinal Karol Wojtyła as Pope and the subsequent visit of John Paul II to Poland in June 1979 gave a powerful sense of community to a society that had been atomized and preoccupied with daily concerns. That was a background for Solidarity movement.

Solidarity was born on August 1980. It was simultaneously a revolution, a great social movement, a national uprising, and – quite simply – a trade union. And it may well have been the world's only trade union with a peak membership of 9.5 million, representing a cross-section of society and accounting for one-third of the whole 38-million population. Solidarity was also a pacifist movement, whose program rejected violence as a means of resolving collective disputes. It operated on a national scale, invoking the principles of social solidarity and moral values in public life. By its very nature it contradicted the rules of the communist system – thus eroding the foundations of communism in Poland, and later – throughout the entire Soviet bloc. And – what is very important in this case - it became a movement for the reclaiming of civic rights and national traditions.

In 1981 public authorities proclaimed the introduction of martial law in Poland. State structures were militarized, organizations and trade unions were suspended, the courts introduced summary procedures and a curfew was in force. Solidarity was banned, but it survived the seven-year period of its abolition. Underground Solidarity was not only involved in political activity, but also in independent culture and education, and importantly – in clandestine, uncensored publishing (known as “the second circuit”). It is estimated that about 100 000 people had regular contact with these publications, while another 250 000 read them sporadically. During that period, independent exhibitions, lectures, concerts and even theatre productions were arranged – usually in church halls, but on occasion also in private apartments. The activity was coordinated to some extent and financially supported by various social committees, and subsequently – by an “underground ministry” established in 1983, known as OKNO (Polish acronym for “education, culture, science”).

The first sign of change in the relations between the authorities and the opposition in Poland came with the release of all political prisoners in September 1986. Preparations had begun for “round table” talks between the authorities and the opposition. The “round table” lasted from February 6 till April 5 1989 and brought, among others, new “Law on Associations” – as first law which was successfully negotiated between government and opposition.

Major changes introduced within new Law were:

- Nowadays associations are registered by an independent Court, as opposed to the political Ministry (governmental unit),

- The Associations are penalized or dissolved only by the Court's verdict, as opposed to the Minister's decision,
- The notion of Supreme Public Utility Association was abolished.

This Law, jointly with the 1984 Law on Foundations became the basis for the development of non-governmental organizations in Poland. A new period for the civic movement began.

## ***2. Changes and development. Polish Third Sector after 1989***

### 2.1. New registration movement in late 80'

Registration of foundations became permissible under the Polish law no sooner than in 1984. Alike, officially declared throughout all the after-war period freedom of association was in fact strictly controlled and rationed in a way that paradoxically resulted in forming associations whose major goal was to support the state authorities. The actual, vs. only declared freedom of association were introduced in Poland a couple of months after the final of the Round Table debates in 1989. Nevertheless, the associations' revival recorded in Poland over the last years resulted not only from the political and economic transformations, which commenced in 1989. The renaissance of civic organisations in Poland is also the effect of erosion of the socialist welfare state, the dismantling of the communist system and a drive towards professional autonomy, mainly amongst professionals belonging to the middle strata of the society.

### 2.2. Political influence of NGOs in 90'

Poland has the most vibrant and politically diverse trade union movement in post-communist Europe. The two largest unions are the All-Poland Alliance of Trade Unions (OPZZ, with approximately 1.5 million members) and Solidarity (with approximately 0.9 million members). There are also many small, specialist trade unions (such as the railway engineers union). The strength of the Polish trade union movement is a product of its unique history. In most communist countries, the principal trade unions were supported by and at least tacitly

affiliated with the government. Poland had “official” state-sanctioned unions such as the OPZZ, but it also had a broad-based and credible independent union (Solidarity) that opposed the communists. Following the collapse of communism, both types of unions remained viable and came to play a critical role in the largely successful reform of Poland’s economy. OPZZ has strong ties to the post-communist party, and Solidarity has been directly affiliated in some manner with each of the center-right governments in Poland. With the crushing defeat of conservatives in the 2001 general elections, Solidarity lost a good deal of access and influence. However, the group remains an important social force and along with OPZZ will continue to influence the process of industrial reform (particularly in heavy industry) and labor regulation. Poland has a wide range of interest groups that participate actively and freely in the political process. These include trade unions, NGOs and religious organizations. Labor and church-affiliated groups are perhaps the most influential, affecting the political process at the local, regional, and national levels. Public policy institutes—typically sponsored by the private sector, political parties, interest groups, or the national government—also play an important role in the political arena. Several have a direct effect on public policy, and many current and former government officials and policy makers have or have had affiliations with these organizations.

### ***3. Present picture of civil society<sup>1</sup>***

#### 3.1. NGOs in Poland – an overview

According to the Law on Public Benefit Activity and Voluntarism (2003) the term “non-governmental organisations” shall mean 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 against relevant legislative provisions, including foundations and associations.

The new law adopts a broad definition of the NGOs. Defined in this way, beside associations and foundation, the Third Sector also includes other subjects such as trade unions and economic or professional self-governments. According to the narrower definition of the non-governmental sector at the end of April 2004 in the central register (REGON) 45,891

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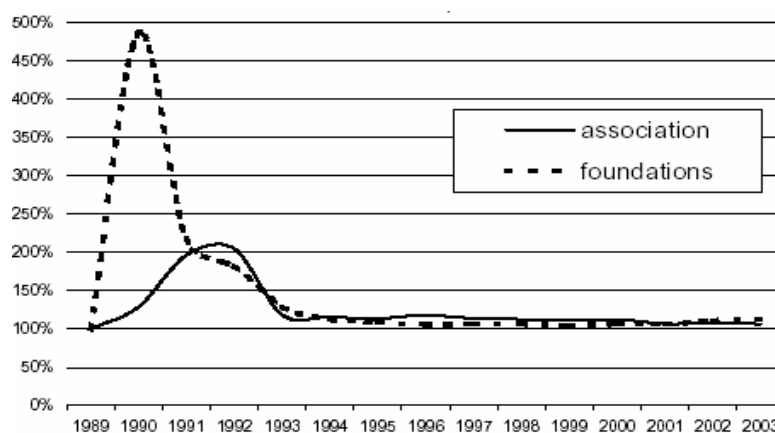
<sup>1</sup> This part is based on KLON/JAWOR publications from 2003 and 2005

associations and 7,210 foundations were listed. However, if we want to estimate the size of the whole non-governmental sector, the following should be added to this number:

- 14,000 volunteer fire brigades,
- 3,524 grassroots organizations (parent-teacher associations, hunt clubs and public committees),
- 17,113 trade unions,
- 15,244 units of the catholic church, other churches and religious associations,
- 5,515 organizations of economic and professional self-governments and
- smaller groups of employer organizations and political parties.

Thus, if we want to treat all the above mentioned types as subjects of the “third sector”, it would amount to close to **109,000 registered units**. Mazowieckie voivodship had the highest number of registered organizations – almost 10,000 associations and foundations. In this voivodship, also the number of organizations per 10,000 inhabitants was the highest – 18.75 organizations. Other areas with a high number of organizations per 10,000 inhabitants were: Pomorskie (16.42 organizations), Dolnośląskie (15.09), Warminsko-mazurskie (14.89), Lubuskie (14.82) and Małopolskie (14.6). In neighboring Opolskie voivodship, the number of registered organizations was the lowest – only slightly above 1,000. Also the number of organizations per 10,000 inhabitants was one of the lowest – 10.69. However at the same time it had the fastest percentage growth in the number of registered organizations since 2002.

Following table shown dynamics of the growth of registered associations and foundations according to the REGON register, when previous year = 100%:



It is clear that the growth of new organizations was the highest in the beginning of the 1990s and stabilized at the end of 1993 and beginning of 1994 at a level of about 115%. Clearly visible is also that the dynamics of growth of associations was not identical with the one of foundations. In the beginning of the 1990s the rate of creation of foundations was considerably higher than that of association. From about 1991 the dynamics of growth of the number of foundations came to the same level as that of associations, and during the last years the rate of creation of foundations was higher than the corresponding rate of associations.

### 3.2. Main fields of activities of Polish NGOs

For last years the results of the researches indicate that “sports, tourism, recreation and hobby” are the areas in which the largest percentage of organizations were active – almost 40% pointed at these as their most important fields of activity, and another 20% claimed they work within such fields even though they were not their most important fields of activity.

Following table shown main fields of activity of the Polish non-governmental organizations:

Fields of activity	Percentage of answers (the one most important field of activity)	Percentage of answers (asking about all fields of activity)
Sports, tourism, recreation and hobby	38.6	61.7
Culture and art	11.6	26.1
Education and upbringing	10.3	43.6
Social services and social aid	10.0	26.6
Health protection	8.2	24
Local development in the social and material dimensions	6.5	20.9
Environmental protection	3.6	15.8
Professional, workers and trade matters	2.9	6.7
Law and its protection, human rights and political activity	2.6	11.1
Scientific research	1.8	8.5
Support for institutions, non-profits and civil initiatives	1.4	14
International activity	0.7	11.3
Religion	0.3	2
Other activities	1.6	4.1

Regarding main types of activity the majority of NGOs is regularly involved in the direct provision of services to their charges or customers and rarely treat such work as accessory. Such a concept of support does not, however, include financial or material assistance to members and charges (such activity is seen as principal or important by 12% of organizations). Activities aimed to the outside of the NGO (educating public opinion, working with other organizations or groups) are relatively frequent. It is rare (though this is doubtless due to the very nature of such work) for NGOs to engage in research work, in the collection and analysis of data. For NGOs to act as sponsors toward other NGOs and institutions is very rare. Every second organization operated on a territory not larger than the region, out of these, 5% declared that their activities were limited to the closest neighborhood, while, for 46%, the reach of activity was the commune or the entire region. 28% of the organizations declared a nationwide or larger range (over 60% had their seat in a voivodship capital). 15.5% of the organizations had, in the last two years, conducted activity for private individuals, organizations or institutions from outside of Poland (in 2002, 16% of the organizations declared this kind of activity), predominantly from European countries, in half the cases from the West and the other half was from the former communists countries. The countries most often mentioned as those with which Polish NGOs cooperate in this context are immediate neighbors: Ukraine (4.1% of NGOs), Germany (2.5%), Lithuania (1.8%), Belarus (1.4%) and more rarely – Slovakia, Russia and the Czech Republic. It is likely that as the question concerns provision and not receipt of assistance that other EU countries or the US and Canada are mentioned less frequently.

### 3.3. Employees, volunteers and sources of finance

Every year some 25% of Poles take part in the activities of NGOs as volunteers, while 70-80 thousands persons could be counted as a full-time workers. It means that employment in Polish NGOs is equivalent to 1% of full-time employment (outside agriculture). However only every third organization employs paid staff (33.2%). In the majority of the organizations that employed paid workers (about 70%), the number of employees did not exceed 5 people. Although the employment level in the NGO sector does not set Poland apart from other countries in the region, when compared to developed democracies (especially other EU countries, where the NGO sector shows the most dynamic employment growth rates), it has marginal significance as an employer.

In the last year, the percentage of Poles that volunteered with NGOs raise from 11 percent to 17 percent, and half of the NGOs declare volunteer participation their activities. In half the organizations cooperating with volunteers the number of volunteers did not exceed 10, in another 27% of the NGOs the number of volunteers varies between 11 and 30. Only 5% of the organizations benefited from the work of more than 100 volunteers during the last year. The total number of volunteers supporting the work of the organizations in 2004 (not counting their members) can be estimated at about 1 million people.

Volunteer participation is now more formal, when organizations request volunteers to sign a form of agreement or list of obligations to be met by both parties (the new Law on Public Benefit Activity and Voluntarism regulates volunteer work for NGOs). In opposition, in the last 2 years no major changes in the number of members have occurred in the organizations. Half the organization had no more than 42 members, every fourth organization had more than 90 members and about 5% had more than 1,000 members.

In a survey of more than 900 Polish non-governmental organisations provided by KLON Association in 2002, less than 20 percent of respondents cited foreign assistance as a source of funds. Although more than 60 percent stated that they collected membership fees, the fees accounted for only 4 percent of those NGOs' total budgets. The survey showed that government funds provide about 33 percent of NGO budgets, increasingly from local governments contracting for services with NGOs. Nearly 25 percent of the NGOs' collective budgets surveyed come from the private sector in business and corporate giving. Foreign grants account for only 18 percent of the collective budgets. In generally, the budgets of NGOs are becoming more diversified, but some financing sources (e.g. payments for the services provided) are not sufficiently exploited.

Now, many Polish NGOs remain financially dependent on grant support from various donors. While funding from American private and public donors is decreasing, EU funding is on the rise. Many NGOs are developing other sources of support, particularly by forming relationships with local government and introducing mechanisms of remuneration for their services. The Law on Public Benefit Activity and Voluntarism, which was finally passed in April, 2003, provides a better framework for co-operation between NGOs and the public sector, including access to public funding. It also introduces a mechanism under which

taxpayers can dedicate 1 percent of their personal income tax to Public Benefit Organizations. In 2005 this special deduction was used only by 4% of all taxpayers.

Regarding European Union funds most of the Polish non-governmental organizations did not have experience in applying for the pre-accession funds – in the last 4 years, only 4% of the organizations applied for them. In the same time they had high expectations of the European funds – over 70% of the organizations declared that they planned to apply for subsidies from the European funds. However, The organizations evaluated their knowledge of the possibilities to access the European funds quite realistically – only 20% of the respondents found it sufficient, while above 40% chose a more moderate answer declaring that they knew “a little bit”, yet did not feel sufficiently informed. The most frequently named fears related to the new European funds were: the influence that the European programs might have on the organization’s mission (nearly 30% of the organizations); bureaucratization of the organizations activities (loss of “authenticity” and “human character”); and marginalization of that part of the non-governmental sector for which there was no place in the European programs.

#### 3.4. Lobbying, networking and public image of NGOs

During the last year in Poland we have seen the emergence of several dozen “social dialogue institutions.” The creation of these bodies may be a sign of the results from lobbying by NGOs, but may also be a result of requirements imposed by European Union. A side from these events, NGO representatives were often invited to participate in various consultative bodies, (e.g. the Forum for Non-Governmental Initiatives Association was a formal government partner in preparing the National Development Program to highlight the position of NGOs). The high demand for NGO sector expertise has revealed the shortage of organizations specializing in advocacy and public policy debate. However, improvement is expected since NGOs have often formed alliances for particular objectives, or leveraged resources between organizations from different regions. The need to support the common interests of the non-governmental sector is becoming more evident, as the wide diversity of organizations in the sector recognize common problems (e.g. taxation issues) that require concerted action. The perceived necessity for collaboration to support the interests of the

sector is one of the reasons behind the decision, well-debated in among NGOs, to create and register the National Federation of Non-Governmental Organizations (OFOP).

Development of Resource Centres, NGO Federations and other intermediary organisations is another important common issue for organisations. There is major shift of aspiration of non-governmental organisations leaders and reference point for them is much more located in well-established and developed democratic standards of UE countries. But still Polish NGOs must recognise and confront the issue of long-term financial sustainability given declining donor resources. The level of foreign support and other private foundations continues to drop, while indigenous corporate giving and government contracting–granting is just beginning to appear on a very modest scale. NGOs need training and technical assistance in devising strategic plans and long-term diversification strategies. But there is more and more understanding that the fundamental question is now not so much about “quantity” of NGOs is rather about “quality” of their work. This is also stimulated by many award schemes for NGOs (governmental “Pro Publico Bono” or “Quality outside government” run by the Batory Foundation).

Polish non-governmental organisations start to understand that they need to be seen as open, honest, accountable and effective. Stimulated and supported by Resource Centres Network SPLOT – leading network of resource centres in Europe - and national social organisations Federation WRZOS they start to develop successful relations with government officials at these levels and maintain a sense of common interest and co-operation among a diverse group of NGOs in order to prevent a destructive need vs. need competition. Perfect their ability to work together, freely exchange information and adopt common standards and practices will build public trust for NGOs and attract and earn the resources to accomplish their public benefit missions. In last year a few regional NGO’s agreements – formal and informal - was established in mostly all regions of Poland.

Generally, according to the researches of KLON/JAWOR Association, other non-governmental organizations – natural allies of the organizations, one would think – turned up somewhat more rarely among their partners than for instance local authorities. Only 22% of the studied organizations had frequent and regular contact with other NGOs, another 25% had contact from time to time and 13% came into conflict with other organizations in the last 2 years.

At the same time, there has been a visible improvement in the ability of NGOs to conduct popular campaigns on particular issues. A recent example, the campaign “Children Protected by Law”, led to significant changes to the way children are heard before courts. Campaigns and lobbying activities by issue organizations in ecology, human rights, gender equity, and disabled persons also occurred more frequently. Thanks to the mass media, non-governmental organizations have generally raised their public profiles, but a clear understanding and awareness among the general population still remains quite low. Steps taken by NGOs to acquaint wider audiences with the details of their activities through local communities and mass media representatives are insufficient. Preparations are under way among some NGOs to develop a framework for cooperation with mass media, but the effect this may have is yet unclear. There is especially in national-level media a negative trend emerging: on the one hand, the media frequently presents representatives or opinions from a small group of well-known NGOs that have a positive image, and on the other hand, other NGOs are seemingly presented in connection with frauds and misconduct. Local media have shown to be more committed to focus on NGOs activities than their national counterparts.

#### ***4. Development of the state and local governmental co-operation with NGOs***

##### **4.1. Legal base for cross-sectoral co-operation**

At the end of April 2003, the Polish Parliament passed a new Law on Public Benefit Activities and Voluntarism. The passage of this Law is a major victory for the Polish foundation and association sector. For a long time the Third Sector in Poland had been calling for: granting of a legal status to the sector within the structure of the state, resolution of the issue of voluntarism, and the creation of incentives for philanthropic activity. Cooperation between the public authorities and the NGO sector was also a matter in need of regulation. The lack of clear and transparent rules for cooperation was a serious problem both for NGOs and for the authorities.

The Law constitutes a further development of the constitutional principle of subsidiarity. It establishes that organs of public administration carry out public tasks in cooperation with

NGOs – this cooperation can take the form of contracting out services or giving grants that cover all or part of the costs of carrying out a given task. The Law foresees a detailed procedure for conducting a competitive tender which an organization can participate in by submitting an offer to carry out a task on its own initiative.

In addition, public administration organs are obligated to cooperate with NGOs in the non-financial sphere, e.g. by getting interested organizations involved in consultation on normative acts and creation of joint teams of an advisory character. The cooperation should take place on the rules of subsidiarity, independence of the parties, partnership, effectiveness, fair competition, and transparency based on an annual program of cooperation between units of local government and NGOs – and, in the case of the national government, on the basis of the government document "Principles of Social Dialogue" from 2002.

The Law stipulates the creation of a Council on Public Benefit Activities to be based at a ministry responsible for social welfare (at the present time – the Ministry of Labor and Social Policy). The Council have a consultative character. It comprise in equal numbers NGO representatives (10) and public officials (10). It not perform supervision with regard to NGOs. The task of the Council include: expressing opinions on matters related to implementation of the Law, providing advice on drafts of executive acts, and expressing opinions on contentious issues that could arise in the course of implementation of the Law.

#### 4.2. Co-operation within contracting of Social Services

NGO participation in the delivery of social services in Poland dates back more than ten years, and institutional principles of financing – going beyond the framework of contacts with individual organisations – already appeared in 1995. In many towns there has been a considerable growth of interest among NGOs in providing public services with public money. Therefore, attempts are being made to comprehensively regulate relations between the independent social organisations and public sectors, e.g. through new laws on Public Benefit Activities and Voluntarism (PBA) which based on subsidiarity. If they wish to, NGOs may take part in competitions for subsidies or contract services, including services that are currently solely provided by government. Keeping in mind the need to rationalise public expenditures and to reduce the size of government, there is a chance for greater participation

by NGOs. The transfer of many services to be provided by NGOs will likely have a cost-saving effect but, more importantly, it should be accompanied by an improvement in the strength of the sector. The Law on Public Benefit Activity and Voluntarism also provides for multi-year contracts with NGOs that allows them to develop, test, and improve quality programs. These opportunities, however, may only positively affect those organisations that conduct publicly delivered services and apply for public support

But it is enough to look at the budgets of the central and local governments, and the number of tasks they are obligated to undertake, to ascertain how far we are from the practical application of the subsidiarity principle. The problem is that local authorities focus primarily on the quantitative indicators of the tasks undertaken, which often leads to the minimisation of the quality of services delivered. There is a long-standing tradition in Poland of hiring commercial firms to provide municipal services (e.g. public transport, sanitation). Contracts can play an unusually useful role in initiating the provision of new social services for citizens, especially in the sphere of proactive implementation of social policy. When in a given locality there are no state or local agencies with the expertise to deliver certain social services, a solution could be to contract these out to NGOs having the required capabilities to provide concrete service with pre-described standards. In the absence of these standards, any means of providing a given service to clients is considered acceptable, regardless of quality. The creation of standards for social services at the national and local level is undoubtedly the most difficult task facing governments.

In addition to organised private founders, NGOs obtain funding from individual donations, from economic activities and from government grants and subsidies. Social contracting takes things a step further: more than simply filling in service gaps, it involves non-profit in the process of providing public services with public money on the basis of agreements. According to contract culture NGOs are not the recipients of grants; rather they are hired to provide specified services in exchange for payment from the public sources. Many communes in Poland carry out co-operation with non-profit organisations similar to contracting. An example of such a contract would be the transferring to a NGO the public task of running a homeless shelter. This service – in accordance with the law on social assistance – forms part of the obligatory tasks of the commune: “the provision of shelter, meals, and essential clothing to destitute persons.” The local governments commissioned the task of providing this

service to a non-public entity – an association, foundation or religious institutions – chosen through an open competition, in accordance with the requirements of the law.

Social contracting in Poland will developed in next years because non-profits are often the best choice to carry out public tasks as they function on the basis of cost reduction and efficiency, and can match public funds with funds from private or foreign sources. Compared with traditional local government agencies providing social services NGOs are better organised and exercise greater control, especially when operating under contracts (versus receiving grants). NGOs are unlikely to have much advantage in staff costs, given the nugatory wages paid by many local governments. An exception could be those NGOs whose staff includes a significant volunteer component. In spite of everything, the transfer of public service provision to NGOs will become essential in the near future – above all, as a practical implementation of constitutional principles. This means the creation of conditions for a stable and universally accessible system of specialised services provided at the lowest possible level where a given social problem occurs. The improvement of services provided, as well as effective use of public funds, is a basic goal of contracting understandable by all citizens and taxpayers. It should be underlined, that recent public opinion research indicated that 58 percent of Poles say that services are provided more effectively by NGOs than by public administration. This relatively favourable opinion for NGOs may be more the result of poor public opinion on the effectiveness of public administration activities. Another response reported that almost 50% percent of Poles felt that NGOs play important role in solving serious social problems in the country.

## ***5. Main future challenges for non-profit sector in Poland***

### **5.1. Community building and activation of local citizens**

Activating local community forms is one of the biggest problems faced by non-profits in Poland. Even the most developed organisations admit that the lack of involvement of citizens in their community life comprises a crucial issue in present-day society. Unfortunately most of the initiatives last for a very short time only. That's why one of the most successful social organisation BORIS has developed its own model of integrating local communities and

building local identity called CAL - “Local Activity Centre”. It is not aimed at building a new type of organisation - it is a method of operation and may be defined as a program for already existing local organisations, either non-governmental or governmental, like schools, neighbourhood clubs, social or cultural centres. Important goals of the CAL-model are the development of local solidarity, the creation of self-help networks, the emergence of strong and integrated local communities and the activation of local administrative organisations through training of personnel from local institutions. Now CAL operate in ca. 110 Polish cities and communities in different fields on the base of voluntary and team work and action by citizens for citizens in achieving collective goals. No such system has been established in Poland by the time being, so there is a big gap in this field.

Support of sustainable development of local communities should be realized by a number of different activities like: partnership building among all actors working at the local level in order to achieve sustainable social development (esp. local governments, business, employers’ associations, NGOs), developing mechanisms that combine elements of social integration, education and economic development that serve local community growth, preservation and promotion of local cultural heritage and tourist attraction around regional traditions, support to the development of the organizational capacities of local NGOs that engage in local problem solving (powiat and gmina levels), developing volunteerism, encouraging corporate social responsibility on local level, development of new models of funding of local community projects.

## 5.2. Another important challenges for Polish NGOs

a) *Rule of law*: protection of human rights and civil liberties against all forms of abuse of power (particularly minority and disadvantaged groups, including refugees and immigrants), equal access to legal aid and justice, promotion of legal education and the use of legal remedies for the protection of individual rights;

b) *Participation in and transparency of public life*: building coalitions capable of articulating the needs and interests of different social groups and advocating for systemic changes in the public benefit interest, partnerships between NGOs and other actors (such as public administration or business) aimed at sustainable social development, cooperation between NGOs and academic institutions in the field of social and economic development, promotion

and development of volunteering, activities of public scrutiny aimed at increasing the transparency of public life and preventing corruption;

c) *Human resource development and institutional capacity building of NGOs*: training and consulting for NGOs, developing their long-term operational strategies, implementing new programs or forms of activities, establishing guidelines for strategic cooperation with other partners and effective management of resources, investment in facilities, fundraising, accounting, auditing, evaluation;

d) *Environmental education*: environment friendly consumption (informing consumers, ecological agriculture promotion etc.), green procurement, use of environmentally friendly means of transport, traffic calming in municipalities, ecological tourism, environmentally friendly businesses, climate change, nature conservation, energy conservation, prevention of waste production, waste recycling, facilitating multi-stakeholder dialogue on environment and sustainability issues, healthy lifestyles;

e) *Natural and cultural heritage conservation*: building public support for conservation of natural and cultural values, land stewardship, promoting the economic role of national parks and protected areas, conflict-resolution, eco-tourism development;

f) *Assistance to and empowerment of the underprivileged*: improvement of services and community actions aimed at social integration, provision of care, empowerment and integration of the underprivileged (the unemployed, homeless, disabled, elderly etc.), assistance to neglected, abandoned and disabled children (promotion of family orphanages and foster parenting, day-care facilities, integration of disabled children with their peers), therapeutic and prevention programs for youth from inner cities and youth at risk; advancement of equal opportunities in education for the underprivileged, investment in facilities, establishment and implementation of services standards, building up networks; countering racism and all forms of discrimination; advancement of gender equality;

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