

## 5 – Polish Political System: Executive and Legislative

### Polish Politics in a European Context

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Slides are available on: [www.v4ce.net](http://www.v4ce.net)

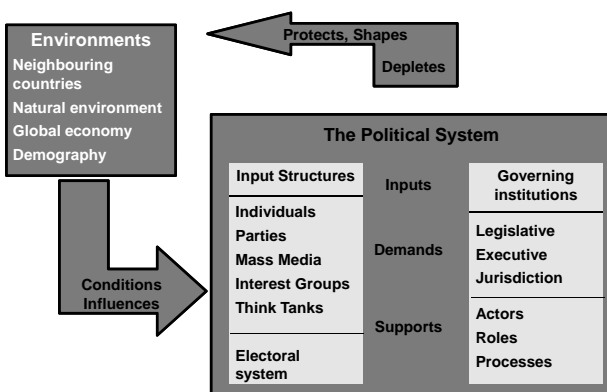
## Political System

A political system is characterised by (based on G. Almond):

- **System boundaries** (what is inside and what outside)
- **Feedback** with the area outside of the system
- **Input structures** (formulate and communicate politics) and **output or governing structures** (executing policies)
- The input and output structures are determined by institutions:
  - Elements: parties, NGO, parliament, court, ...
  - Rules and norms: laid down in laws or informal rules (political culture)



## Political System and its environment



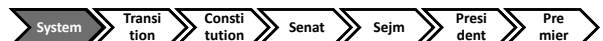
## Political System

The factors above are characteristic for all political systems

but political systems differ through their institutional arrangement and rules/norms

Continental European political systems are characterised through:

- Limited separation of legislative and executive (the same people initiate and execute law)
- Party-based proportional election systems (not person-based like in majority elections like in UK, USA)
- Divided judiciary (several highest courts instead of one single supreme court)



## Political System

Democratic political system differ through :

### Formal aspects:

- Vertical division of power: centralised, regional, federal, ...)
- Executive (divided in semi-presidential systems or unified in Prime Minister, Chancellor system)
- Stability of formal system (changes of constitution, electoral laws)
- Role and influence of elements of the input structure in the system – most influential elements
- Stability of party system (life cycle of parties, entrance costs for new parties, loyalty of parliamentarians, ...)



## Political System

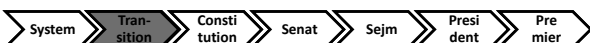
### Informal aspects

- Political culture
  - consensus oriented vs. polarised
  - populist
  - technocratic
- "Political class"
  - open vs. closed
  - responsive vs. non-responsive
  - accountable vs. non-accountable
  - rent-seeking or non rent-seeking
- Society
  - Participation (in elections, debates, civil society, ...)



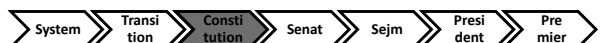
## Stages of Democratisation

- **Institutionalisation**
  - Creation of new democratic institutions
- **and Consolidation**
  - *constitutional consolidation*  
stabilising governing structures
  - *representative consolidation*  
of the input structure institutions
  - *consolidation of political culture*  
all actors play to the rules of democracy
  - *consolidation of the civil society*  
active participation of citizens in elections, NGOs, formation of a civil and democratic culture



## Constitutional Consolidation

- Contract April 1989** – amending Socialist constitution of 1952
  - Free trade unions and associations
  - Partly free-elections, new institutions Senate and President
- Amendment December 1989**
  - Removing of Socialist elements of Constitution
- Small Constitution 1992** –
  - Free elections
  - Defining the power of President and Prime Minister
  - Formation of local (self-)governments
- Constitution of the Republic of Poland (1997)**
  - Limiting power of President
  - Preparing for joining the EU
  - Formation of regional governments



## Constitutional Consolidation

**The Republic of Poland shall be a unitary State.** (Art. 3)

⇒ *Despite regionalisation, legislative and executive power lays on the central level*

**Supreme power in the Republic of Poland shall be vested in the Nation. The Nation shall exercise such power directly or through their representatives.** (Art. 4)

⇒ *Power comes from the people*

**Everyone shall have the right to submit petitions, proposals and complaints in the public interest** (Art. 63)

⇒ *People can submit proposals of law*

**Legislative power in the Republic of Poland shall be exercised by the Sejm and the Senate** (Art. 95)

⇒ *The parliament is the legislative body*



## The Senate

The Senate is the upper chamber of the parliament

The Senate can initiate legislation or amend and reject legislation passed by the Sejm

The 100 Senators are elected in multi-person (2-4) electoral districts by majority voting (people have one vote per Senator) – no thresholds apply

Election for Sejm and Senate are held at the same time

Share the right of budget with the Sejm

Senate and Sejm together form the “National Assembly” which is voting on constitutional changes



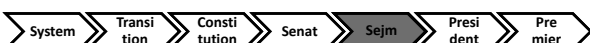
## The Sejm

The Constitution gives the Sejm a dominant role in the legislative procedure

- It can initiate legislation
- It can overrule rejection or amendment by the Senate with absolute majority
- It can overrule presidential veto by a majority of 3/5

Elections:

- The 460 Deputies (poseł) are elected in proportional elections on regional party lists for 4 year terms
- 5% threshold for single parties and 8% for coalition – no threshold for ethnic minorities



## The Sejm

Creative function:

- Voting of Prime Minister
- Vote of confidence and non-confidence against single ministers and the Prime Minister
- Nomination of some members of the
  - Constitutional Court, National Bank of Poland and Ombudsman

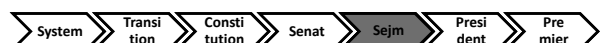
Budget function

- Voting on the governments budget

Control function

- Council of Ministers has to give account to the Sejm

Right to dissolve itself



## Legislative: It is not all the Sejm

Who really writes the laws?

**For 1997 -2001 of laws published they were initiated by**

456	the Council of Ministers
276	the Sejm
12	the Senate
6	the President
3	citizens

In comparison to other countries the number of parliamentary initiatives is very high.

Problem is the low quality of legal texts written by parliamentarians



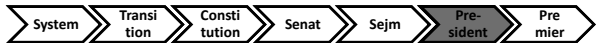
## President

### Competences

- Representation of the state inside and outside
- Sign or veto laws or referring them to the Constitutional Court
- Supreme Commander
- Designation of the Prime Minister
- Right of initiative
- Right to dissolve the Parliament if it cannot elect a Prime Minister or agree on a budget in time

### Elections

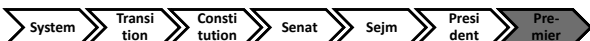
- Direct elections – if not candidate has 50% of votes a run-up of the two leading candidates is required
- Elected for a term of 5 years



## Prime Minister

### Functions:

- Leading and representation of the Council of Ministers
- Nominating and releasing the members of the Council
- Guiding competence towards the members of the Council
- Controlling competence of all ministries and governmental agencies
- Head of the central, regional and local executive



## Power of President and Premier

Constitutionally the President has competences beyond representation only in internal, defense and foreign affairs

Practically power relations between President and PM depend on:

- Affiliation to political party (co-habitation)
- Ability of Prime Minister find a majority to overrule presidential veto
- Ability of Prime Minister and President to cooperate
- Public standing of Prime Minister and President

