



POLAND

Civic space in Poland is rated "narrowed" on the CiViCUS Monitor.

Since 2015, when the Law and Justice government took power, the conditions for Polish civil society organisations have greatly deteriorated. Nevertheless, in comparison with other countries in Central-Eastern Europe, the conditions of Polish CSO sector are relatively positive. There is a civil society strong in numbers and mature, as shown by the increased presence of well-established CSOs (31% of NGOs have over 15 years) next to younger ones (30% NGOs have up to 5 years)¹. The negative political environment brought CSOs to react and look for new, innovative solutions to sustain their activities, including asking more openly for donations. 2017 was the year which registered one of the highest tax allocations ever from the 1% income tax with Poles donating approximately 117 million zł. Moreover, a growing number of Poles engage informally, through protests and non-statutory associations.

¹ Charycka, B., Gumkowska, M. (2019), Kondycja sektora organizacji pozarządowych 2018, Klon/Jawor Association, Warsaw, accessible at <https://api.ngo.pl/media/get/108904>.

THE SECTOR IN NUMBERS (2018)

Population:

37.98 million

The number of registered organisations:

143.000

About **65%** of registered organizations are active

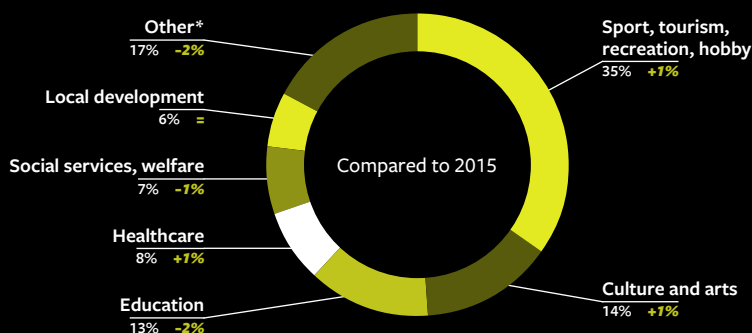
SOURCE: KLON/JAWOR ASSOCIATION/EUROSTAT, 2018

Foundations
18,20%

Associations
81,80%



DISTRIBUTION OF NGOS BY FIELDS OF ACTIVITY



SOURCE: ADAMIAK ET AL, KLON/JAWOR, 2018

*ENVIRONMENT/LABOUR MARKET/RESEARCH/
SUPPORTING NATIONAL IDENTITY/
PROFESSIONAL AFFAIRS/HUMAN RIGHTS/
SECURITY-DEFENCE/DEVELOPMENT AID-
INTERNATIONAL AFFAIRS/RELIGION

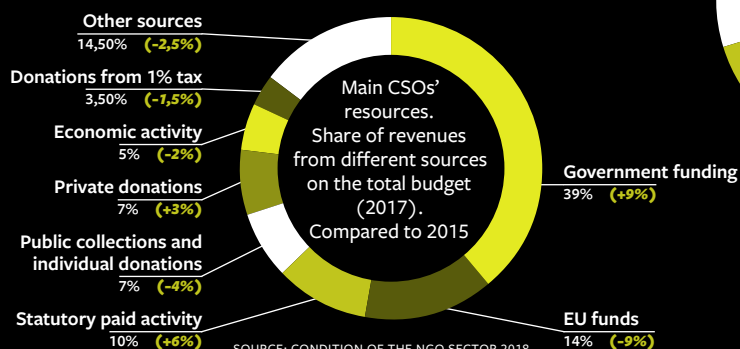
THE ECONOMIC WEIGHT OF THE SECTOR

Budget of the sector:

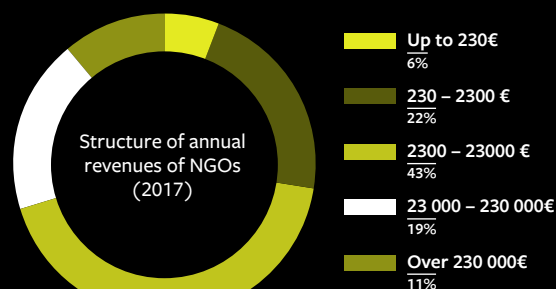
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GDP:

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SOURCE: CONDITION OF THE NGO SECTOR 2018, KLON/JAWOR ASSOCIATION



SOURCE: CONDITION OF THE NGO SECTOR 2018, KLON/JAWOR ASSOCIATION

GROWING CENTRALISATION OF GOVERNMENT'S CONTROL OF THE SECTOR

New waves of informal activism emerge

By Filip Pazderski, Institute of Public Affairs

Since 2015, when a conservative populist party, Law and Justice (PiS), took power¹ conditions for Polish civil society organisations' (CSOs) have greatly deteriorated. The ruling party's activities and policies have a negative influence especially on organisations that obtain some financial support from abroad and the ones dealing with matters not in line with the government's agenda, including those working on minorities' rights (including women, LGBTQ, ethnic minorities), antidiscrimination, migrants and refugees support, environmental protection as well as watchdogs. On the contrary, CSOs openly working alongside the government's conservative ideological line received increased support. As a result,

through its pillarization through activities in several areas the Polish civic sector has been brought into a heated political dispute. Between 2018 and 2019, these trends remain visible both in the legislative developments and particularly in the practices of the government and state's institutions.

Nevertheless, the Polish civic sector remains relatively strong in numbers. Next to traditional ways of organising civil society, in the last 2 to 3 years we also observed an increase of public demonstrations in the streets, especially organised to resist specific policies of the current government, as well as more informal ways of association. In the field of the rule of law, the public resistance to the reform of the constitutional system was successful in reducing the intensity of the government's efforts to weaken the separation of powers in the country also thanks to the pressure from European institutions. In 2018, the government withdrew some proposed

changes concerning the functioning of the Supreme Court, including those that lowered the retirement age for judges.

LEGISLATIVE DEVELOPMENTS

A major development in the framework of CSOs operation in Poland is the establishment of the National Freedom Institute – National Center for Civil Society Development (NCRSO) in 2017². It is a governmental agency reporting directly to the prime minister with the role of distributing all public funds dedicated to civil society development and controlling CSOs' operations, thereby centralising the government' supervision over the sector. The Polish Helsinki Committee³,

¹ See: Pazderski, F. (2017), CSO Sustainability Index 2016: Poland, in The 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia, USAID, Washington, accessible at <https://www.usaid.gov/europe-eurasia-civil-society>.

² The Act on the National Freedom Institute – Centre for Civil Society Development of September 15, 2017 (Dz. U. 2017 item 1909 and 2371).

³ See at www.hfhr.pl/en/national-freedom-institute-act-helsinki-committee-in-poland-issues-statement/.

the Polish Ombudsman⁴, as well as OSCE Office for Democratic Institutions and Human Rights⁵ expressed strong criticism for the consolidation of so many powers under one single authority and for the composition of its governing and advisory bodies, with a very limited role for CSOs' representatives. The adoption of the legislation establishing the institute was also perceived like a mere façade of a consultation process as most of the serious concerns raised by various CSOs remained unanswered. In late 2017, another government body was established: the Committee for Public Benefit is responsible for coordinating ministerial policies related to public benefit organizations⁶ and it is headed by the deputy prime minister responsible for culture and national heritage⁷.

In 2018 the legal framework itself was not modified so much, but the implementation of existing laws changed during the year. For example, some registration courts applied non-statutory requirements that prolonged the registration process for a few CSOs—including watchdog organisations and an association of transgender people. There was some speculation that these incidents may have been related to the local elections held on October 2018, as some of the people involved in establishing these CSOs were also candidates for office. Despite these incidents, registration continues to be generally easy and affordable for most CSOs.⁸

In its narrative regarding the civil society, PiS government maintains that it supports

it more widely than its predecessors, reaching also to smaller towns and villages. In line with this, in November 2018, a Law on rural housewives' circles, a traditional form of self-organisation in rural areas (of not only women) was adopted. The new law provides these CSOs legal personality and the possibility to apply for public funds. Previously most of these entities operated informally. However, some experts have alleged that the law is unconstitutional, since it only allows one rural housewives circle per village, thereby restricting freedom of association. Moreover, the law does not allow people living in rural areas that are administratively parts of cities the right to establish housewives circles. The EU General Data Protection Regulation (GDPR) entered into force in 2018, placing additional obligations and burdens on CSOs and other legal entities. The regulation itself does not explicitly indicate specific means for protecting personal data or what documents should be retained to fulfil GDPR obligations. Therefore, every entity processing personal data, including CSOs, must develop their methods to protect data adapted to their specific work. CSOs struggle to figure out their policies to comply with GDPR, as they generally lack the financial resources or time to do so.

The government has also taken over the initiative for a more profound reform of CSOs laws. For example, in 2017 it announced significant changes to the Act on Public Benefit and Volunteer Work, the main legislation establishing the rules on CSOs cooperation with public administration bodies of central and local levels, and continued to work on amendments without public input throughout the following years. At the same time, CSOs have not demanded to be involved in this work and have not prepared their proposals, possibly demonstrating their lack of faith in the process.⁹ In June 2019 only small amendment to the law was presented,

IN 2018 THE LEGAL FRAMEWORK ITSELF WAS NOT MODIFIED SO MUCH, BUT THE IMPLEMENTATION OF EXISTING LAWS CHANGED DURING THE YEAR.

again consulted with limited number of entities in a very short time. It establishes a new consultation body, the Council of Dialogue with the Young Generation. Amendments to the Act on Free Legal Assistance, adopted on June 2018, introduced a certification system awarded by government representatives at the regional level for CSOs that provide pro bono legal help and can access public funding to do so. The changes entered into force in January 2019 and we still have to wait to see whether some CSOs' concerns that it can be another mechanism used to centralise and control the civic sector by the authorities are justified.

CHALLENGES CONCERNING ADVOCACY WORK OF CSOS

As a result of the unfavourable political circumstances described above, CSOs in Poland had fewer opportunities to engage in advocacy work. According to a 2018 report by the Citizens' Legislation Forum (OFL), the use of public consultations in legislative processes has decreased¹⁰ and when they are organised, such consultations are often illusory and only engage a narrow group of CSOs. Furthermore, the government rarely responds to critical comments from CSOs. In addition, the periods for submitting comments during

⁴ See at <https://www.rpo.gov.pl/en/content/commissioner-presented-his-opinions-government-bill-national-freedom-institute%E2%80%93centre-civil-society>.

⁵ OSCE ODIHR, Opinion on the draft Act of Poland on the National Freedom Institute – Centre for the Development of Civil Society, NGO-POL/303/2017, Warsaw, 22 August 2017, accessible at <https://www.osce.org/odihr/336551>.

⁶ CSOs with special status that allows them to benefit from the 1 percent income tax mechanism.

⁷ Pazderski, F. (2019), CSO Sustainability Index 2018: Poland, in The 2019 CSO Sustainability Index for Central and Eastern Europe and Eurasia, USAID, Washington.

⁸ Ibidem.

⁹ Ibidem.

¹⁰ Obywatelskie Forum Legislacji (2018), Legislacja bez dialogu [Legislation without dialogue], Fundacja Batorego, Warszawa.

AS A RESULT OF THE UNFAVOURABLE POLITICAL CIRCUMSTANCES DESCRIBED ABOVE, CSOS IN POLAND HAD FEWER OPPORTUNITIES TO ENGAGE IN ADVOCACY WORK.

public consultations are very short, often just a week or even a few days and comments or suggestions filed during the process are not always published. Finally and importantly, legal lobbying has ceased to matter, primarily because the role of legislators has been limited to approving what the government has already decided. Parliament has ceased to be a place of public debate and laws promoted by the government are often adopted within a few hours or days.

Advocacy activities of CSOs that are in opposition to the government have very little impact, while advocacy by CSOs promoting issues consistent with the governmental agenda, even controversial issues, seem to be particularly effective. For example, pro-life organizations prepared a draft law that would abolish the right to terminate a pregnancy due to severe fetal defects. The draft was accepted for the first reading in the Sejm, while an initiative demanding a woman's right to terminate her pregnancy within the first twelve weeks was rejected.

While CSOs continue to engage in actions to influence the public debate by forming coalitions and drafting public letters and petitions, the only effective advocacy activities seem to be mass protests. For example, the Polish Women's Strike protested, since late 2016, against further attempts to tighten the abortion law in Poland and

successfully stopped all legislative proceedings in this area. However, many such activities fail to bring change. For example, the government failed to respond to the demands of people with disabilities and their guardians after they occupied, in spring 2018, buildings of the Polish parliament for forty days to demand increased financial and non-monetary public support. This led to a growing sense of discouragement among CSOs over 2018, with activists increasingly concluding that it is not worth doing anything.¹¹

TOWARDS A CENTRALISATION AND POLITICISATION OF PUBLIC FUNDING

The financial situation of CSOs has also significantly affected their operations. In the infographics at the beginning of the chapter, it is interesting to look at the share of revenues collected by the CSOs from different sources compared to the sector's total budget. Clearly, Polish CSOs turn out to be relatively dependent on public funds. When these dry out, many organisations can have problems in finding a replacement. This landscape allows authorities to shut off the money supply to CSOs that are critical or work for aims contrary to governmental ideological line. This can be observed to certain extent in Poland, where CSOs focused on equality, immigration, and refugee issues have decreased access to public funding, while groups declaring conformity with the ideological direction of the government (e.g. promoting Christian and national or patriotic values) received more funding during the year.¹²

To an extent, the shift in the CSOs receiving government support since 2015 emerged from a study conducted in early 2018 on the budget allocated to CSOs by five ministries (Justice; Foreign Affairs; Culture and National Heritage; Family,

Labor and Social Policy; and National Defense). The great majority of funds allocated to CSOs between 2013 and 2017 (70%) went to organizations that received funding both before and after the 2015 elections. Of the remaining funding, 15% went to CSOs that received subsidies only under the previous Civic Platform (PO) government, while the other 15% went to CSOs that were only funded by the current PiS government.¹³

While the regulations for funding competitions are theoretically transparent, they are applied inconsistently, allowing for discretionary decisions. For example, the Justice Fund managed by the Ministry of Justice awarded grants for post-penitentiary assistance to several CSOs that lacked relevant experience but had openly declared that their activities were based on

¹³ Pazderski, F. (2019), CSO Sustainability Index 2018: Poland, op. cit.

CSOS FOCUSED ON EQUALITY, IMMIGRATION, AND REFUGEE ISSUES HAVE DECREASED ACCESS TO PUBLIC FUNDING, WHILE GROUPS DECLARING CONFORMITY WITH THE IDEOLOGICAL DIRECTION OF THE GOVERNMENT (E.G. PROMOTING CHRISTIAN AND NATIONAL OR PATRIOTIC VALUES) RECEIVED MORE FUNDING DURING THE YEAR

¹¹ Ibidem.

¹² Pazderski, F. (2019), CSO Sustainability Index 2018: Poland, op. cit.

Christian values¹⁴. The National Fund for Environmental Protection as a pre-condition for award required applicants to submit a positive recommendation from the Ministry of Environment and Chief Inspector of Environmental Protection¹⁵. There have been many complaints about the transparency of funding procedures over the past three years. According to a report of the National Federation of Polish NGOs (OFOP, <https://ofop.eu/about-us>), between November 2015 and November 2018, sixty violations of the principles of subsidiarity and partnership in cooperation with CSOs were identified in twenty-one ministries¹⁶.

In line with this trend, we can read the activities of the National Freedom Institute, which recently launched new programs to support civil society. The guidelines allowed room for arbitrary decisions in the allocation of public funds: although two external experts evaluate each project proposal, final decision on granting funds is taken discretionally by the NCRSO's director. The government failed to address the sector's worries regarding that during the consultations¹⁷. The results of the Programme of Civil Society Development (PROO) announced in August 2019 show that these fears are justified. 16% of the strand dedicated to core funding for CSOs' operations was awarded to organisational units of the Catholic church (parishes and archdioceses); 12% supported organisations openly propagating far-right views

and even using violence in public life.¹⁸ This is the case of Podlaski Instytut Rzeczypospolitej Suwerennej / Podlasie Institute of the Sovereign Republic, an entity responsible for organising an annual Independence March in the city of Białystok on the 11th of November. In July 2019, it called for the counter-manifestation – which turned violent – against the first Equality Parade held in the city. This Institute received a public subsidy for three years of work in the highest possible amount awarded (700,000 PLN = ca. 162 790 EUR, which was granted to 14 out of the 154 founded entities).

Similar issues have also affected CSOs' access to foreign funding. For example, the government moved the responsibility for the EU Asylum, Migration and Integration Fund (FAMI) that integrates newcomers into EU member states to the provincial governors, instead of distributing at least part of them on the central level to the CSOs having years of experience of work with immigrants. This put many of them in a difficult financial position.¹⁹ The government also started a dispute with Norwegian counterparts over the establishment of the new round of the European Economic Area (EEA) and Norway Grants and, in October 2018, threatened not to recognise the decision of the agency to award an independent consortium of Polish CSOs for implementing the national strand of these funds. The launch of these funds has been postponed since the fall of 2018 and will start only after the 2019 parliamentary elections. Moreover, the government

has been pushing for the NCRSO to be selected as the operator for the regional strand of the EEA and Norway Grants.²⁰ On a positive note, NCRSO distributed funds through the Civic Initiatives Fund (FIO) for the first time in 2018. The procedure was carried out in a transparent manner and support was directed to a larger number of small organisations than before. However, CSOs have already expressed some concern about the grant rules for the 2019 edition of this program, as one of the criteria is the quality of the project idea, without any clear and objective guidelines for assessing this.²¹

²⁰ Pazderski, F. (2019), *CSO Sustainability Index 2018: Poland*, op. cit.

²¹ Ibidem.

¹⁴ See more at <https://repozytorium.ofop.eu/?s=fundusz+sprawiedliwo%C5%9Bci&submit=Search>.

¹⁵ See more at <https://repozytorium.ofop.eu/?s=Fundusz+Ochrony+%C5%9Arodowska&submit=Search>.

¹⁶ See: Polubicka K., Kielbiowska K., Gąsiorowska A. (2018), Raport z Repozytorium Ogólnopolskiej Federacji Organizacji Pozarządowych. Zestawienie udokumentowanych przypadków naruszenia zasad współpracy ministerstw z organizacjami pozarządowymi w okresie XI 2015–XI 2018 [Report from the Repository of the Polish Federation of NGOs. List of documented violations of the principles of cooperation between ministries and non-governmental organizations in the period of XI 2015 – XI 2018], OFOP, Warszawa, accessible at <https://repozytorium.ofop.eu/statystyki-i-analizy/>.

¹⁷ Ibidem.

¹⁸ However, amongst associations and foundations that received grants in the same competition there are also many not controversial ones, i.e. working on education, social assistance, humanitarian aid or infrastructural organizations that support other CSOs – see full results at <https://niw.gov.pl/wyniki-oceny-wnioskow-pelnych-w-priorytecie-1a-proo/>.

¹⁹ Klaus W., Ostaszewska-Żuk E., and Szczepanik M. (2017), *Fundusze europejskie i ich rola we wspieraniu integracji cudzoziemców w polsce* [European funds and their role in supporting the foreigners integration in Poland], Helsinki Foundation for Human Rights, Warszawa, accessible at http://www.hfhr.pl/wp-content/uploads/2017/09/raport_po-FAMI_net.pdf.



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HARASSMENT AND SMEAR CAMPAIGNS²²

Public institutions harassed several CSOs and groups of individuals during the year. Organisations working on women's rights, including BABA Association from Zielona Góra, were implicated in criminal proceedings against an official of the Ministry of Justice who was accused of fraud, although their only connection to the case was their receipt of public funding overseen by the accused individual. In 2017, the same CSO – together with other organisations involved in organising the Black Protests – was raided by the police one day after the mobilisation and had their computers and documents seized (including those with personal data of their beneficiaries). In 2018, the prosecutor's office summoned the CSO's representatives to testify. As a result of these actions by state authorities, some employees who did not want to be involved in the investigation left the organisations. Also the CSOs' reputations in their communities were tarnished.

In November 2017, the Ministry of Internal Affairs and Administration sued to establish receivership over the Citizens of the Republic of Poland (Obywatele RP) Foundation, which openly opposes the current government. The foundation was officially notified about the court's decision to start the proceedings in May 2018. The ministry, which has oversight responsibility for the foundation, accused the Foundation of inciting unlawful activity and insulting the president and other executive bodies. The court dismissed the ministry's request in November, stating that no legal provisions had been violated. In October 2018 the chairman of the Public Benefits Committee issued a new regulation on reporting requirements for public benefit organisations, which allows the government to initiate inspections of these organisations without justification.

At the request of the chairman of the Committee for Public Benefit, inspections had already been launched against five CSOs by the end of 2018. The official reason given for these inspections was that the organisations collect the largest amounts from the 1 per cent tax mechanism. The Agora Foundation, established by the publisher of *Gazeta Wyborcza*, a liberal newspaper that the government views as an enemy, is one of the inspected CSOs. Despite the official explanations given, Agora Foundation is not among the top recipients of funds through the 1 per cent income tax mechanism, making some question if the inspections are politically motivated.

There were also new attempts to limit CSOs' cooperation with public schools in 2018. A smear campaign was organised against the so-called Rainbow Friday Initiatives, in which CSOs focused on anti-discrimination and issues affecting lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals organise events in schools to raise understanding

of sexual diversity. In 2018, some CSOs were prevented from entering schools to organize these events. In addition, participating teachers were harassed, and some participating students had their behaviour grades reduced. Similarly, authorities prevented Constitutional Week, a campaign organised by Zbigniew Holda Association (<http://stowarzyszenieholda.pl/>) to educate secondary and high school students about the Constitution and the Constitutional Tribunal, from being organised in numerous schools and some of the judges participating in this activity were faced with disciplinary charges.

FREEDOM OF ASSEMBLY

For the last few years, we can observe growing importance of different social movements stepping into the public realm in Poland. It has probably started from informal urban movements and social movements for tenants' rights protection and get to the massive protest movements that have been developed since 2015. Examples of these are the above mentioned Polish Women's Strike as well as Committee for the Defence of Democracy, KOD a civic organisation promoting European values founded in November 2015 in response to the constitutional crisis.²³ Dozens of thousands of Poles have also participated in the demonstration against so-called common courts system reform (including modification to the Supreme Court structure and operation) around July 2017. Engaging in protests is one of the new ways in which Poles are organising themselves in an informal way, instead of establishing new CSOs or becoming involved in already existing one. In the last years, the right to assembly has been restricted in Poland with an amendment to the Act on Assemblies adopted on 13 December 2016. The law

**IN OCTOBER 2018
THE CHAIRMAN OF
THE PUBLIC BENEFITS
COMMITTEE ISSUED
A NEW REGULATION
ON REPORTING
REQUIREMENTS
FOR PUBLIC BENEFIT
ORGANISATIONS,
WHICH ALLOWS THE
GOVERNMENT TO
INITIATE INSPECTIONS OF
THESE ORGANISATIONS
WITHOUT JUSTIFICATION**

²² This sub-chapter is based on Pazderski, F. (2019), *CSO Sustainability Index 2018: Poland*, op. cit.

²³ See: Korolczuk E. (2017), *Spółeczeństwo obywatelskie w Polsce – kryzys czy nowe otwarcie?* [Civil society in Poland – a crisis or a new opening?], Warszawa: Instytut Studiów Zaawansowanych Krytyki Politycznej.

The civic energy expressed in street manifestations has also faced some administrative obstacles. Several local authorities attempted to prohibit assemblies based on security concerns in 2018 and the first half of 2019. The authorities in Lublin prohibited the Equality Parade, while the authorities in Warsaw and Wrocław barred the Independence March. Ultimately, the courts rejected these decisions, allowing these marches to be organised. In July 2019, the district court in Białystok cancelled the decision of the local town hall, prohibiting the March of families and traditions that was reported to the magistrate in parallel to the Equality Parade. Nevertheless, some right-wing representatives and football hooligans interfered with verbal and physical harassments and even violent attacks on the Equality

25 See report covering events in the period from April 2017 till July 2019 here: <https://obywatelerp.org/wp-content/uploads/2019/08/Raport-ObyPomoc-Zbiorczy-do-2019-07-31.pdf>.

Entity	Score
POLICE	2.3
NON-GOVERNMENTAL ORGANISATIONS	2.3
COURTS	2.6
CHURCH	2.9
GOVERNMENT	3.0

large trust large distrust

1 2 3 4

CIVIC PARTICIPATION IN THE VISEGRAD COUNTRIES, 2017 & 2018, STEM/IVO/POLITICAL CAPITAL/IPA

Civil society organisations in Poland have traditionally suffered from the dependence on public funds which forced them to subordinate their activities to the purposes for which public funds are available. The weakness of individual philanthropy and the generally low level of public trust characterising the country reinforced this situation. As a result, the conservative and populist government that took office in late 2015 found fertile ground to accumulate political capital at the expenses of part of the sector also thanks to the weak

²⁶ See – e.g. <https://www.theguardian.com/world/2019/jul/28/lgbt-gay-rights-poland-first-pride-march-bialystok-rage-violence>.

Nevertheless, we also observe great civic energy both expressed in protests movements and informal social activities that needs to be channelled and reconnected with formal CSOs. As argued in the previous edition of *Activizanship*, the pressures on civil society have forced CSOs to rethink their relationship and communication with their constituencies and communities as well as to improve the diversification of funding. If we look at the 1 per cent income tax mechanism we see that these efforts are effective, especially for CSOs that were able to change their habits of work. CSOs have also increased their cooperation building several thematic coalitions and exchanging know-how.

What will be of the sector fighting for human rights and democracy will crucially depend on the results of the upcoming elections and the PiS party's ability to form a government alone or in coalition with more radically right-wing groups as well as on the launch of the EEA and Norway grants and the establishment of the new European Values Instrument. ■

²⁷ On consolidation of the conservative CSOs in Poland see: Marczewski P. (2018), *Freedom to Exclude: Conservative CSOs in Law and Justice Poland*, in: *The Mobilization of the Conservative Civil Society*, edited by Richard Youngs, Carnegie Endowment for International Peace, Washington, p. 51–56.

FOR THE LAST FEW YEARS, WE CAN OBSERVE GROWING IMPORTANCE OF DIFFERENT SOCIAL MOVEMENTS STEPPING INTO THE PUBLIC REALM IN POLAND

*According to the WHO's air quality audit, by the end of 2018, only Bulgaria scored worse than Poland amongst the EU member states for quality of air. In this smoggy spot on the map of Europe around the year 2013 a group of local activists in one of Polish touristic-jewel cities, being in the same time the most polluted town in the country back then, have established a civic movement called **Krakow Smog Alert**. They started by organising social campaigns trying to educate their fellow-inhabitants on the problem as well as to advocate in the local authorities for adopting any remedies. Right after, similar initiatives began popping up like popcorns in numerous other Polish cities. Local authorities of growing number of cities in Poland started adopting special programmes dedicated to the fight. Over the years, the Kraków group has grown, expanded and now operates as a registered association cooperating with the activist from other Polish cities under the umbrella of Polish Smog Alert. It is quite an achievement for a civil society organisation operating in a difficult environment and facing the government's reluctance to take any significant step against the potential mass extinction of our planet by changing the mode in which our economies operate nor the sources used to produce energy.*

Filip Pazderski – Institute of Public Affairs

ADVOCATING FOR THE RIGHT TO CLEAN AIR VIS A VIS STATE INACTION

The interest in environmental protection was sparked by air pollution

Interview with Krakow Smog Alert

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When did your fight for clean air start and what demands did you have?

Our fight for clean air started in December 2012. Firstly, we were focused very locally in Krakow: we wanted a clean environment with clean air. We went through all the data that was available and all the reports, and it appeared that because of its location – Krakow is located in the valley with very bad ventilation – the best solution would be to ban the burning of solid fuels in domestic furnaces. That was the main source of air pollution in winter-time. So we went out with this proposition to ban burning solid fuels.

Was there any episode that sparked your activism?

Well, it started in December, the air was quite bad back then, starting from Autumn through winter and until early spring. The air in Poland really stinks, and when you look at the monitoring stations,

the data they provide is sometimes very appalling and shocking. Back then, the air was also bad, [so] we decided to act. That was also good timing: it was the time when the air quality programme for the region was consulted. We thought it would be a good time to start acting because this regulation could be incorporated into the new law. Some of us were [already] active in ecological movements or human rights movements, but for the majority, this was the critical moment when we decided to take action.

Have your objectives and strategies changed over the years due to changing external conditions?

We were quite lucky: we were the first ones who picked the topic, so local media were very interested. Also, people were struggling with the problem: we addressed an issue that really bothered them. We were approached by many Krakovians, by



Krakow Smog Alert protest in Krakow.

medical doctors, by artists, by people who were running companies. They all helped us. We had a big campaign calling for people to sign a petition to ban solid fuel in Krakow. So through 2013, we were acting more in the public space. Of course, we were meeting with the politicians, but this was not so visible for the public.

Our first actions were very much in the public space, calling people to take action, to sign the petition, and when the time of voting came, we took people to the streets. There was a march, and there were 1500 people. It was a funeral march for clean

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Magdalena Kozłowska, Krakow Smog Alert

air so everything was very photogenic and the media really liked it. Thanks to our activity in Krakow, people started to be active in their communities, and an alliance started to emerge all over Poland: we created a coalition of Alerts called Polish smog alert, and we are the secretary. These alerts work at the regional and local level: they usually act in the public space and meet with local politicians. But at the national level, we mostly meet with politicians, we organise conferences, we write reports. This is a different kind of work.

Why do you think you were able to mobilise so many people on the right to clean air? What strategies have become the most beneficial for you?

I think, as I said, we were able to mobilise many people because we were addressing the issue that was burning for them. They were [already] thinking this was a problem. They did not really know whether it was harmful or not, but it was bothering them. What helped us was creating awareness among people that [this issue] was not harmless and that there are serious health consequences connected with air pollution. Thanks to our work,

the media started to be more interested in the topic: we created a critical mass and then, when the topic was all over Poland, it also helped.

In your opinion, what is the biggest success of the group and what made it happen?

The thing which gave us power was our first success in banning burning solid fuels in Krakow. But then really other successes started to happen, so it is hard for me to distinguish them. The regulation in other regions started to happen. We managed to make some regulations happen at the national level: regulation for the new solid fuel boilers, norms for coal which is sold to individual buyers. These are also big achievements. Another thing is the program at the national level, which is called *Clean air* and helps people to get their houses renovated and make them energy efficient. [Now] we need to control how they are implemented, but, well, these are things that have not been caught by governments for years, so I think that any regulation is a big success. But what gave us strength was the first success.

Poland is often on the international headlines for issues concerning the

SOME OF US WERE [ALREADY] ACTIVE IN ECOLOGICAL MOVEMENTS OR HUMAN RIGHTS MOVEMENTS, BUT FOR THE MAJORITY, THIS WAS THE CRITICAL MOMENT WHEN WE DECIDED TO TAKE ACTION.

independence of the judiciary and shrinking civic space, including pressures on environmental activists. How did your relationship with the authorities developed over time and did you witness any kind of pressure on your activities? If so, how did you overcome them?

Mmm... In the beginning, when we started, we put two things in our internal policy: we want to be free of any individual political sympathy: we can talk with everyone who is in power, and we also do not want to be connected with any political party. We made many disclaimers that we do not want to compete in national or local elections because politicians were afraid that we would use our political capacity on our activity. So we made it clear to all the politicians that we were not interested in seizing power, but we were interested in changing the regulations. We also do not wanna be associated with any business or business associated sources so we cannot be accused of being lobbyists. And I think it helped. As I said, at the national level we usually write reports, those things which I mentioned are very technical, e.g. regulations for boilers... they are not as sexy maybe. Because we have the knowledge, and we have the back-up of experts working in the field, it is difficult to say “*You are not right, we don’t want to speak with you*”.

Do you think that these kinds of pressures are happening in other organisations?

Maybe in other organisations, yes.. but it depends on the issue. Organisations that work more in the public space and engage more in protests are more targeted, I guess.

Do you or other Smog Alerts face other challenges?

I think the biggest challenges are faced by alerts active in small municipalities and villages where people are usually afraid

to be activists, where everyone knows each other etc. For them, pointing out that some behaviours are inappropriate or that things must change is really brave. I really admire them!

We are observing a new civic enthusiasm and participation in environmental issues all across Europe. Do you see this happening also in Poland? If so, do you think that your organisation played a role in creating a sense of urgency for action?

Yeah, well it is maybe not very humble to say this, [but] I think we did help in creating this interest. Now there is a lot of talks on climate warning, but the interest in Poland started with air pollution. I think that it was really a debate and it helped

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to incorporate the issue of climate in the public debate. Maybe I am not the right person to answer the question related to participation, there are a lot of things

happening, but I am not a regular citizen: maybe they are not aware of that, but I think that there are more of those initiatives than when we started. There are many grassroots initiatives. Our alerts started to tell our successes in Krakow and other people started to take action all over Poland on air pollution. But I think it also [happened] in other areas: some people are concerned with regulating rivers, some with deforestation, some with climate. I think that something is happening.

What are your organisation plans/aims for the near future? What would you like to achieve, now and how you want to make it happen?

For Krakow, we need to monitor how the regulations are implemented when the law enters into force in September

Funeral march in Krakow, 25 October 2013.



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THERE ARE MANY GRASSROOTS INITIATIVES. OUR ALERTS STARTED TO TELL OUR SUCCESSES IN KRAKOW AND OTHER PEOPLE STARTED TO TAKE ACTION ALL OVER POLAND ON AIR POLLUTION

this year. We will see how it goes, how it is implemented, and how the authorities check if people actually are using solid fuels or not, if they are giving them

finances. When it comes to other actions, we are now focusing more on other sources of air pollution. Because of this regulation that we have on boilers, we can start thinking of other sources of pollution in Krakow, like transportation and industry. We want to start a bigger, nationwide discussion about transport and pollution related to transportation. [For example,] we would like to see traffic low emission zones implemented in Poland. Also, on a national level, we still need to improve and monitor the implementation of this *Clean air* program, which helps to make houses energy efficient. Another goal is to lower the alert threshold levels for PM10. This level is not European: each country can decide on their threshold levels of PM10, and ours is the highest in the EU. We have been campaigning for a long time to lower them down, and still, nothing happened. We would maybe like

to unionise them at the EU level so that the government must lower them at the national level.

Do you think that the European Union could be an ally to your fight and for environmental movements running across Europe? How?

Yes, I think it is a good ally because, thanks to European regulations, we have the target and limit levels when it comes to air pollution, and I think that many things started to happen also because the government was afraid of the fines from the European court. So, yes, the European targets and European law are very important in our activity. ■

Anti-Smog SOS Protest in Krakow.



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